

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

### ZONING BOARD APPEAL DECISION

**To:** City Clerk

**From:** Ann Machado, Acting Zoning Administrator

**Date:** January 9, 2015

**RE:** Action taken by the Zoning Board of Appeals on January 8, 2015

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

**Members Absent:** William Getz

#### 1. New Business

##### **A. Disability Variance Appeal:**

72 Westminster Avenue, Danice Eliza Jacobson, owner, Tax Map 181, Block B, Lot 002, R-3 Residential Zone: The applicant is seeking a disability variance under section 14-473(c)(2) to install a handicap ramp. The appellant is requesting a side setback of four feet instead of the required eight foot side setback [section 14-90(d)(3)]. Representing the appeal is Jill Johanning from Alpha One. **The Zoning Board of Appeals voted 6-0 to grant the disability variance to install a handicap accessible ramp with the condition that the approval is limited to the duration of Ms. Jacobson's disability or the time that Ms. Jacobson lives in the dwelling.**

##### **B. Conditional Use Appeal:**

69-83 and 89-109 Sewall Street, Eyecare Medical Group, lessee, Tax Map 190, Block D, Lot 009 & Tax Map 190, Block H, Lots 024, 025, 026 & 027, R-5 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-118(c)(1) to allow off-street parking of passenger cars which are accessory to a use located in a nearby business zone. Representing the appeal for Eyecare Medical Group is Craig Burgess from Sebago Technics. **The Zoning Board of Appeals voted 5-0 (Kent Avery recused himself) to grant the appeal to allow the off-street parking lot.**

##### **C. Practical Difficulty Variance Appeal:**

142 East Kidder Street, Lincoln Capital, LLC, owner, Tax Map 169, Block E, Lots 028 & 029, R-5 Residential Zone: A new single family home has just been built at this property. A Mortgage Loan Inspection Plan completed on 11/21/2014 shows that the rear of the garage does not meet the required minimum rear setback of twenty feet [section 14-120(a)(4)(b)]. The appellant is requesting a variance to reduce the required rear yard setback from twenty feet to nineteen feet four inches. Representing the appeal is John Jordan from Lincoln Capital, LLC. **The Board of Appeals voted to table the appeal to be continued at a future meeting.**

2. **Other Business**

Sara Moppin was elected Chair and Kent Avery was elected Secretary for the Zoning Board of Appeals.

**Enclosure:**

Decision for Agenda from January 8, 2015

One DVD

CC: Sheila Hill-Christian, Acting City Manager

Jeff Levine, AICP, Director Planning & Urban Development

Alex Jaegerman, Planning Division

Mary Davis, Housing and Neighborhood Services Division