



## Planning &amp; Urban Development Department

Jeff Levine, AICP, Director

Ann Machado, Zoning Administrator

July 17, 2015

Michael and Susan Russo  
36 Wingate Drive  
Portland, ME 04103

Re: 36 Wingate Drive; 183A-C-4; R-3 Residential Zone

Dear Michael and Susan Russo,

On July 16, 2015, the Zoning Board of Appeals voted 5-0 (Moppin and Gavin absent) to grant the Conditional Use Appeal to add an accessory dwelling unit within the existing footprint of your single family home. I am enclosing a copy of the Board's decision.

Now that the conditional use appeal has been approved, you will need to apply for a Change of Use Permit to change the use of your property from a single family to a single family with an accessory dwelling unit. This permit can be found on the City website

<http://www.portlandmaine.gov/documentcenter/view/2301>. You have six months from the date of the meeting, July 16, 2015, referenced under section 14-474(f) to obtain the permit and start work, or your Zoning Board approval will expire.

You will also need to submit an Administrative Authorization Application to add the accessory dwelling unit. This application can be found on the City website

<http://www.portlandmaine.gov/documentcenter/view/2809>. Your permit for the change of use cannot be issued until Planning approves the Administrative Authorization.

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 contact Ann Machado, Zoning Administrator at (207) 874-8709.

Sincerely,

Jennifer Munson  
Planning Division Office Manager

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

Sara Moppin, Chair  
Kent Avery, Secretary  
Chip Gavin  
William Getz  
Donna Katsiaficas  
Eric Larsson  
Gordon Smith

### APPEAL AGENDA

The Board of Appeals will hold a Public Hearing on Thursday, July 16, 2015, at 6:30 p.m. on the Second Floor in Room 209, Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following appeal:

1. **New Business:**
  - A. **Conditional Use Appeal:**  
30-36 Wingate Drive, Michael & Susan Russo, owners, Tax Map 183A, Block C, Lot 004, R-3 Residential Zone: The applicants are seeking a Conditional Use Appeal under Section 14-88(a)(2) to add an accessory dwelling unit within the existing footprint of their single family home. Representing the appeal are the owners.
2. **Other Business:**  
Discussion of possible revisions to Article VI of the Ordinance relating to composition of the Board and duties
3. **Adjournment**

*L. Russo  
Smith  
Avery  
Cete  
Hartshorn*

**CITY OF PORTLAND, MAINE**  
**ZONING BOARD OF APPEALS**

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R-3 Residential Zone, Off-Street parking

**Conditional Use Appeal**

**DECISION**

Date of public hearing: July 16, 2015;

Name and address of applicant: Michael and Susan Russo  
36 Wingate Drive  
Portland, ME 04103

Location of property under appeal: 30-36 Wingate Drive  
Portland, ME 04103

For the Record:

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

*Michael & Susan Russo  
36 Wingate Drive  
PHD.*

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

*Application with floor plan, plot plan*

Findings of Fact and Conclusions of Law:

The applicants, Michael and Susan Russo, pursuant to Section 14-88(a)(2) are seeking a Conditional use to add an accessory dwelling unit within the existing footprint of their single family home.

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

Alteration or construction of a detached single-family dwelling to accommodate one (1) additional dwelling unit for the benefit of homeowners or tenants is permitted, provided that:

1. The accessory unit shall be no more than thirty (30) percent of the gross floor area<sup>1</sup> of the principal building and shall have a minimum floor area four hundred (400) square feet;

Satisfied  Not Satisfied

Reason and supporting facts:

*per application - unit will have 568 sq ft,  
19.6% of gross floor area.  
Floor plan shows as well.*

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

Satisfied  Not Satisfied

Reason and supporting facts:

*per plans & application - no change to  
elevation.  
unit will be on first floor.*

<sup>1</sup> 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.

3. Any building additions or exterior alterations such as façade 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  Not Satisfied

Reason and supporting facts:

per application, there will be no exterior modifications

4. The lot size is at least six thousand five hundred (6,500) square feet;

Satisfied  Not Satisfied

Reason and supporting facts:

per application, lot is 20,278 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;

proposed unit 568 sq. ft. → over 2000 sq. ft.  
left for principal unit

Satisfied  Not Satisfied

Reason and supporting facts:

6. A minimum of one (1) additional parking space is provided for the additional unit, or there exists a minimum of three (3) parking spaces for the existing unit.

Satisfied  Not Satisfied

Reason and supporting facts:

*attached 2 Car garage + 3-5 Spaces in Driveway per site plan + previous application*

7. The project is subject to article V site plan review and approval that i) any additions or exterior alterations such as façade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building; ii) 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; and iii) either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.

Satisfied  Not Satisfied

Reason and supporting facts:

*no exterior changes  
accessory site plan review will take care of parking, new owner intends to occupy main residence*

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

The Board shall not authorize issuance of a conditional use permit unless there has been a showing that the proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. Accordingly, the Board shall only grant approval if each of the following is satisfied:

*+ Parents will occupy unit*

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.

Satisfied  Not Satisfied

Reason and supporting facts:

*residential use. won't increase the  
density of use on the site.*

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.

Satisfied  Not Satisfied

Reason and supporting facts:

*Continued residential use*

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 or other allowable uses in the zone.

Satisfied  Not Satisfied

Reason and supporting facts:

*residential use, intensity won't increase*

**Conclusion:** (check one)

Option 1: The Board finds that all of the standards (1 through 7) described in section A above have been satisfied and that all of the standards (1 through 3) described in section B above have been satisfied, and therefore GRANTS the application.

*Smith, City*

Option 2: The Board finds that while all of the standards (1 through 7) described in section A above have been satisfied, and that while all standards (1 through 3) described in section B above are satisfied, 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 4) described in section A above have been satisfied and/or that not all of the standards (1 through 3) described in section B have been satisfied, and therefore DENIES the application.

Dated: *7-16-15*

*[Signature]*

Board Chair

*SECRETARY, ACTING CHAIR*



**CITY OF PORTLAND, MAINE**  
**ZONING BOARD OF APPEALS**

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Sara Moppin, Chair  
Kent Avery, Secretary  
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**ZONING BOARD OF APPEAL  
DECISIONS FROM JULY 16, 2015**

**To:** City Clerk  
**From:** Ann Machado, Zoning Administrator  
**Date:** July 17, 2015  
**RE:** Action taken by the Zoning Board of Appeals on July 16, 2015

**Members Present:** Kent Avery (acting chair), Donna Katsiaficas (acting secretary), William Getz, Eric Larsson and Gordon Smith.

**Members Absent:** Sara Moppin and Chip Gavin.

**1. New Business:**

**A. Conditional Use Appeal:**

30-36 Wingate Drive, Michael & Susan Russo, owners, Tax Map 183A, Block C, Lot 004, R-3 Residential Zone: The applicants are seeking a Conditional Use Appeal under Section 14-88(a)(2) to add an accessory dwelling unit within the existing footprint of their single family home. Representing the appeal are the owners. *The Board of Appeals voted 5-0 to grant the appeal to add an accessory dwelling unit within the existing footprint of their single family home.*

**2. Other Business:**

Discussion of possible revisions to Article VI of the Ordinance relating to composition of the Board and duties. *The Board of Appeals discussed revisions to section 14-546 and section 14-547.*

**3. Adjournment**

**Enclosures:**

1. Decision Agenda from July 16, 2015
  2. DVD of July 16, 2015 Meeting
- CC: Jon Jennings, City Manager  
Jeff Levine, AICP, Director Planning & Urban Development  
Tammy Munson, Director of Inspection Services  
Mary Davis, Housing and Neighborhood Services Division