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**970 Forest Ave**

3 messages

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**Ann Machado** <amachado@portlandmaine.gov>  
To: "nathan@libertybayrecovery.com" <nathan@libertybayrecovery.com>  
Cc: "Barhydt, Barbara" <bab@portlandmaine.gov>

Fri, Sep 23, 2016 at 11:08 AM

Nathan -

This is just a followup to our telephone conversation about the minimum lot size requirement for an intermediate care facility.

As you know, the property is located in the RP (Residence Professional) Zone. Section 14-147.5(b) (Conditional Uses) allows conditional uses that are allowed as a conditional use in the residential zone that abuts the property. The last sentence of this section states: "Any such conditional use shall be subject to all conditions required in the residential zone".

The R-5 zone abuts the property. Under section 14-118 (conditional uses) subsection (b)(2)(b) allows intermediate care facilities for 13 or more people. Under the dimensional requirements for the zone, section 14-120(1)(c) requires a minimum lot size of 2 acres. The property is 17,868., so this requirement is not being met.

You can submit an application for a Practical Difficulty Appeal to go before the Zoning Board of Appeals to ask for a reduction in the minimum required lot size. I have attached the Practical Difficulty Appeal Application. I have also attached a pdf that explains the application process and a pdf of the calendar that lists the dates of the meetings for the Zoning Board of Appeals. I just want to let you know that Portland follows the state law for appeals, and they are not easy to get.




Please contact me with any questions.

Ann

Ann Machado  
Zoning Administrator  
Permitting and Inspections Department  
City of Portland, Maine  
[\(207\) 874-8709](tel:2078748709)

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**3 attachments**

-  **Application Practical Difficulty Variance.pdf**  
290K
-  **Application PROCESS for Zoning Bd of Appeals.pdf**  
109K
-  **2016 ZBA DATES.doc**  
31K

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**Nathan Cermelj** <nathan@libertybayrecovery.com>  
To: Ann Machado <amachado@portlandmaine.gov>  
Cc: "Barhydt, Barbara" <bab@portlandmaine.gov>

Fri, Sep 23, 2016 at 11:14 AM

Hi Ann,

Thank you for getting this over to me. I think I can get all the needed information over to you by October 3rd. I think that this is all doable and I hope I can make a good case as to why it should happen.

As always, thank you for your help!!

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## Nathan Cermelj - Program Director

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**Barbara Barhydt** <[bab@portlandmaine.gov](mailto:bab@portlandmaine.gov)>  
To: "Machado, Ann" <[amachado@portlandmaine.gov](mailto:amachado@portlandmaine.gov)>

Fri, Sep 23, 2016 at 11:49 AM

Are you offering him the option for an interpretation appeal of regarding the difference between the conditions of a conditional use and the dimensional requirements?

Barbara Barhydt

Development Review Services Manager

Planning Division

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