

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Warsson
Avery
Bartels
Katsiakias
Zamboni
McCall

R-3 Residential Zone
Conditional Use Appeal

DECISION

Date of public hearing: June 1, 2017

Name and address of applicant: Michael and Molly Collin
76 Frances Street
Portland, Maine 04102

Location of property under appeal: 76 Frances Street
CBL 187 E018001

For the Record:

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

Molly Collin - 76 Frances St.

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

Application with Exhibits

Findings of Fact and Conclusions of Law:

The applicant was previously granted a conditional use permit pursuant to § 14-88(a)(2) to alter a detached single-family dwelling to accommodate one additional dwelling unit. That approval, however, has expired. The applicants are now resubmitting their application for the same conditional use, and requesting that the approval be valid for two years from the date of issue.

Findings:

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 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 of principal building and shall have a minimum floor area of 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 Not Satisfied

Reason and supporting facts:

876 sq. feet - 28% of the gross floor area. Plans support.

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

Satisfied Not Satisfied

Reason and supporting facts:

Plans indicate no outside or open staircases

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 Not Satisfied

Reason and supporting facts:

Drawings & site plan appear compatible with single family dwelling - let change to gable. no public comment indicating not compatible.

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

Satisfied Not Satisfied

Reason and supporting facts:

lot size is 11,584 ft²

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 Not Satisfied

Reason and supporting facts:

new construction, greater than 1,000 sq ft.

6. Parking shall be provided as required by Chapter 14, Article III, Division 20. For accessory units pursuant to § 14-88, one additional parking spaces for each such unit. Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed one space for each dwelling unit.

Satisfied Not Satisfied

Reason and supporting facts:

site plan & application show 4 parking spaces - exceeds the requirement.

7. 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:

Principal unit will be inhabited by applicant. Unit will be inhabited by family member.

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:

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:

single family dwelling in predominantly residential area. no increase in paved area or parking spaces.

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:

residential use in residential zone. no harmful conditions. no public comment to contrary.

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:

no signs / deliveries applicable.
Site plan is consistent with surrounding residential uses. No public comment

C. An increased time to commence the conditional use or begin construction is appropriate. § 14-474(f).

Satisfied Not Satisfied

Time granted: 2 years

Reason and supporting facts:

*no harm or objection to request
reasonable request by the applicant.
no ~~comment~~ ^{comment} from public objecting.*

Conclusion: (check one)

McCall, Larsson

Option 1: The Board finds that all of the standards (1 through 8) 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. The conditional use permit shall be effective for 2 years pursuant to §14-474(f).

Option 2: The Board finds that while all of the standards (1 through 8) 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 with the following conditions:

Option 3: The Board finds that not all of the standards (1 through 8) 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:

6-1-17

A. J. J. J.

Board Chair