

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

Silver Beach LLC &
Elizabeth Brown
c/o Barton Mortgage
130 Middle Street
Portland, ME 04101

June 6, 2014

Re: 83 Wellwood Road – 149-G-038 & 160- F- 040 – R-3 Residential Zone

Dear Mr. Barton & Ms. Brown,

At the June 5, 2014 meeting, the Zoning Board of Appeals voted 7-0 to grant the Conditional Use Appeal to add an accessory dwelling unit to the single family home that you are building. I am enclosing a copy of the Board's decision.

The Level I Minor Residential Site Plan Application (permit #2014-01059) is in the process of being reviewed by the Building and Planning Divisions. Once the building permit is issued, you have six months from the date of the meeting, June 5, 2014, referenced under section 14-474(f) to start 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 feel free to contact me at 207-874-8709.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado".

Ann B. Machado
Zoning Specialist

Cc File

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: June 6, 2014
RE: Action taken by the Zoning Board of Appeals on June 5, 2014

Members Present: Sara Moppin (secretary), Gordon Smith (chair), Donna Katsiaticas, Eric Larsson, William Getz, Chip Gavin and Kent Avery

1. New Business

A. Conditional Use Appeal:

83 Wellwood Road, Silver Beach, LLC & Elizabeth D. Brown, owners, Tax Map 149, Block G, Lot 038 & Tax Map 160, Block F, Lot 040, R-3 Residential Zone: The applicants are seeking a Conditional Use Appeal under section 14-88(a)(2) to build an accessory dwelling unit as part of the new single family home that they are building. Representing the appeal is the owners' agent, William J. Mann. **The Zoning Board of Appeals voted 7-0 to grant the appeal to add an accessory dwelling unit to the new single family home being built.**

Enclosure:

Decision for Agenda from June 5, 2014

One DVD

CC: Mark Rees, City Manager

Jeff Levine, AICP, Director Planning & Urban Development

Alex Jaegerman, Planning Division

Mary Davis, Housing and Neighborhood Services Division

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Board Members
Present:
Chip Gavin
Kent Avery
William Getz
Gordan Smith
Sara Moppin
Dana Katsafikas
Erik Laurson

R-3 Residential Zone Accessory Unit:

Conditional Use Appeal

DECISION

Date of public hearing: June 5, 2014

Name and address of applicant: Silver Beach, LLC & Elizabeth Brown
c/o Barton Mortgage
130 Middle Street
Portland, ME 04101

Location of property under appeal: 83 Wellwood Road

For the Record:

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

William Mann - on behalf of Applicant

Danielle Vias - 87 Torrey St

Ben Bernard - 38 Torrey St

Barbara Furwood - 55 Wellwood

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

Savin ? -
43 Wellwood
Road

Mike ? - 18 Lorraine
Street

letter from Jackie Cohen - 316 Ocean Ave

email from John Darling dated 6/5/2014

email from Kaia Vayenas dated 6/5/2014

email from Ben Bernard dated 6/5/2014

Findings of Fact and Conclusions of Law:

Applicant is proposing to add an in-law apartment to the first floor of the single family home they are constructing on this lot. The gross floor area of the principal building will be 2832 sq. feet. The accessory unit will be 624 sq. feet (22%). The lot size is 32,842 sq. ft.

A. Conditional Use Standards pursuant to Portland City Code §14-88(a)(2):

1. The accessory unit shall be no more than thirty (30) percent of the gross floor area of principal building and shall have a minimum floor area four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit.

Satisfied 1 Not Satisfied 0

Reason and supporting facts:

The accessory unit will be 22% of total gross floor area and that unit will be 624 sq. feet

2. There shall be no open outside stairways or fire escapes above the ground floor.

Satisfied 1 Not Satisfied 0

Reason and supporting facts:

Per plans, no outside stairs above the ground floor are indicated

3. Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling.

Satisfied 1 Not Satisfied 0

Reason and supporting facts:

The unit will be built at same time as entire home and will be integrated into larger unit

4. A minimum lot size of six thousand five hundred (6,500) square feet of land area shall be required.

Satisfied 1 Not Satisfied 0

Reason and supporting facts:

The lot size is 32,842 sq. ft.

5. No dwelling unit shall be reduced in size to less than one thousand (1,000) square feet of floor area, exclusive of common areas and storage in basement or attic.

Satisfied 1 Not Satisfied 0

Reason and supporting facts:

Main unit will be over 2000 square feet and ~~no other unit~~ will not be reduced in size.

6. Parking shall be provided as required by division 20 of this article: 1 off-street parking space per new unit (14-332(a)(2)).

Satisfied 7 Not Satisfied 0

Reason and supporting facts:

Per plans and applicant testimony ~~garage~~ there will be at least
3 off street parking
spaces

7. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.

Satisfied 7 Not Satisfied 0

Reason and supporting facts:

Per applicant testimony and
submittal the owner will
occupy the main unit
as their primary residence

Conclusion: (check one)

7-0 vote

Option 1: The Board finds that all of the standards (1 through 7) 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 all of the standards (1 through 7) 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:

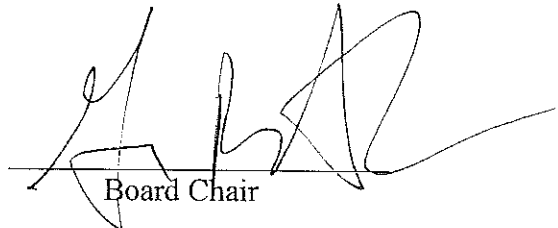
Option 3: The Board finds that not all of the standards (1 through 7) described in section A above have been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

Please note that, pursuant to Portland City Code 14-88(a)(2)(i), if approved the project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

1. Any additions or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building; and

2. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles from adjacent properties and streets.

Dated: 6/5/2014


Board Chair