



Jeff Levine, AICP, Director  
Planning & Urban Development Department

Ann Machado  
Zoning Administrator

### CITY OF PORTLAND ZONING BOARD OF APPEALS Conditional Use Appeal Application

**Applicant Information:**

Michael A + Susan E. Russo  
NAME

BUSINESS NAME

BUSINESS ADDRESS

BUSINESS TELEPHONE & E-MAIL

OWNER  
APPLICANT'S RIGHT/TITLE/INTEREST

R-3  
CURRENT ZONING DESIGNATION

EXISTING USE OF THE PROPERTY:

Single family dwelling

TYPE OF CONDITIONAL USE PROPOSED:

Accessory unit within existing dwelling

**Subject Property Information:**

36 Wingate Dr.  
PROPERTY ADDRESS

183A-C-4  
CHART/BLOCK/LOT (CBL)

Same as applicant  
PROPERTY OWNER (If Different)

ADDRESS (If Different) m.russo22@yahoo.com  
Mike 838-0800  
Sue 671-0908 srusso@yahoo.com  
PHONE # AND E-MAIL

Accessory Unit  
CONDITIONAL USE AUTHORIZED BY  
SECTION 14-88(a)  
d(a)

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

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; and
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; and
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 of other allowable uses in the zone.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

Michael A + Susan E. Russo  
SIGNATURE OF APPLICANT

6/18/15  
DATE

June 18, 2014

Department of Planning & Urban Development  
Zoning Board of Appeals  
389 Congress Street, Room 315  
Portland, ME 04101

Re: Conditional Use Appeal for property located at 36 Wingate Drive (183A-C-4)

Dear Members of the Zoning Board of Appeals,

Please find enclosed an application and supporting documentation for a Residential Conditional Use for an Accessory Unit within the existing dwelling located at 36 Wingate Dr. We are the current owners of the property and are requesting approval as part of a current purchase and sales agreement for the property. If approved the purchaser's parents would occupy this space. The area functioned as living quarters for our mother prior to her death in 2013 and has since served as a home office.

This request satisfies the city requirements as follows:

**Section 14-88**

2(a) The accessory unit shall be no more than 30% of the gross floor area of the principal building and shall have a minimum floor area of 400 SF. The proposed accessory contains 568 SF. Total above grade living area is 2,888SF ( $568/2888 = 19.6\%$ ). There is an attached 2 car garage (664SF) which if calculated as part of building area ( $568/3552$ ) would reduce the gross floor area to 16%.

- (b) The area is on ground level with both a private entrance and access to the main living area
- (c) Additions were completed in 2005. No additional exterior work is proposed.
- (d) Lot size is 20,278SF +/- well above the 6,500 SF minimum.
- (g) Dwelling unit is not reduced to less than 1,000SF.
- (h) There is ample parking consisting of a 2 car garage as well as 3-5 open spaces in the driveway.
- (i) i. No additions will be constructed  
ii. Drive is paved and lot is landscaped
- (j) The dwelling is currently owner occupied and the new owner intends to occupy the principal Portion of the dwelling and one set of parents will occupy the accessory unit.

**Standards:**

1. There would be no more traffic than is currently associated with the residential use of the property. There is adequate parking that is similar to properties in the neighborhood.
2. The proposed use will not create unsanitary or harmful conditions.
3. No additional exterior construction is proposed. Site is fully landscaped.

As further support for this application we note that a similar Conditional Use for an accessory unit was granted in our immediate neighborhood on March 5, 2013 for property located at 74 Phipps Rd (183A-B-7).

We appreciate your time and consideration of this application. Please feel free to contact either of us should you have any questions.

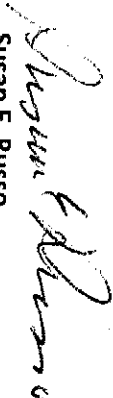
Respectfully,



Michael A. Russo

Cell: 838-0080

[m.russo22@yahoo.com](mailto:m.russo22@yahoo.com)



Susan E. Russo

Cell: 671-0908

[srusso@yahoo.com](mailto:srusso@yahoo.com)

MARK  
MUELLER  
ARCHITECTS

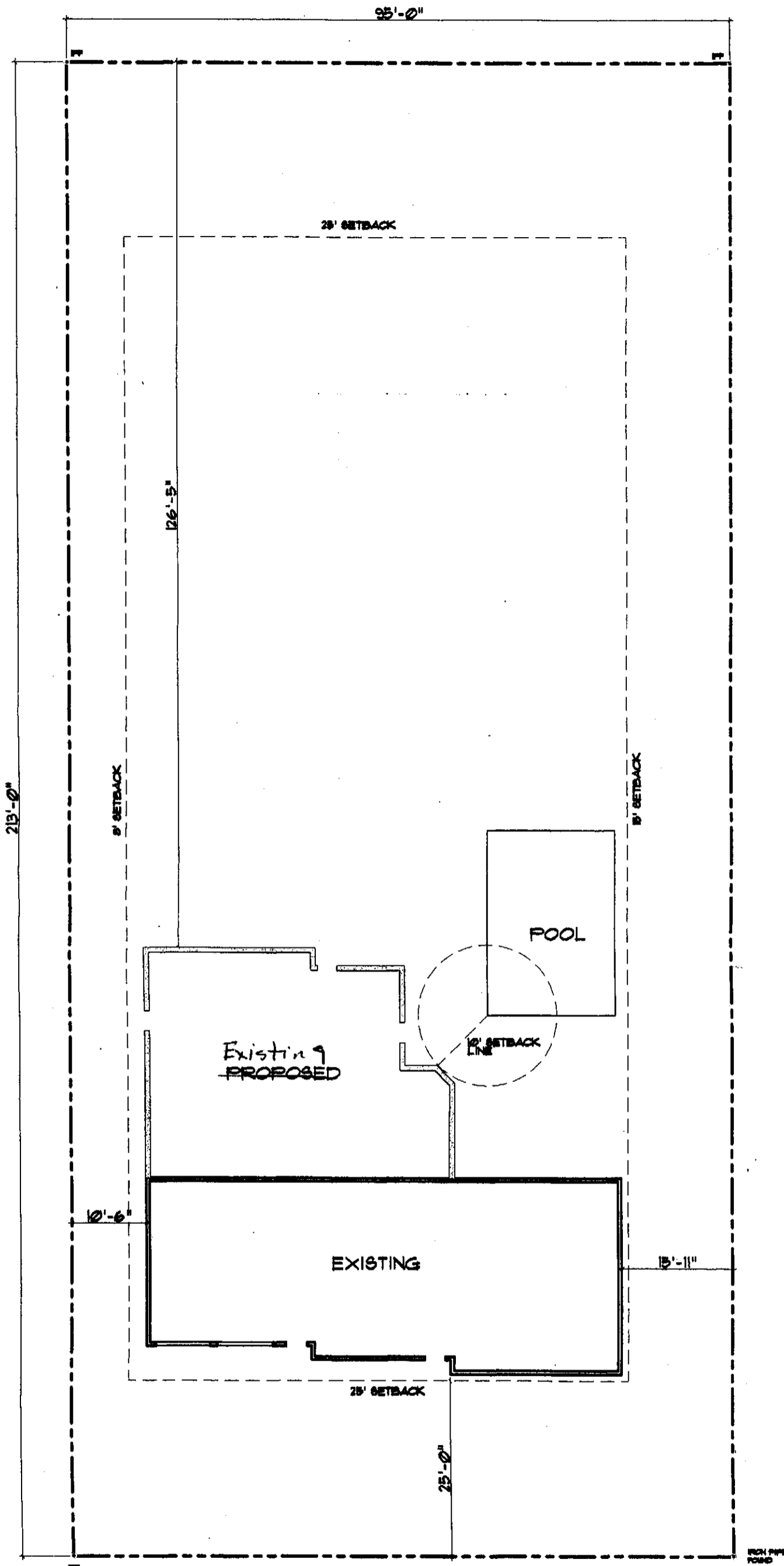
A.I.A.

100 Commercial Street  
Suite 205  
Portland, Maine 0410  
Phone/Fax 207.774.9057  
Email: MMArch@gwi.net

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MARK MUELLER ARCHITECTS

# Russo Residence

36 Wingate Drive  
Portland, Maine

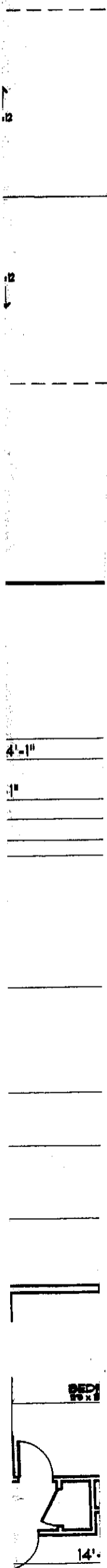


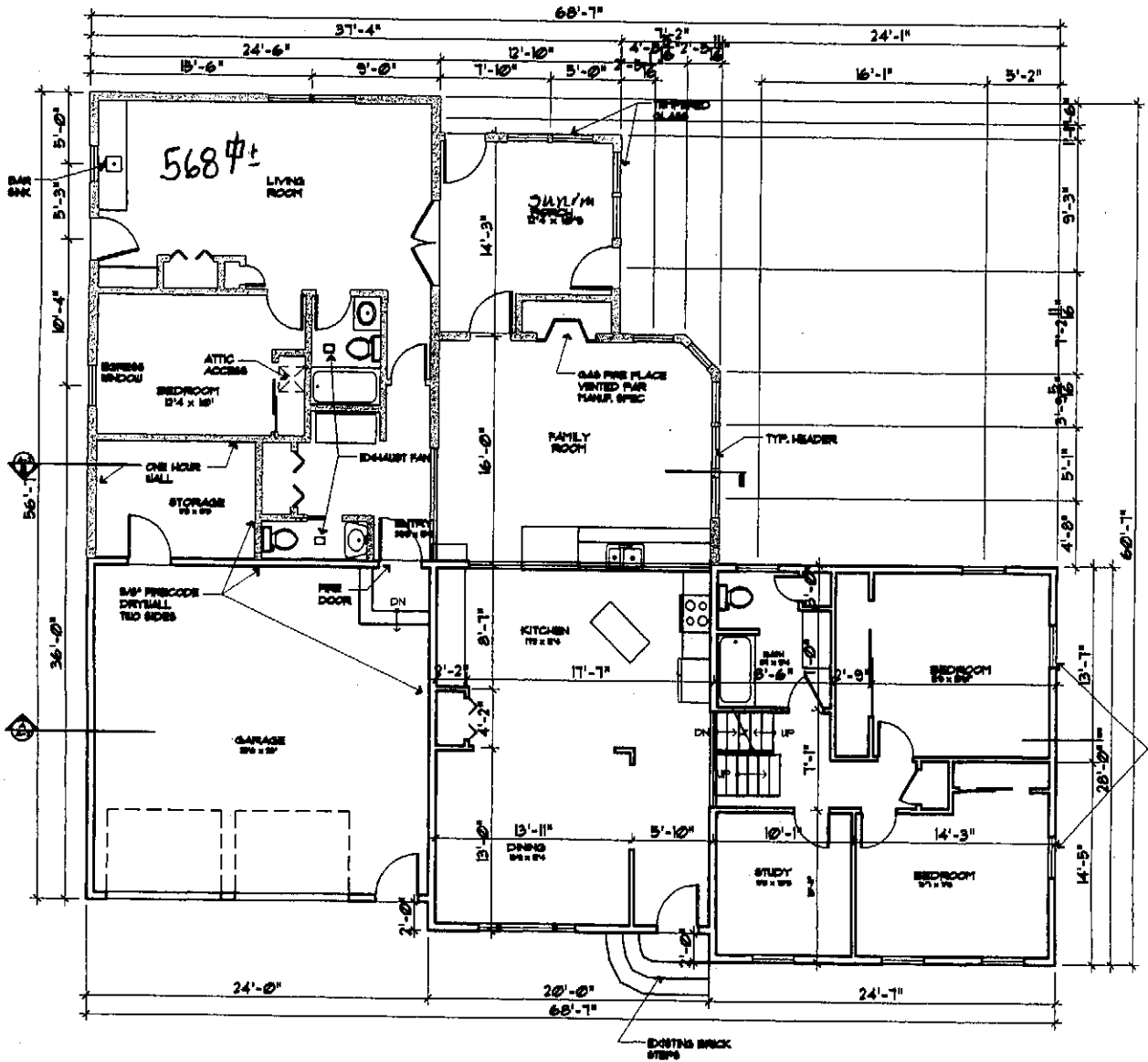
## PLOT PLAN

SCALE: 1/16" = 1'-0"

### FLOOR PLANS/PLOT PLAN

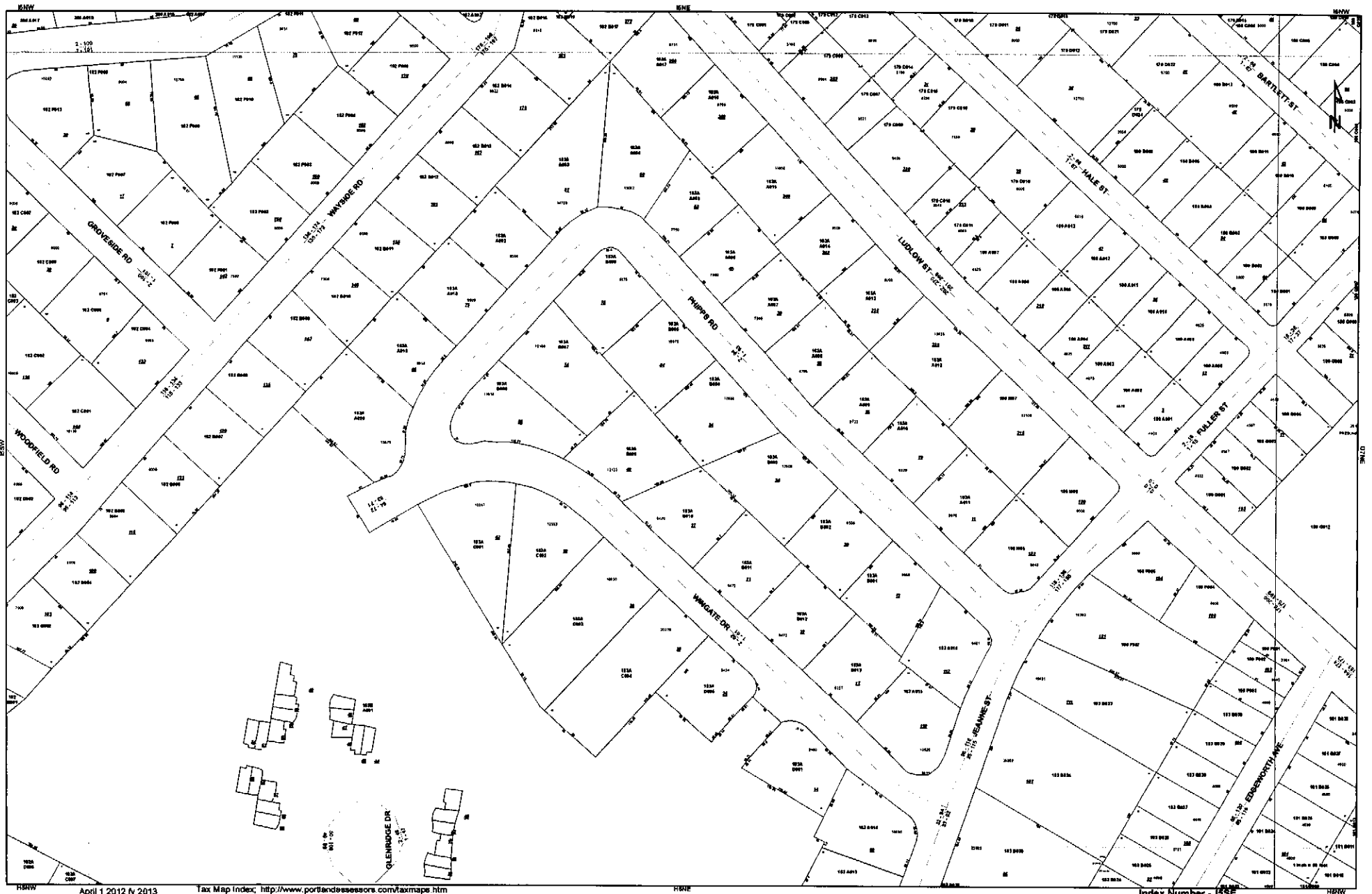
REVISIONS	
DATE	AUGUST 03, 2004
PROJECT	RUSSO
DRAWN BY	





# FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



**WARRANTY DEED**

KNOW ALL MEN BY THESE PRESENTS, That I, Anna E. Russo, of 36 Wingate Drive, Portland, Maine 04103 in consideration of One Dollar (\$1.00) and other valuable consideration paid by Michael A. Russo and Susan E. Russo, the receipt whereof I do hereby acknowledge, do hereby give grant, bargain, sell and convey unto the said Michael A. Russo and Susan E. Russo, their heirs and assigns forever as joint tenants and not tenants in common with WARRANTY covenants that certain lot or parcel of land, together with any improvements and buildings thereon, situated in the Portland, Cumberland, and State of Maine, described as follows:

A certain lot or parcel of land situated in the City of Portland, County of Cumberland and State of Maine and being lot #36 as shown on a Plan of Wadsworth Heights, Section B, in Portland, Maine for Frank Morris, Builder, by Robert P. Titcomb, Inc., Land Surveyors, said plan being recorded in the Cumberland County Registry of Deeds in Plan Book 124, Page 65.

Together with an easement for ingress and egress over the streets and ways shown on said plan.

Said premises are subject to utility easements of record.

TO HAVE AND TO HOLD the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said Michael A. Russo and Susan E. Russo, their heirs and assigns, to them and their use and behoof forever.

IN WITNESS WHEREOF, I, Anna E. Russo have hereunto set my hand and seal this 6 day of October 2004, in the year of our Lord Two Thousand and Four.

Kathleen M. McBreaity  
WITNESS

Anna E. Russo  
Anna E. Russo

STATE OF MAINE  
Cumberland, SS.

October 6, 2004

Personally appeared the above named, Anna E. Russo, and acknowledged the above instrument to be his/her free act and deed.

Before Me,

Kathleen M. McBreaity  
Notary Public/Attorney at Law

My Commission Expires:

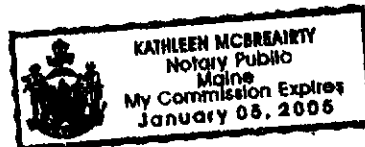
Received  
Recorded Register of Deeds  
Oct 07 2004 10:52:15A  
Cumberland County  
John B. O'Brien

ds  
TDS

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SJE

AK

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Addendum 1 to Agreement

Addendum to contract dated June 3, 2015

between Michael A. Russo, Susan E. Russo (hereinafter "Seller")

and Timothy D. Smith, Sandra J. Banks (hereinafter "Buyer")

property 36 Wingate Drive, Portland,

The following items shall be completed prior to closing:

1. Seller to finish master bathroom and master closet in a style similar to other finishes used in the home. Buyers shall have an opportunity to review finishes and give final approval prior to installation.
2. Seller to take out tub in the in-law bath and replace it with a shower.
3. Seller to install decking on the flat portion of the roof outside of the master bedroom. Buyers shall have an opportunity to review said deck and give final approval prior to installation.
4. Seller to apply for and receive the proper approvals from the City of Portland Code Office for the in-law apartment prior to closing.
5. Seller to pay Buyer's Agent, Nancy J. Field, a 3% commission on the purchase price of the property at closing.
6. Seller shall complete a Seller's Disclosure within 4 business days from the effective date of this contract.
7. Items 1 and 3 of this Addendum shall be satisfied by both parties within 10 days of the Effective Date of this Agreement.

*MS  
SR*

Parties acknowledge Agency's advice to seek legal, tax and other professional advice as necessary in connection with sale/purchase of property.

DocuSigned by:  
Timothy D. Smith 06/03/2015  
Buyer Date  
 Timothy D. Smith

Michael A. Russo 6/3/15  
Seller Date  
 Michael A. Russo

DocuSigned by:  
Sandra J. Banks 06/03/2015  
Buyer Date  
 Sandra J. Banks

Susan E. Russo 6/3/15  
Seller Date  
 Susan E. Russo





















