

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-sec
Peter Thornton
Kate Knox
Jill E. Hunter
David Dore, chair
Gordan Smith

December 10, 2007

David Morgan
Brooklawn Memorial Park
1994-2044 Congress Street
Portland, ME 04102

RE: 1994-2044 Congress Street
CBL: 211 A001, 209A A015, 211 A004, 214 A001 and 214 A004
ZONE: R1 & B4

Dear Mr. Morgan:

As you know, at its December 06, 2007 meeting, the board voted 6-0 and granted the Conditional Use Appeal.

Enclosed please find a copy of the board's decision.

The inspections office still needs an approved minor site plan, which is applied for in the Planning Department, located on the fourth floor, this will allow Inspections office to move forward on your ~~change of use~~ permit application (permit #071349).

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin
Office Assistant

Cc: file

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA

Decision

The Board of Appeals will hold a public hearing on Thursday, December 6, 2007 at 6:30 p.m. on the second floor, Room 209, City Hall, 389 Congress Street, Portland, Maine to hear the following appeals:

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: December 7, 2007

RE: Action taken by the Zoning Board of Appeals on December 6, 2007.

The meeting was called to order at 6:38pm.

Roll call as follows:

Members Present: David Dore, Jill Hunter, Phil Saucier, Kate Knox, Peter Thornton and Peter Coyne.

Members Absent: Gordan Smith.

1. New Business:

A. Conditional Use Appeal:

417 Auburn Street, Elizabeth A. & Douglas C. Andrews, owners, Tax Map #382 Block A Lot #009 in the R3 Residential Zone. The Appellants are seeking a Conditional Use Appeal under section 14-88 (a) 2 of the City of Portland Zoning Ordinance. Appellants are requesting a change of use from a single family home to a single family home with a secondary dwelling unit. The proposed unit will be located on the second floor and will occupy approximately 986 square feet of living space from the existing 4246 square feet. Representing the Appeal are the owners.

Board voted 6-0 and granted the Conditional Use Appeal.

B. Miscellaneous Appeal:

186-218 Woodford Street / 177-191 Beacon Street, Woodfords Congregational Church, United Church of Christ, owner, Tax Map #124 Block J Lot #005 in the B1 Neighborhood Business Zone, also in the B2 Business Community Zone and R5 Residential Zone is seeking a Miscellaneous Appeal under section 14-343 of the City of Portland Zoning Ordinance. Appellant is requesting joint use of parking spaces in the B2 zone, for the proposed change of use from a church to a school. Representing the appeal for the owners are the applicants Ben Walter, Linette George (Church Moderator), and Reverent Richard Weidlex. **Board voted 6-0 and granted the Miscellaneous Appeal.**

C. Conditional Use Appeal:

1994 - 2044 Congress Street, David R. Morgan / Brooklawn Memorial Park, owner, Tax Maps #211 Block A Lot #001, Map #209A Block A Lot #015, Map #211 Block A Lot #004, Map #214 Block A Lot #001 in the R1 Residential Zone and Tax Map #214 Block A Lot #004 in the B4 Commercial Business Zone. The Appellant is seeking a Conditional Use Appeal under section 14-68 (c) 2 of the City of Portland Zoning Ordinance. Appellant is proposing a new 60' x 80' maintenance building located on Tax Map #211 Block A Lot #001. Representing the Appeal is the owner and Todd Jensen, Superintendent. **Board voted 6-0 and granted the Conditional Use Appeal.**

2. Other Business:

3. Adjournment: 7:30pm

Enclosure:

Agenda of December 6, 2007

Copy of Board's Decision

CC: Joseph Gray, City Manager

Alex Jaegerman, Planning Department

Lee Urban, Planning & Development Director

T.J Martzial, Housing & Neighborhood Services

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

B-4 Commercial Business Zone (Cemetery Expansion):

Conditional Use Appeal

DECISION

Date of public hearing:

12/6/07

Name and address of applicant:

Brooklawn Memorial Park, David L. Morgan, 1994-2044 Congress Street, Portland

Location of property under appeal:

1994-2044 Congress Street, Portland, ME

For the Record:

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

Todd Jensen, ~~BB~~ Westbrook

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

Findings of Fact and Conclusions of Law:

A. Conditional Use Standards pursuant to Portland City Code §14-68(c)(2):

1. The use applied for is an expansion of a cemetery use.

Satisfied Not Satisfied

Reason: *Satisfied.*

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: *Maintenance building that is similar to maintenance buildings to other property of cemetery building.*

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

Yes No

Reason: *It won't change the amount or type of uses currently in place, no increased traffic or parking, etc.*

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

Yes No

Reason: *Nothing different about this maintenance building.*

Conclusion: (check one)

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

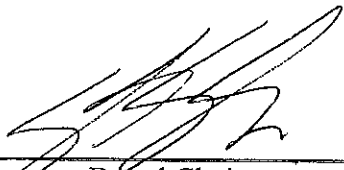
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Option 2: The Board finds that the standard described in section A above has been satisfied, and that while not all of the conditions (1 through 3) described in section B above are present, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

Option 3: The Board finds that the standard described in section A above has NOT all been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

Dated:

12/6/07



Board Chair