

15.00 pd 8-9-71 c

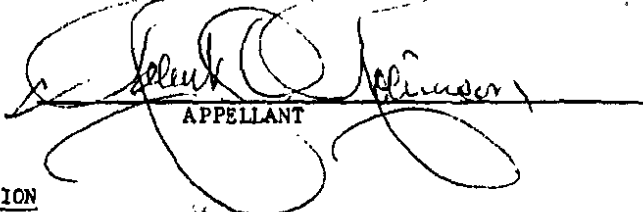
CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

granted 9/16/71

VARIANCE APPEAL

Diocesan & Bureau of Housing, owner of property at 856-882 Forest Ave. under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals for a variance from the provisions of said Ordinance to permit: construction of an 11-story masonry building approximately 109' x 137' at the above named location. This permit is presently not issuable under the Zoning Ordinance for the following reasons: (1) The maximum height for a building in the R-4<sup>6</sup> Residential Zone in which this building is to be located, as established in Section 602.7B.8 is 5 stories or 65 ft. This building is 11 stories and 108'4" high. (2) Section 602.14B.1 requires one parking space for each dwelling unit. Two hundred ~~XXXX~~ parking spaces will need to be provided instead of 57 spaces as indicated on the plan.

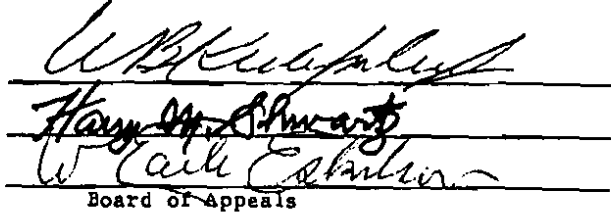
LEGAL BASIS OF APPEAL: Such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

  
APPELLANT

DECISION

After public hearing held September 16, 1971, the Board of Appeals finds that all of the above conditions do exist with respect to this property and that a variance should be granted in this case.

It is, therefore, determined that a variance from the provisions of the Zoning Ordinance should be granted in this case.

  
Board of Appeals