

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Kent Avery, Chair
Donna Katsiaficas, Secretary
Eric Larsson
Brandon Mazer
Joseph Zamboni

ZONING BOARD OF APPEALS DECISIONS FROM JANUARY 5, 2017

To: City Clerk
From: Christina Stacey, Zoning Specialist
Date: January 10, 2017
RE: Action taken by the Zoning Board of Appeals on January 5, 2017

Attendance: Kent Avery (chair), Donna Katsiaficas (secretary), Brandon Mazer, and Joseph Zamboni present; Eric Larsson absent.

1. New Business:

A. Conditional Use Appeal:

130 Vannah Avenue (93 Clifton Street), Elizabeth and Kenneth Harrington-Howes, owners, Tax Map 128, Block D, Lot 003, R-3 Residential Zone: The applicants are seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to their existing single-family home. Representing the appeal are the owners. ***The board of appeals voted 4-0 to grant the Conditional Use Appeal to add an accessory dwelling unit to the single-family home.***

B. Variance Appeal:

31 Warren Avenue, Harmonious Holdings, LLC, owner, Tax Map 292, Block D, Lot 010, B-4 Commercial Corridor Zone: The legal use of the property is a two family structure. Section 14-229.10 lists the uses allowed in the zone. Section 14-229.12 states “uses not expressly enumerated in section 14-229.11 as permitted uses are prohibited”. Residential uses are not listed as a permitted use; therefore this is a legal nonconforming use in the current zone. A third dwelling unit was added without a permit by a previous owner making the current use of the building nonconforming. The applicant is seeking a variance from section 14-382(c) which states in part: “no alterations, modifications or additions shall be made so as to increase...the degree of nonconforming use...” in order to legalize the third unit and change the legal use of the property to a three family. Representing the appeal is Sam Harmon, the sole member of Harmonious Holdings, LLC. ***The board voted 4-0 to deny the Variance Appeal to legalize the third dwelling unit and change the legal use of the property to a three family.***

2. Other Business:

A. Election of Chair and Secretary for the Zoning Board of Appeals – ***Tabled to the January 19, 2017 ZBA meeting by a vote of 4-0.***

3. Adjournment (meeting started at 6:30 PM; adjourned at 7:35 PM)

Enclosures:

1. DVD of 1/5/16 Meeting

cc: Jon Jennings, City Manager;
Michael Russell, Director Permitting & Inspections
Jeff Levine, Director Planning & Urban Development
Tuck O'Brien, City Planning Director
Mary Davis, Housing and Neighborhood Services Division