



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

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)

EXISTING USE OF THE PROPERTY:

~~Residential 3 unit (2 conforming, 1 non-conforming)~~

TYPE OF CONDITIONAL USE PROPOSED:

Residential 3 unit

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

7/25/16
DATE

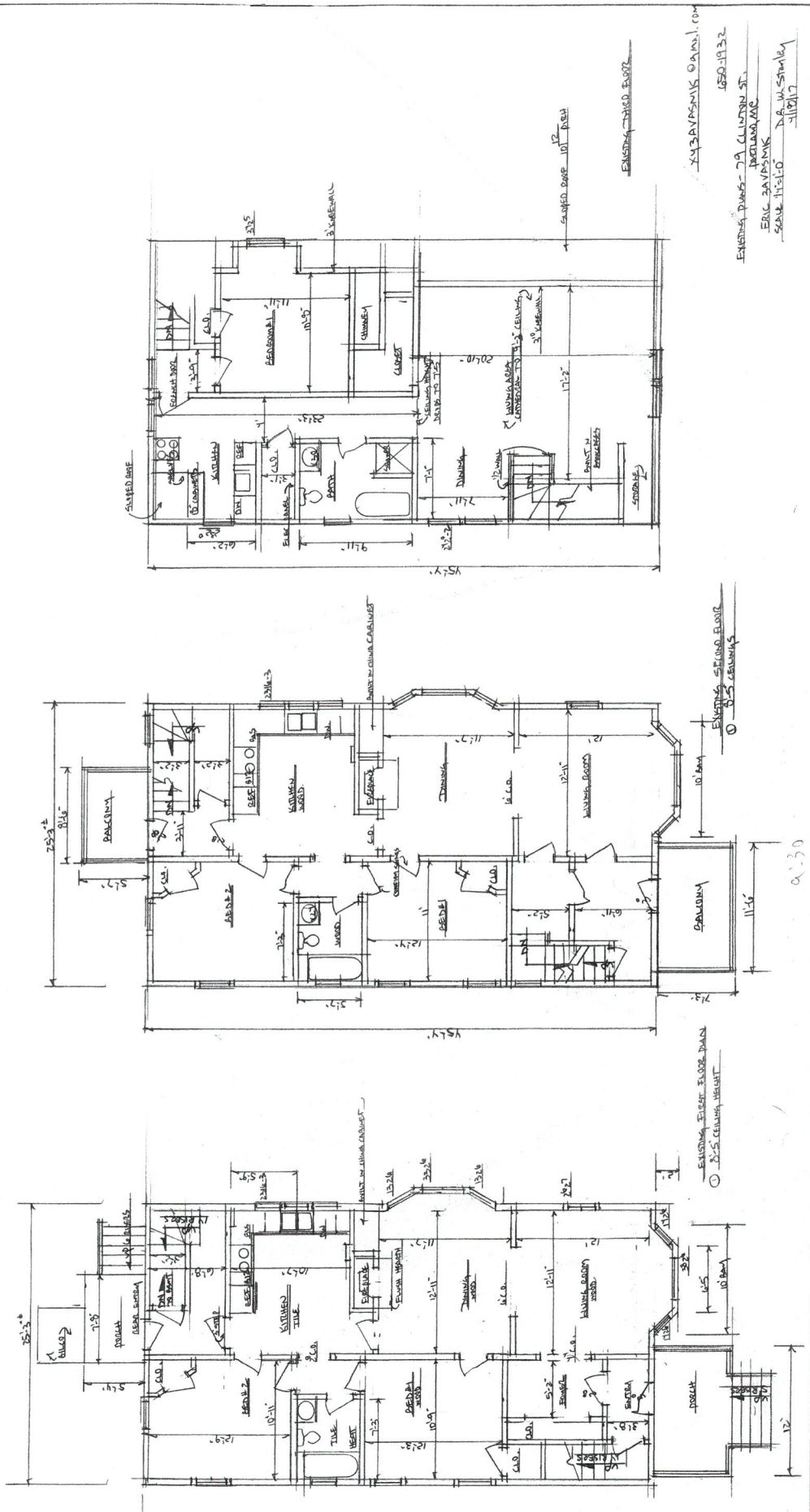
5. Use of space existing since September 3, 2008 to accommodate additional dwelling units under the following conditions:

- 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:

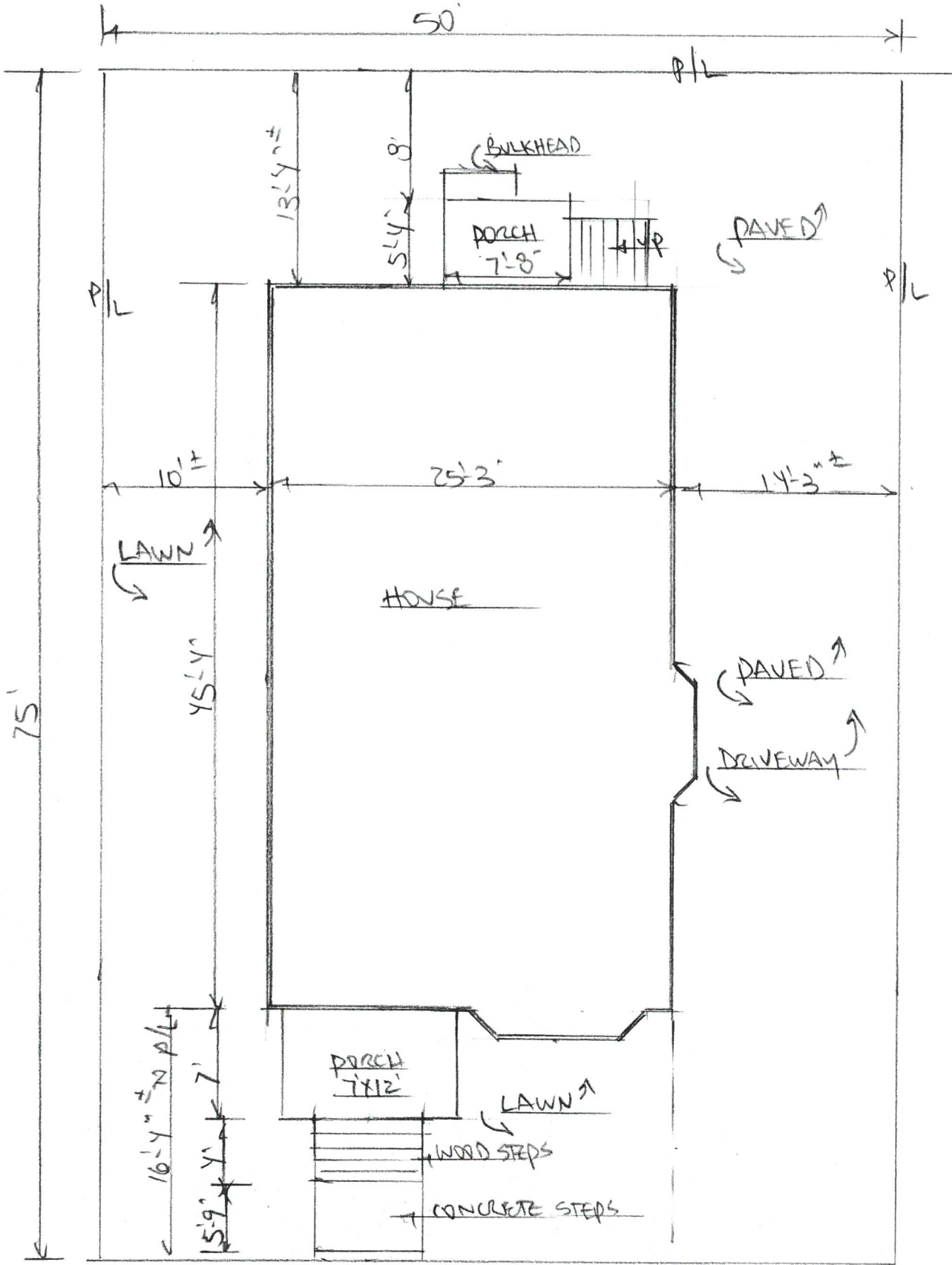
1. There will be no increase in volume and type of vehicle traffic to be generated since the unit has been in existence since 1995.
2. There will be no change to sanitary conditions, noise, glare, dust, or sewage, since the unit has been in existence since 1995.
3. There will be no impact on surrounding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

Existing Floor Plans



ERIC ZAVITSNIK O.A.M.A.I. CO.
 150-1932
 ENGINEERING - 79 CLINTON ST.
 BROOKLYN, NY 11201
 ERIC ZAVITSNIK
 SCALE 1/8" = 1'-0"
 11/17/17

Plot Plan



← SIDEWALK →

CLINTON STREET

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

981132

Permit # _____ City of Portland BUILDING PERMIT APPLICATION Fee 40.00 Zone _____ Map # _____ Lot # _____
Please fill out any part which applies to job. Proper places exist accompanying forms.

Owner: Sean Lyden

Address: 79 Clinton St Portland, ME 04103

LOCATION OR CONSTRUCTION 79 Clinton St

Contractor: David Shurtle

Address: _____

Proposed Use: 2-fam w/dormer

Building Dimensions: L: _____ W: _____ Total Sq. Ft. _____

of Existing Bas. Units: _____ # of New Bas. Units: _____

Is Proposed Use Allowed: Residential Commercial

Explica Contractor: Construct Detail at per plans

Permit # 131-B-094

1. Type of Ash: _____

2. Bed Berth: _____

3. Foundation Base: _____

4. Other: _____

5. Sills Size: _____

6. Gable Base: _____

7. Lath Cement Laying: _____

8. Bedding Type: _____

9. Floor Covering Type: _____

10. Other Material: _____

11. Exterior Walls: _____

12. No. Windows: _____

13. No. Doors: _____

14. Header Size: _____

15. Bracing: _____

16. Corner Posts Size: _____

17. Insulation Type: _____

18. Sheathing Type: _____

19. Siding Type: _____

20. Masonry Materials: _____

21. Metal Materials: _____

22. Siding Size: _____

23. Header Size: _____

24. Full Ceiling Type: _____

PERMIT ISSUED
WITH RECOMMENDATIONS

For Official Use Only

REC-1-1993

DATE: _____

TIME: _____

PLACE: _____

REASON: _____

Street Frontage Fronted: _____

Front Setback Front: _____

Barber Required: _____

Zoning Board Approval: Yes _____ No _____

Planning Board Approval: Yes _____ No _____

Conditional Use: Yes _____ No _____

Special Use: Yes _____ No _____

Other (Specify): _____

Called: _____

1. Colling Joints Size: _____

2. Colling Burping Size: _____

3. Type Ceiling: _____

4. Insulation Type: _____

5. Ceiling Height: _____

6. Tress or Balder Size: _____

7. Sheathing Type: _____

8. Roof Covering Type: _____

9. Heating: _____

10. Electrical: _____

11. Plumbing: _____

12. Approval of soil test if required: _____

13. No. of Tests or Excess: _____

14. No. of Trades: _____

15. No. of Laborers: _____

16. No. of Other Persons: _____

17. Type: _____

18. Pool Size: _____

19. Meet conforms to National Electrical Code: _____

20. Signature of Applicant: _____

21. Signature of CEO: _____

PERMIT RECEIVED

Signature of Applicant: _____ Date: _____

Signature of CEO: _____ Date: _____

Inspection Date: _____

White Tag Assessor Yellow-GFCOG White Tag-CEO

White Tag-CEO [Signature]

White Tag-CEO [Signature]



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:

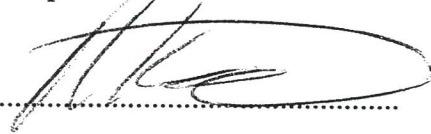
EZ Spanish Immersions, LLC

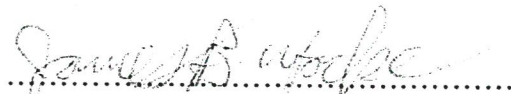
a limited liability company organized and existing under the laws of the State of Maine, of South Freeport, Maine, whose mailing address is: P.O. Box 64, South Freeport, Maine 04078, with warranty covenants, the land in Portland, County of Cumberland, and State of Maine, described as follows:

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,

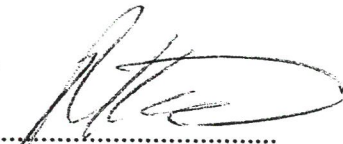

.....
~~Attorney at Law/Notary Public~~
Printed Name *Ruth L. [unclear]*

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.