

Kate Thornton
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CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

B-1 Neighborhood Business Zone (Restaurant):

Conditional Use Appeal

DECISION

Date of public hearing: 4.19.07

Name and address of applicant:
1. Joe Pompeo
45 Wordsworth St.
Portland, ME

Location of property under appeal:
476 Stevens Ave

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

1. Joe Pompeo
(see above)
2. Tony Donovan
27 Riverview Pktd.
3. Barbara Weed.

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Exhibits admitted (e.g. renderings, reports, etc.):

- outside photographs
- application letter
- application forms
- warranty deed
- real estate tax
- traffic analysis report
- building inspection application
- tax map
- drawing map.
- letter from Cent. Sq. Baptist. regarding parking.
- outside sketches showing
- proposed floor plan
- letter from Tony Donovan.

Findings of Fact and Conclusions of Law:

A. Conditional Use Standards pursuant to Portland City Code §14-163(a):

1. The use applied for is a restaurant.

Satisfied Not Satisfied

Reason: (u)
oral testimony + application letter
indicated restaurant use.
no opposition

2. Maximum total floor area for use of the public shall be one thousand (1,000) square feet.

Satisfied Not Satisfied

Reason: (u)
740 s.f.

3. The hours of operation shall be limited to between 6:00 a.m. and 11:00 p.m. each day.

Satisfied Not Satisfied

Reason: (u)
testimony + written application

4. Food service and consumption are the primary function of the restaurant.

Satisfied Not Satisfied

Reason: (u)
testimony + written application

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5. There shall be no drive-through service.

Satisfied Not Satisfied

Reason:

testimony: written application

6. The use will generate no more than 100 peak hour vehicle trips per 2000 sq. ft. of space. (Note: the city traffic engineer shall require a traffic study when it calculates the proposed use will generate in excess of a total of 50 peak hour vehicle trips.)

Satisfied Not Satisfied

Reason:

Traffic Analyst Report submitted by Traffic Engineer

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

Yes No

Reason:

no evidence presented regarding unique / distinctive char. → classic pizza place.

2. There will be an adverse impact upon the health, safety or welfare of the public or the surrounding area.

Yes No

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Reason:

neighborhood is very busy, lots of traffic parking, but he meet parking requirements of 5 spots.

3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Yes ___ No

Reason:

Impact is very similar to other restaurants in area, no ↑'d traffic (already has spots, other restaurants there)

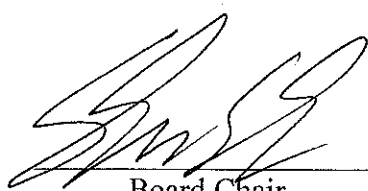
Conclusion: (check one)

Option 1: The Board finds that all of the standards (1 through 6) described in section A above have been satisfied and that not all of the conditions (1 through 3) described in section B above are present, and therefore GRANTS the application.

___ Option 2: The Board finds that the all of the standards (1 through 6) described in section A above have been satisfied, and that while not all of the conditions (1 through 3) described in section B above are present, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

___ Option 3: The Board finds that the standards (1 through 6) described in section A above have NOT all been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

Dated: *4/19/07*


Board Chair

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