

Cathy  
Larsson  
AVERY  
KatsiAFICAS

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

R-3 Residential Zone  
**Conditional Use Appeal**

**DECISION**

Date of public hearing: October 6, 2016

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.  
Linda Braley

Paula Slie - in support of Application - good  
18 Scott St. to allow it.

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

Application w/ exhibits

Findings of Fact and Conclusions of Law:

The applicant is seeking a Conditional Use in the R-3 Residential Zone under § 14-88(a)(2) to alter a detached single-family dwelling to accommodate one additional dwelling unit.

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 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 per unit, 28% of the gross floor area.*

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

Satisfied  Not Satisfied

Reason and supporting facts:

*Plans & Application indicates there will be no outside / open stairways*

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:

Plans appear compatible with  
a single family dwelling  
- Public supported Application

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 11,584.4 square 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  Not Satisfied

Reason and supporting facts:

There is an increase in size in  
the dwelling unit; to 2,145  
sq feet

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:

*Plans + testimony indicate 4  
Parking spaces.*

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 Collins family (applicant)*

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:

*Residential use in residential zone.  
No increase in paved parking  
surfaces*

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 unit in a residential  
zone*

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~~ in a  
residential zone. Testimony from  
a planner indicates there will  
be no harmful impact.

*harrison, oetz*

**Conclusion:** (check one)


Option 1: 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:

- a) The project shall receive site plan approval, pursuant to Chapter 14, Article V, including approval of the following additional standards:
  - i. 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;
  - ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped to properly screen vehicles.

Option 2: 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:

*10-6-14*

  
Board Chair