

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Gordon Smith-chair
Sara Moppin-secretary
William Getz
Mark Bower
Eric Larsson
Chip Gavin
Kent Avery

July 25, 2013

Tim Raymond
110 Cobb Avenue
Portland, ME 04102

RE: 110 Cobb Avenue
CBL: 210 B011 & 012
ZONE: R-2

Dear Mr. Raymond,

At the July 18, 2013 meeting, the Zoning Board of Appeals voted 4-0 to grant your Conditional Use Appeal to add an accessory dwelling unit to your property at 110 Cobb Avenue. I am enclosing a copy of the Board's decision. You will also find a receipt for your payment of the outstanding fees. Your account is now paid in full.

Now that the conditional use appeal has been approved, you need to submit a building permit to build the addition and change the use of the property to a single family home with an accessory dwelling unit. I have enclosed a building permit application, but you may also find it on the city website under the Inspections Division. On the Inspections Division home page there is also information about the electronic permit and plan submittal process. Since you are adding an accessory dwelling unit you will also need to submit an application to the Planning Division. You should contact Barbara Barhydt, Development Review Services Manager, at 874-8699 or bab@portlandmaine.gov to find out what application you need to submit. You have six months from the date of the meeting, July 18, 2013, referenced under section 14-474(f) to obtain the permit, or your Zoning Board approval will expire.

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 feel free to contact me at 207-874-8709.

Yours truly,



Ann B. Machado
Zoning Specialist

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: July 25, 2013
RE: Action taken by the Zoning Board of Appeals on July 18, 2013.

Members Present: Mark Bower, William Getz (acting chair), Kent Avery and Eric Larsson (acting secretary)

Members Absent: Gordon Smith, Sara Moppin and Chip Gavin

1. New Business

A. Conditional Use Appeal:

110 Cobb Avenue, Judith Raymond, owner, Tax Map 210, Block B, Lots 011 & 012, R-2 Residential Zone: The appellant is seeking a Conditional Use Appeal under section 14-78(a)(2) to add an accessory dwelling unit to her single family home. Representing the appeal is Tim Raymond. **The Zoning Board of Appeals voted 4-0 to grant the appeal to add an accessory dwelling to the single family home.**

Enclosure:

Decision for Agenda from July 18, 2013

One DVD

CC: Mark Rees, City Manager

Jeff Levine, AICP, Director Planning & Urban Development

Alex Jaegerman, Planning Division

Mary Davis, Housing and Neighborhood Services Division

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

R-2 Residential Zone Accessory Unit

Conditional Use Appeal

DECISION

Date of public hearing: July 18, 2013

Name and address of applicant: Timothy Raymond (on behalf of himself and
co-owner Judith Raymond)
110 Cobb Avenue
Portland, ME 04102

MARK BOWEN
WILLIAM GETZ (ACTING CHAIR)
KENT AVLEY
ERIC LARSSON (ACTING SECRETARY)

Location of property under appeal: 110 Cobb Ave.

For the Record:

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

TIM RAYMOND 110 COBB AVENUE (APPLICANT)

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

APPLICATION AS SUBMITTED

Findings of Fact and Conclusions of Law:

Applicant is proposing to add an accessory dwelling unit to his single family home in which he resides. The accessory dwelling will be used as a rental unit. The gross floor area of the principal building will be 2638 sq. ft. The proposed accessory unit would be 672 sq. ft. The lot area is 10,000 sq. ft.

A. Conditional Use Standards pursuant to Portland City Code §14-78(a)(2):

1. The accessory dwelling unit is within the building and clearly subordinate to the principal dwelling and is for the benefit of homeowners or tenants.

Satisfied Not Satisfied

Reason:

ADDENDUM & TESTIMONY SUPPORT FINDING
THAT PRINCIPAL STRUCTURE WITH GARAGE WILL TOTAL
2638 SF AND ACCESSORY UNIT WILL BE 672 SF WITH ROOFLINE
BELOW PRINCIPAL, EXISTING SINGLE FAMILY HOME AND SUBORDINATE
TO PRINCIPAL HOME & GARAGE

2. 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:

USING THE SQUARE FOOTAGE CALCULATIONS
IN A(1) ABOVE THE ACCESSORY UNIT
WILL BE APPROXIMATELY 24 PERCENT OF
THE PRINCIPAL STRUCTURE

3. Lot area shall be eight thousand (8,000) square feet for single-family dwellings in existence as of May 1, 1984, and lot area shall be ten thousand (10,000) square feet for single-family dwellings constructed after May 1, 1984.

Satisfied Not Satisfied

Reason:

SITE PLAN SHOWS 100' x 100' LOT
TOTALING 10,000 SF.

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

Satisfied Not Satisfied

Reason:

DRAWINGS & TESTIMONY INDICATE ALL STAIRWAYS ARE ENCLOSED & NONE ARE EXTENSION

5. 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:

DRAWINGS SHOW ADDITION TO BE COMPATIBLE WITH PHOTOS OF EXISTING SINGLE FAMILY DWELLING AND SURROUNDING HOMES

6. 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.

Satisfied Not Satisfied

Reason:

ADDITIONAL PARKING INCLUDES 2-CAR GARAGE THAT WILL FULLY SCREEN ADJACENT PROPERTIES & STREET WITH EXISTING VEGETATION TO SCREEN DRIVEWAY AREA

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:

APPLICANT TESTIMONY & SUPPORTING
LETTER STATE THAT APPLICANT CO-OWNER
DOES AND SHALL RESIDE IN THE
PRINCIPAL STRUCTURE

8. Parking shall be provided as required by division 20 of this article: One (1) additional off-street parking space for each new unit (14-332(a)(2)). Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed one (1) space for each dwelling unit.

Satisfied Not Satisfied

Reason: APPLICATION SHOWS ADDITION
OF TWO GARAGE SPACES
AS WELL

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

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

Yes No

Reason and supporting facts:

ABUTTING PROPERTIES HAVE ACCESSORY
DWELLING AND FULL APARTMENT
PER APPLICATION AND TESTIMONY

2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.

Yes ___ No

Reason and supporting facts:

APPLICATION AND TESTIMONY INDICATE IMPACT WILL BE THAT OF A RESIDENTIAL DWELLING. NO OPPOSING TESTIMONY

3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Yes ___ No

Reason and supporting facts:

APPLICATION & TESTIMONY INDICATE ACCESSORY DWELLING SIMILAR TO OTHER NEIGHBORING UNITS.

Conclusion: (check one)

Option 1: The Board finds that all of the standards (1 through 8) described in section A above have been satisfied and that not all of the conditions (1 through 3) described in section B above are present, and therefore GRANTS the application.

Option 2: The Board finds that while all of the standards (1 through 8) described in section A above have been satisfied, and not all of the conditions (1 through 3) described in section B above are present, 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 8) described in section A above have been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

Please note that, pursuant to Portland City Code 14-78(a)(2)(e), if approved the project shall be subject to article V (site plan) of this chapter for site plan review and approval.

Dated:


Board Chair

Members present: William Getz Acting Chair - Mark Bower -
Kent Avery - Eric Larsen - Acting Secretary

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Members absent: Gordon Smith - Sara Moppin & Chip

APPEAL AGENDA

Called to Order - 6:30pm

The Board of Appeals will hold a public hearing on Thursday, July 18, 2013 at 6:30 p.m. on the second floor in room 209 at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following appeal:

1. New Business

A. Conditional Use Appeal:

110 Cobb Avenue, Judith Raymond, owner, Tax Map 210, Block B, Lots 011 & 012, R-2

Residential Zone: The appellant is seeking a Conditional Use Appeal under section 14-78(a)(2) to add an accessory dwelling unit to her single family home. Representing the appeal is Tim Raymond.

2. Adjournment

7:00 PM

A-0
Granted



City of Portland Zoning Board of Appeals

July 10, 2013

Tim Raymond
110 Cobb Avenue
Portland, ME 04102

Dear Mr. Raymond,

Your Conditional Use Appeal has been scheduled to be heard before the Zoning Board of Appeals on **Thursday, July 18, 2013 at 6:30 p.m.** in room 209 located on the second floor of City Hall.

Please remember to bring a copy of your application packet with you to the meeting to answer any questions the Board may have.

I have included an agenda with your appeal highlighted, as well as a handout outlining the meeting process for the Zoning Board of Appeals.

I have also included the bill for the legal ad, the notices for the appeal and the processing fee. The check should be written as follows:

MAKE CHECK OUT TO: City of Portland
MAILING ADDRESS: Room 315, attn. Ann Machado
389 Congress Street
Portland, ME 04101

Please feel free to contact me at 207-874-8709 if you have any questions.

Sincerely,

Ann B. Machado
Zoning Specialist

Cc: File

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

RECEIPT OF FEES

Application No: 0000-1739	Applicant: TIMOTHY RAYMOND
Project Name: 110 COBB AVE	Location: 110 COBB AVE
CBL: 210 B011001	Application Type: Conditional Use
Invoice Date: 07/10/2013	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due		Payment Due Date
\$100.00		\$100.00		\$162.37		\$162.37		\$0.00		On Receipt

Previous Balance	\$100.00
Payment Received 7/1/2013 - Thank you	\$100.00

Fee Description	Qty	Fee/Deposit Charge
Processing Fee	1	\$50.00
Notices - ZBA	31	\$23.25
Legal Advertisements - ZBA	1	\$89.12
		\$162.37
Total Current Fees:	+	\$162.37
Total Current Payments:	-	\$162.37
Amount Due Now:		\$0.00

CBL 210 B011001
Bill to: TIMOTHY RAYMOND
 110 COBB AVENUE
 PORTLAND, ME 04102

Application No: 0000-1739
Invoice Date: 07/10/2013
Invoice No: 41774
Total Amt Due: \$0.00
Payment Amount: \$162.37

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

RECEIPT OF FEES

Application No: 0000-1739	Applicant: TIMOTHY RAYMOND
Project Name: 110 COBB AVE	Location: 110 COBB AVE
CBL: 210 B011001	Application Type: Conditional Use
Invoice Date: 07/01/2013	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$100.00		\$100.00		\$0.00	On Receipt

Previous Balance **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Appeal Application Fee	1	\$100.00
		<u>\$100.00</u>
Total Current Fees:	+	\$100.00
Total Current Payments:	-	\$100.00
Amount Due Now:		\$0.00

CBL 210 B011001
Bill to: TIMOTHY RAYMOND
 110 COBB AVENUE
 PORTLAND, ME 04102

Application No: 0000-1739
Invoice Date: 07/01/2013
Invoice No: 41671
Total Amt Due: \$0.00
Payment Amount:

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.



CITY OF PORTLAND, MAINE

Department of Building Inspections

Original Receipt

July 1 20 13

Received from Timothy Raymond

Location of Work 110 Cobb Ave

Cost of Construction \$ _____ Building Fee: _____

Permit Fee \$ _____ Site Fee: _____

Certificate of Occupancy Fee: _____

Total: 100.00

Building (11) _____ Plumbing (15) _____ Electrical (12) _____ Site Plan (12) _____

Other ZBA Conditional Use Appeal

CBL: 210-B-11

Check #: 746 Total Collected \$ 100.00

**No work is to be started until permit issued.
Please keep original receipt for your records.**

Taken by: ASU

WHITE - Applicant's Copy
YELLOW - Office Copy
PINK - Permit Copy

Ann Machado - RE: Zoning Board of Appelas Legal Ad

From: Joan Jensen <jjensen@mainetoday.com>
To: Ann Machado <AMACHADO@portlandmaine.gov>
Date: 7/8/2013 9:21 AM
Subject: RE: Zoning Board of Appelas Legal Ad
Attachments: Agenda july 12.pdf

Hi Ann,

All set to publish your ad on Friday, July 12.
The cost is \$89.12 includes \$2.00 online charge. I included a proof.
Thank you,
Joan

Joan Jensen
Legal Advertising
Portland Press Herald/Maine Sunday Telegram
295 Gannett Drive
South Portland, ME 04106
Tel. 207-791-6157
Fax: 207-791-6910
Email: jjensen@mainetoday.com

Portland Press Herald
Maine Sunday Telegram
www.pressherald.com

From: Ann Machado [mailto:AMACHADO@portlandmaine.gov]
Sent: Monday, July 08, 2013 8:47 AM
To: classified@mainetoday.com
Subject: Zoning Board of Appelas Legal Ad

Joan -

Attached is the Zoning Board f appeals legal ad for Friday, July 12, 2013.

Thanks.

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
199 A001001	UNITED STATES DEPARTMENT FEDERAL	PORTLAND, ME 04101	947 WESTBROOK ST	1
199 A001004	HAL ASSOCIATES	1011 WESTBROOK ST PORTLAND, ME 04102	318 YELLOWBIRD RD	1
199 A001006	HANGAR ASSOCIATES	42 MARKET ST PORTLAND, ME 04101	395 YELLOWBIRD RD	1
199 A001007	HANGER GROUP LLC	1001 WESTBROOK ST PORTLAND, ME 04102	389 YELLOWBIRD RD	1
199 A001008	AERO PORTLAND ME LLC	201 WEST STREET STE 200 ANNAPOLIS, MD 21401	261 YELLOWBIRD RD	1
199 A001009	HLJ ASSOCIATES	1011 WESTBROOK ST PORTLAND, ME 04102	329 YELLOWBIRD RD	1
207 A010001	PINGREE 2000 REAL ESTATE HOLDINGS LLC	600 CORPORATE PARK DR SAINT LOUIS, MO 63105	1128 WESTBROOK ST	1
210 A008001	CENTENARY METHODIST SALVATION ARMY	113 DR MANN RD SKOWHEGAN, ME 04976	117 COBB AVE	1
210 A010001	FOURNIER KATHERINE A	101 COBB AVE PORTLAND, ME 04102	101 COBB AVE	1
210 A014001	WILKINSON BARBARA	4435 SUMMERWOOD DR CUMMING, GA 30041	89 COBB AVE	1
210 A017001	BERRY DANIEL W	83 COBB AVE PORTLAND, ME 04102	83 COBB AVE	1
210 A019001	MOSCHETTO MARCUS L SR WWII BEATRICE MOSCHETTO JTS	73 COBB AVE PORTLAND, ME 04102	73 COBB AVE	1
210 B011001	RAYMOND JUDITH P	PO BOX 36 FRYEBURG, ME 04037	110 COBB AVE	1
210 B013001	AHMADOV TARLAN R & ZEMFIRA M AHMADOVA JTS	108 COBB AVE PORTLAND, ME 04102	108 COBB AVE	1
210 B015001	PROFENNO BERNICE M	96 COBB AVE PORTLAND, ME 04102	90 COBB AVE	1
210 B017001	LIBBY LAURENCE P	86 COBB AVE PORTLAND, ME 04102	86 COBB AVE	1
210 B020001	HIDER HEATHER R & BENJAMIN K HIDER JTS	76 COBB AVE PORTLAND, ME 04102	76 COBB AVE	1
210 B023001	AMERICAN MARTIAL ARTS FOUNDATION	70 COBB AVE PORTLAND, ME 04102	70 COBB AVE	1
210 B030001	HIDER MARK SMITH	1161 WESTBROOK ST PORTLAND, ME 04102	COBB AVE	1
210 B031001	COASTAL INDUSTRIES INC	ONE CANAL PLZ PORTLAND, ME 04101	COBB AVE	1
210A B004001	TOYE REALTY HOLDINGS II LLC	PO BOX 266 CAPE ELIZABETH, ME 04107	JETPORT BLVD	1
211 B005001	FIRST UNITED PENTECOSTAL CHURCH	1914 CONGRESS ST PORTLAND, ME 04102	1914 CONGRESS ST	1
212 A008001	FOLEY JOSPEH A & TRICIA P FOLEY JTS	65 COBB AVE PORTLAND, ME 04102	65 COBB AVE	1
212 A025001	CHRISTCHURCH OF PORTLAND	1900 CONGRESS ST PORTLAND, ME 04102	1888 CONGRESS ST	1
212 A049001	DAWSON ERIC J & KRISTINE A DAWSON JTS	45 TIDE MILL RD PORTLAND, ME 04101	45 TIDE MILL RD	1
212 A050001	KRITZER ROBERT M & BARBARA N JTS	59 TIDE MILL RD PORTLAND, ME 04102	59 TIDE MILL RD	1
212 A051001	TA HOANG & DANH LE JTS	67 TIDE MILL RD PORTLAND, ME 04102	67 TIDE MILL RD	1
212 A052001	WIPFLER W JOHN & VALERIE S LIBBY-WIPFLER JTS	71 TIDE MILL RD PORTLAND, ME 04102	71 TIDE MILL RD	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
212 A053001	LOSIER SHAWN F & KATHLEEN F LOSIER JTS	75 TIDE MILL RD PORTLAND , ME 04102	75 TIDE MILL RD	1
212 A054001	DOMAN REBECCA & ANTHONY DOMAN JTS	76 TIDE MILL RD PORTLAND , ME 04102	76 TIDE MILL RD	1
212 A055001	VAN VRANKEN JOHN B	72 TIDE MILL RD PORTLAND , ME 04102	72 TIDE MILL RD	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
Total Listed	31	UNITS	31	
