



Michael A. Russell, MS, Director
Permitting and Inspections Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS
Conditional Use Appeal Application

Applicant Information:

Erik Zavasnik

NAME

EZ Spanish Immersions, LLC

BUSINESS NAME

PO Box 64, S. Freeport, ME, 04078

BUSINESS ADDRESS

207-650-1932

BUSINESS TELEPHONE & E-MAIL

Owner

APPLICANT'S RIGHT/TITLE/INTEREST

R5

CURRENT ZONING DESIGNATION

EXISTING USE OF THE PROPERTY:

Residential 3 unit (2 conforming, 1 not conforming)

TYPE OF CONDITIONAL USE PROPOSED:

Residential 3 unit

Subject Property Information:

79 Clinton St.

PROPERTY ADDRESS

136 B004001

CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (If Different)

ADDRESS (If Different)

xyzavasnik@gmail.com

PHONE # AND E-MAIL

CONDITIONAL USE AUTHORIZED BY
SECTION 14- 118(a) (5)

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. *The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and*
2. *The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and*
3. *The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.*

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

SIGNATURE OF APPLICANT

DATE

To: City of Portland Zoning Board of Appeals

From: Erik & Christy Zavasnik, EZ Spanish Immersions LLC

Date: February 3, 2017

Re: Conditional Use Application Extension

We are writing to ask for a 6 month extension of the Conditional Use Appeal granted to us by the Zoning Appeals Board on September 21, 2017. Since receiving that approval, we have met all three of the conditions outlined in the decision letter sent to us on September 25th, 2017 (1. Applied for and received an Administrative Authorization from the Planning Department, 2. Filed a Commercial Interior Alteration Permit, and 3. Received an Affordable Housing Agreement from the Housing and Community Development Division).

The Planning Department has now reviewed our application, and told us that we will need to get Architectural Drawings made for the (existing) unit in question, and install sprinklers throughout the building. So, we are currently getting quotes from architects and sprinkler installation companies so that we can continue to move forward with the Conditional Use process. We would like to emphasize that we have made no changes to our application to the Zoning Board, nor to the building. We simply need additional time to complete the requirements that are being requested by the Planning Department.

Thank you for your consideration.



Erik Zavasnik

EZSI, LLC

To: City of Portland Zoning Board of Appeals

From: Erik & Christy Zavasnik, EZ Spanish Immersions LLC

Date: August 18, 2017

Re: Conditional Use Application

As the owners of the apartment building at 79 Clinton St. in Portland, we are seeking Conditional Use approval for a third unit that was installed in 1995 by a previous owner. Our LLC purchased the property in 2012. At that time it was listed as a two unit, with an additional non-conforming third unit that had been installed within a dormer on the third floor. Permits from the City of Portland show that the dormer was permitted in 1993, and completed in 1995, though it does not appear that the owner at that time shared his intention to install an apartment in that unit.

In April of 2012, this property was listed for sales as a three-unit. Upon purchasing the three-unit property, we began renting the single bedroom unit on the third floor. When the city created the new Housing Safety Office, we filed our forms for the building as a three-unit, so that the unit would be recorded with the city. It was inspected a year later, on 12/03/2016, and met all Housing Safety requirements. The inspector told me at that time we should contact the city and have the unit legalized, so that all city records would be consistent. We began the process to do so, however, we were informed by the Zoning & Permitting Office that in the absence of proof of previous rental of the third unit before 1995, the legalization path would be closed to us. We did contact the owner of record who installed the unit in 1993, however, he did not want to confirm in writing whether or not he had ever rented the unit prior to 1995.

We are now applying for a Conditional Use certificate and are attaching the required supporting information. Since the unit was installed in a previously unfinished attic, by a prior owner, and has been in existence since 1995, it does not create any issues with the standards for denial outlined in the application packet. The unit is in excellent condition, and has already passed its Housing Safety Inspection. The current tenant has been there for five years, and is very happy with it. In addition, the rent has remained unchanged for those five years, per our philosophy as landlords. Our tenant is paying well below-market rent (\$900) for a high-quality, meticulously maintained one-bedroom apartment in a desirable neighborhood. With the current shortage of quality and affordable rental housing in Portland, and the fact that the unit conforms to all current safety codes while not creating any issues with the Conditional Use standards for denial, we feel that this unit is a strong candidate for granting a Conditional Use permit.

Thank you for your consideration.

A handwritten signature in blue ink, appearing to be 'Erik Zavasnik', is located at the bottom of the page.

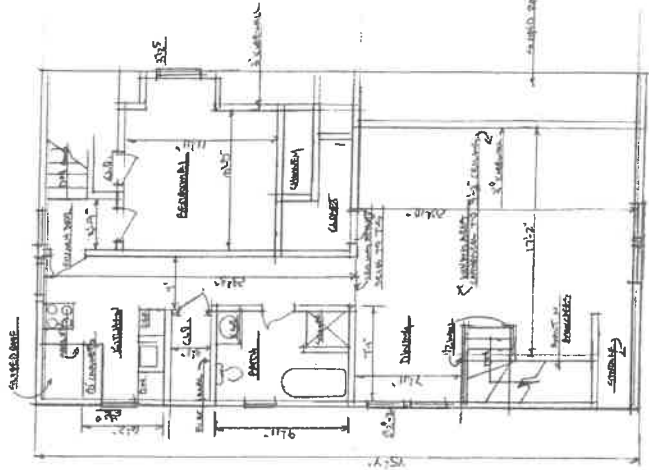
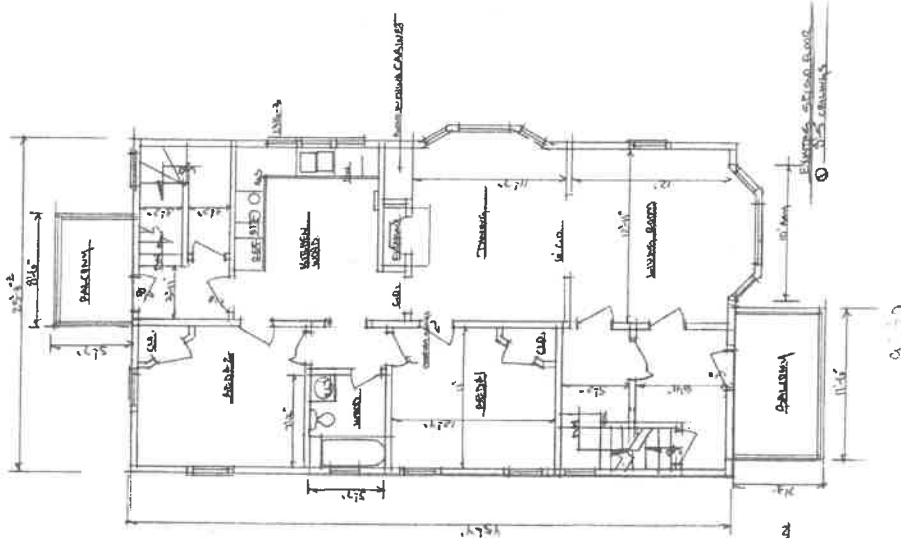
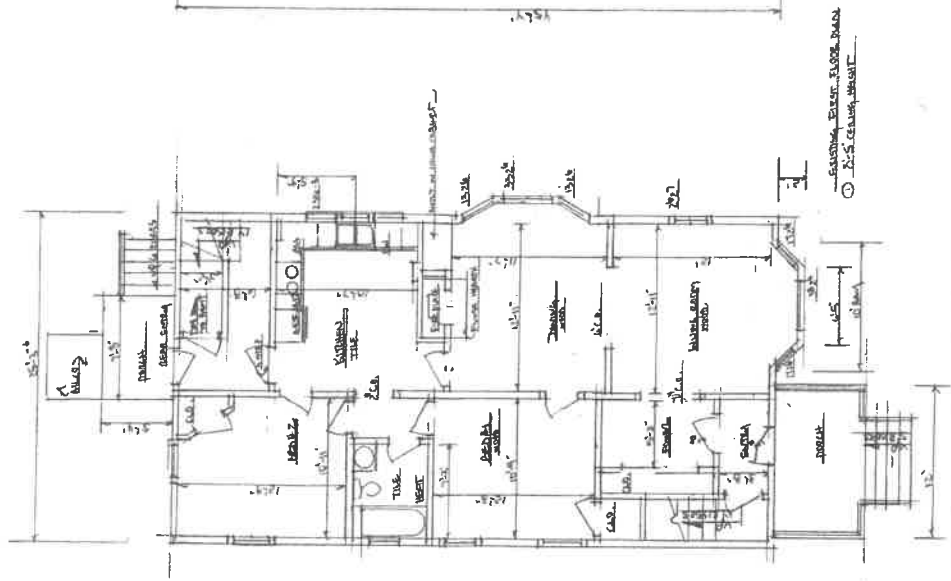
5. Use of space existing since September 3, 2008 to accommodate additional dwelling units under the following conditions:

- a. The space was added to the property in 1994-1995 (see attached permit).
- b. Unit is already existing, and will not be sold as a condominium or separated from the ownership of the building in any way.
- c. Unit currently rents for \$900/month (see attached lease). City of Portland Affordability Standards will be met through a recorded housing agreement.
- d. Unit has a square footage over the required minimum of 400 square feet (see attached line drawing). The unit was added in an unfinished attic in 1994-1995 (see attached permit)- no floor area was removed from any existing units.
- e. No modifications to existing structures are necessary.
- f. Parking is provided in attached driveway (see Lot plan).
- g. There are no open outside stairways or fire escapes. Unit has front and rear egress, front/rear fire doors, and conforms to all fire codes (inspected by Housing Safety Office 12/3/2016).
- h. No alterations or additions are necessary.

Standards:

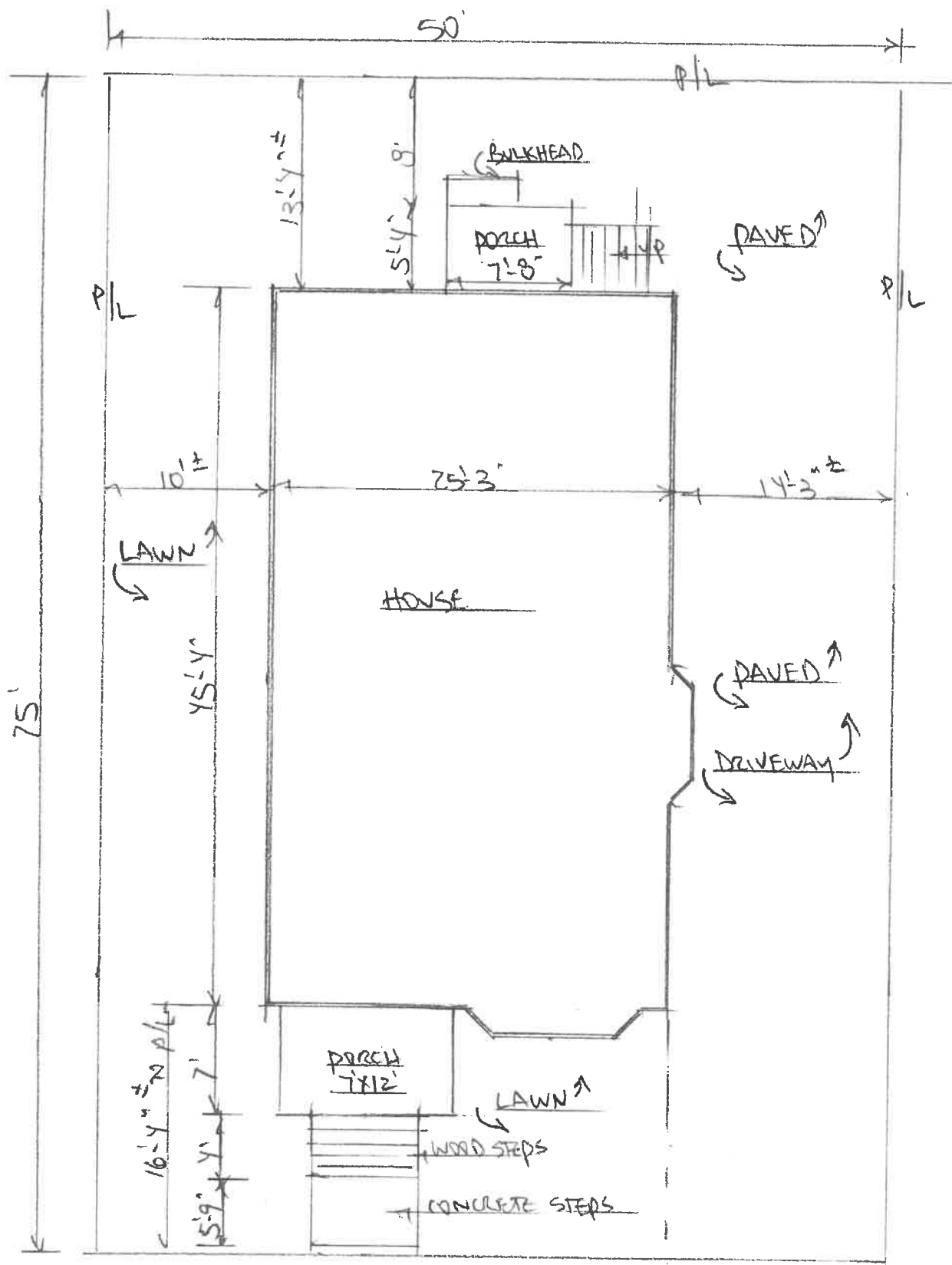
1. There will be no increase in volume and type of vehicle traffic to be generated since the unit has been in existence since 1995.
2. There will be no change to sanitary conditions, noise, glare, dust, or sewage, since the unit has been in existence since 1995.
3. There will be no impact on surrounding properties, since the unit has been in existence since 1995.

Existing Floor Plans



2420 VANDERBILT OAKS, I. CO.
 150-1832
 EXTER. FINISH - 2nd FLOOR FIN.
 EXTER. FINISH - 3rd FLOOR FIN.
 EXTER. FINISH - 4th FLOOR FIN.

Plot Plan



← SIDEWALK →

CLINTON STREET

79 CLINTON ST.
SCALE 1/8"=1'
7/29/17 W. Stanley

981132

Permit # 981132 City of Portland BUILDING PERMIT APPLICATION Fee 40.00 Zone Map # Lots

Please (U) for any part which applies to job. Proper placings must accompany forms.

Owner: Sean Lyden Plans:

Address: 79 Clinton St Portland, ME 04103

LOCATION OF CONSTRUCTION 79 Clinton St

Contractor: David Shultz Sub:

Address: Plans:

Est. Construction Cost: Proposed Use: 2-fam w/dormer

of Existing Bas. Units # of New Bas. Units Permitted Use: 2-fam

Building Dimensions L W Total Sq. Ft.

Stories: # Bedrooms # Bathrooms Lot Area:

Is Proposed Use Seasonal Construction Construction

Explain Construction CONSTRUCT DORMER AT PER PLANS

CEILING

1. Ceiling of Joins Historic Preservation

2. Ceiling Sheathing Spacing

3. Type Ceiling

4. Insulation Type Size

5. Ceiling Height Legend

1. Truss or Rafters Spacing

2. Sheathing Type Size

3. Roof Covering Type

Chimneys Number of Fire Places No.

Heating Type Service Entrance Service Entrance Required Yes No

Electrical Type Service Entrance Service Entrance Required Yes No

Plumbing 1. Approved of soil test if required Yes No

2. No. of Toilets or Sinks

3. No. of Fixtures

4. No. of Lavatories

5. No. of Other Fixtures

6. Sewerage Pools

1. Type

2. Pool Size

3. Meet conforms to National Electrical Code

FOUNDATION

1. Type of Soil

2. Footing Size Spacing

3. Foundation Size

4. Other

1. Grid Size Spacing

2. Grid Spacing

3. Grid Spacing

4. Grid Spacing

5. Grid Spacing

6. Grid Spacing

7. Grid Spacing

EXTERIOR WALLS

1. Sheathing Size Spacing

2. No. of Toilets or Sinks

3. No. of Fixtures

4. No. of Lavatories

5. No. of Other Fixtures

6. Sewerage Pools

1. Type

2. Pool Size

3. Meet conforms to National Electrical Code

INTERIOR WALLS

1. Sheathing Size Spacing

2. No. of Toilets or Sinks

3. No. of Fixtures

4. No. of Lavatories

5. No. of Other Fixtures

6. Sewerage Pools

1. Type

2. Pool Size

3. Meet conforms to National Electrical Code

PERMIT ISSUED

PERMIT RECEIVED BY MARY GRABIK Date Aug 1, 1993

SIGNATURE OF APPLICANT David Shultz Date Aug 1, 1993

SIGNATURE OF CEO Date

INSPECTION DATES Date

White-Tax Assessor Yellow-GPCOG

7/27/2017

Clinton St Picture.jpg



Plot Map



WARRANTY DEED
Limited Liability Company Grantee

Know All by these Presents,

That I, James B. Yorke, of Portland, Maine, for consideration paid, grant to:

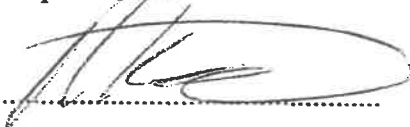
EZ Spanish Immersions, LLC

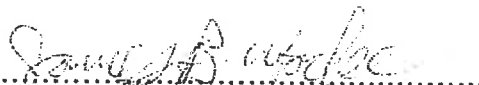
a limited liability company organized and existing under the laws of the State of Maine, of South Freeport, Maine, whose mailing address is: P.O. Box 64, South Freeport, Maine 04078, with warranty covenants, the land in Portland, County of Cumberland, and State of Maine, described as follows:

A certain lot or parcel of land, together with any buildings and improvements thereon, situated in the City of Portland, County of Cumberland, and State of Maine as set forth in Exhibit A attached hereto and made a part hereof.

Witness my hand and seal this 20th day of June, 2012

Signed, Sealed and Delivered
in presence of


.....


.....
James B. Yorke

State of Maine, County of Cumberland ss.

June 20, 2012

Then personally appeared the above named James B. Yorke and acknowledged the foregoing instrument to be his free act.

Before me,



.....
Attorney at Law/Notary Public
Printed Name *Richard C. Burkhardt*

EXHIBIT A
79 Clinton Street, Portland, Maine 04103

A certain lot or parcel of land, with the buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a point on the northerly side of Clinton Street, a distance of fifty (50) feet westerly from the westerly side of Florence Street;

Thence from said point of beginning running westerly by Clinton Street, a distance of fifty (50) feet to a point;

Thence northerly at right angles to Clinton Street, a distance of seventy-five (75) feet to a point;

Thence easterly by land now or formerly of Pettingill, a distance of fifty (50) feet to land now or formerly of the Townsend Estate;

Thence southerly parallel to Florence Street, a distance of seventy-five (75) feet to the corner and point of beginning.

The premises are conveyed together with and subject to any and all easements or appurtenances of record, insofar as the same are in force and applicable.

This conveyance is made subject to real estate taxes for the current tax year, which the Grantee herein, by acceptance of this deed, assumes and agrees to pay.

Being the same premises conveyed to the Grantor herein by virtue of a warranty deed from Shawn P. Lyden dated March 15, 2000 and recorded in the Cumberland County Registry of Deeds in Book 15381, Page 342.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

September 25, 2017

EZ Spanish Immersions, LLC
Attn: Erik Zavasnik
PO Box 64
South Freeport, ME 04078

Re: 79 Clinton Street, CBL 136-B-004; R-5 Residential Zone

Dear Mr. Zavasnik:

On September 21, 2017, the Zoning Board of Appeals voted 5-0 (Katsiaticas absent) to grant your Conditional Use Appeal to add one additional dwelling unit to your legal two-family dwelling. I am enclosing a copy of the Board's decision.

Now that the conditional use appeal has been approved, you will need to do the following:

1. Apply for a Commercial Interior Alteration Permit (application: <http://www.portlandmaine.gov/DocumentCenter/Home/View/2301>) to formally change the use to a three-unit and to gain approval for any construction or alterations that are needed.
2. Submit an Administrative Authorization to the Planning Department for their approval of the new dwelling unit (application form: <http://www.portlandmaine.gov/DocumentCenter/View/2809>).
3. Contact the Victoria Volent of the Housing and Community Development Division (207-482-5028 or vvolent@portlandmaine.gov) to sign an Affordable Housing Agreement with the city for the new dwelling unit. The finalized agreement will need to be submitted to this office before your building permit can be issued.

Under Section 14-474(f) of the ordinance, you have six months from the date of the meeting (September 21, 2017), to obtain the building permit and start any construction work, or your Zoning Board approval will expire.

Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Should you have any questions, please contact me at (207) 874-8695 or cstacey@portlandmaine.gov.

Sincerely,

Christina Stacey
Zoning Specialist

cc: file