



Application for Exemption from Site Plan Review

Portland, Maine

Department of Planning and Urban Development, Planning Division and Planning Board

PROJECT NAME: Charles Messer

PROJECT ADDRESS: 1476 Forest Ave.

PROJECT DESCRIPTION: (Please Attach Sketch/Plan of Proposal/Development)

No Construction / Change of Use Sngl. Fam.
to Single Fam w/ Accessory Dwelling

CHART/BLOCK/LOT: 298-B-23

CONTACT INFORMATION:

OWNER/APPLICANT

Name: Charles Messer
Address: P.O. Box 1980
Portland, Me.
Zip Code: 04104
Work #: 252-7482
Cell #: Same
Fax #: _____
Home #: Same
E-mail: _____

CONSULTANT/AGENT

Name: _____
Address: _____
Zip Code: _____
Work #: _____
Cell #: _____
Fax #: _____
Home #: _____
E-mail: _____

Criteria for Exemptions:

(See Section 14-523 (4) on page 2 of this application)

- a) Is the proposal within existing structures?
- b) Are there any new buildings, additions, or demolitions?
- c) Is the footprint increase less than 500 sq. ft.?
- d) Are there any new curb cuts, driveways or parking areas?
- e) Are the curbs and sidewalks in sound condition?
- f) Do the curbs and sidewalks comply with ADA?
- g) Is there any additional parking?
- h) Is there an increase in traffic?
- i) Are there any known stormwater problems?
- j) Does sufficient property screening exist?
- k) Are there adequate utilities?

Applicant's Assessment Y(Yes), N(no), N/A

Yes
No
Yes
No
—
—
No
No
No
Yes
Yes

Planning Division Use Only

Yes
no
Yes
no
Yes
Yes
no
no
no
yes
yes

Planning Division Use Only

Exemption Granted ^{with condition} Partial Exemption _____ Exemption Denied _____

1. The applicant shall obtain all required building permits from Portland's Inspection Division

Planner's Signature Barbara Bartholdt Date Dec. 1, 2009

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 09-1322	Issue Date:	CBL: 298 B023001
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Location of Construction: 1476 FOREST AVE	Owner Name: MESSER CHARLES B	Owner Address: PO BOX 1980	Phone:
Business Name:	Contractor Name: Charles Messer	Contractor Address: P.O. Box 1980 Portland	Phone: 2072527482
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Dwellings	Zone: R-3

Past Use: Single Family Home	Proposed Use: Single Family Home w/ Accessory Dwelling unit - Change of use from single family home to Single Family home w/ accessory dwelling unit	Permit Fee: \$105.00	Cost of Work: \$105.00	CEO District: 5
Proposed Project Description: Change of use from single family home to Single Family home w/ accessory dwelling unit		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: Type:	
		Signature:	Signature:	
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)				
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied				
Signature: Date:				

Permit Taken By: Ldobson	Date Applied For: 11/19/2009	Zoning Approval		
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- This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
- Building permits do not include plumbing, septic or electrical work.
- Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan <i>except</i> <i>Submitted</i> Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>11/23/09</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Conditional Use <i>Accessory D.U.</i> <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied Date: <i>10/1/09</i>	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date:
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CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT ADDRESS DATE PHONE

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE DATE PHONE

Planning Barbara Barhydt

December 1, 2009

Jean Fraser presented the plans at the 11/25/09 development review meeting. There is a single family house and there were 2 illegal apartments in the rear extension. The change of use is eliminating one of the apartments. Zoning Board of Appeals has approved the single family house with one accessory unit.

The site plan shows 5 parking spaces and a garage. Only 2 parking spaces are required for the use. There is sufficient space for the two required parking spaces.

At the development review meeting, Alexander Jaegerman, Planning Division Director, and Thomas Errico, Consulting Traffic Engineer, found the plan to be acceptable.

The request for an exemption of site plan review is granted with one condition of approval:

1. The applicant shall obtain all required building permits from Portland's Inspection Division.

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-chair
Jill E. Hunter
Gordan Smith-secretary
William Getz
Trish McAllister
Sara Moppin

October 5, 2009

Charles B. Messer
P.O. Box 1980
Portland, ME 04102

RE: 1476 Forest Avenue
CBL: 298 B023
ZONE: R-3

Dear Mr. Messer:

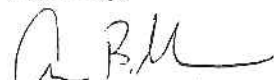
As you know, at the October 1, 2009 meeting, the Zoning Board voted 6-0 to grant your Conditional Use Appeal to add an accessory dwelling unit to your single family dwelling.

Enclosed is the Zoning Board of Appeals decision. You are now required to submit a Change of Use permit to add the accessory dwelling unit to your single family dwelling. Enclosed is an application for your change of use. You have six months from the date of this letter, referenced under section 14-474 (f), to apply for the change of use, or your Zoning Board approval will expire.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions, please feel free to contact me at 207-874-8709.

Sincerely,


Ann B. Machado
Zoning Specialist

Cc: file

11/12/09 - I left
a message with the
owner stating
(reminding) that a
building permit was
required for the change
of use or the permission from
ZBA will expire

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: October 5, 2009

RE: Action taken by the Zoning Board of Appeals on October 1, 2009.

Members Present: Phil Saucier (chair), Gordon Smith (secretary), Sara Moppin, Peter Coyne, Trish McAllister, and William Getz.

Members Absent: Jill Hunter

1. New Business:

A. Conditional Use Appeal:

1472-1478 Forest Avenue, Charles B. Messer, owner, Tax Map 298, Block B, Lot 023, R-3 Residential Zone: The appellant is seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to his single family dwelling. Representing the appeal is the owner. **The Board voted 6-0 to grant the conditional use appeal.**

Enclosure:

Agenda of October 1, 2009

Original Zoning Board Decision

One dvd

CC: Joseph Gray, City Manager

Penny St. Louis Littell, Director, Planning & Urban Development

Alex Jaegerman, Planning Division

T.J. Martzial, Housing & Neighborhood Services Division

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

R-3 Residential Zone Accessory Unit:

Conditional Use Appeal

DECISION

Date of public hearing: October 1, 2009

Name and address of applicant: Charles Messer
1476 Forest Ave.
Portland, ME

Location of property under appeal: 1476 Forest Ave.

For the Record:

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

Charles MESSER, Applicant
Michael ~~Zak~~ Bowdler (proponent)

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

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 total floor area of the house is 3,456 sq. ft. The floor area of the accessory unit would be 583 sq. ft., which equals 17% of the gross floor area of the house. There will be no open outside stairways or fire escapes above the ground floor. The lot size is 13,168 sq. ft.

A. Conditional Use Standards pursuant to Portland City Code §14-88(a)(2):

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:

Drawings & Testimony indicate compliance

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

Satisfied Not Satisfied

Reason and supporting facts:

submitted per drawings & testimony

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:

submitted per drawings & testimony

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:

Per testimony + plans

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:

~~Principal Dwelling Unit~~ → ~~Dwellings~~

Principal unit will remain over 1,000 sq. ft., per testimony.

6. Parking shall be provided as required by division 20 of this article: 1 off-street parking space per new unit (14-332(a)(2)).

Satisfied Not Satisfied

Reason and supporting facts:

7 or 8 Available Spaces per
Drawing + testimony

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:

accessory ~~unit~~ will be occupied by applicant/owner as primary residence

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:

standard single family home w/ accessory unit per plans / 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:

existing use that exists

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:

No evidence of different impacts

Conclusion: (check one)

Option 1: The Board finds that all of the standards (1 through 7) 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 all of the standards (1 through 7) described in section A above have 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 not all of the standards (1 through 7) 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 14-88(a)(2)(i), if approved the project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

1. 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; and
2. 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.

Dated: 10.1.09


Board Chair

7 Sep 09

Charles B Messer
1476 Forest Ave
PO Box 1980
Portland Me 04104
Phone 207 252 7482

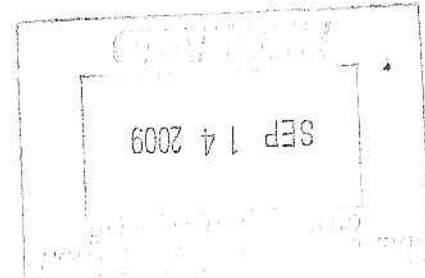
Ms. Ann Machado Zoning Specialist
Planning & Development Department
Housing & Neighborhood Division
Portland City Hall
389 Congress Street Portland Maine 04101

Dear Ann:

This applies to have an Inlaw Unit at 1476 Forest Avenue, Portland Maine. The unit would occupy the upper floor of the rear block 'B' shown on the drawings and its floor area would amount to 17 % of the remaining floor area of the remaining principle building,

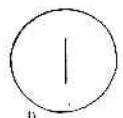
Enclosed is a check for \$ 100 and eleven copies of the following documents:

This letter
Form of application
Building photograph from front
Ditto from above
Ditto from north
Site plan
Bird's eye view diagram
Main floor plan
Upper floor plan
Deed of ownership
City tax block plan



Referring specifically to the Code of Ordinances handed to me the proposed Inlaw unit would conform exactly with these regulations as follows:

- 2 a. The unit would be in floor area 583 sf which would amount to 17 % of the remaining principle living space floor area of 3456 sf. All of the unit's floor would be above any adjacent grade level.
- b. There would be no outside stairways or fire escapes above ground level.
- c. There would be no alterations of any kind to the exterior of the existing building so the exterior of the building would remain the style of a single family dwelling.



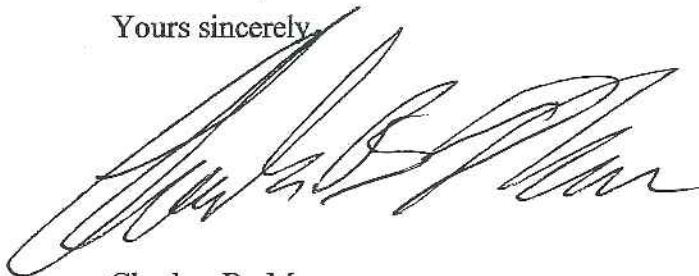
- d. The lot size is 13,168 s.f. well above the required 6,500 s.f.
- e. The principle dwelling unit's remaining floor area would be 3039 less 583 equals 2456 square feet..
- f. The space available for parking amounts to more than twice the three vehicles required.
- g. The exterior of the building will stay exactly the same as is existing which is compatible with a single family dwelling. The parking spaces are already landscaped to screen from The neighboring property. The Inlaw Unit will be occupied by The owner only.

Referring specifically to the "Standards" included on the application sheet
(a) (b) (c):

No part of the Inlaw Unit would adversely affect the existing Environment or well being of the surrounding property or public. See enclosed documents.

I appreciate the close attention you are giving this project. At your earliest convenience please let me know of any further data you may require.

Yours sincerely,



Charles B. Messer

CBM/mb

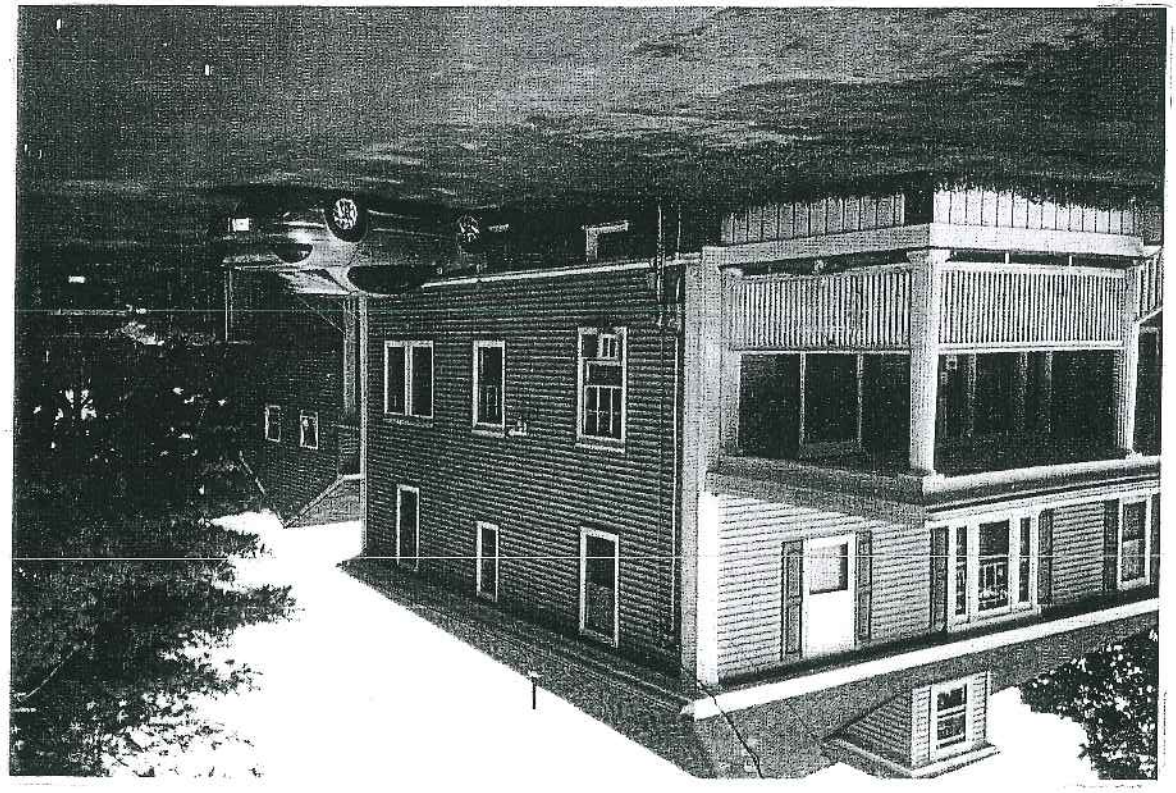
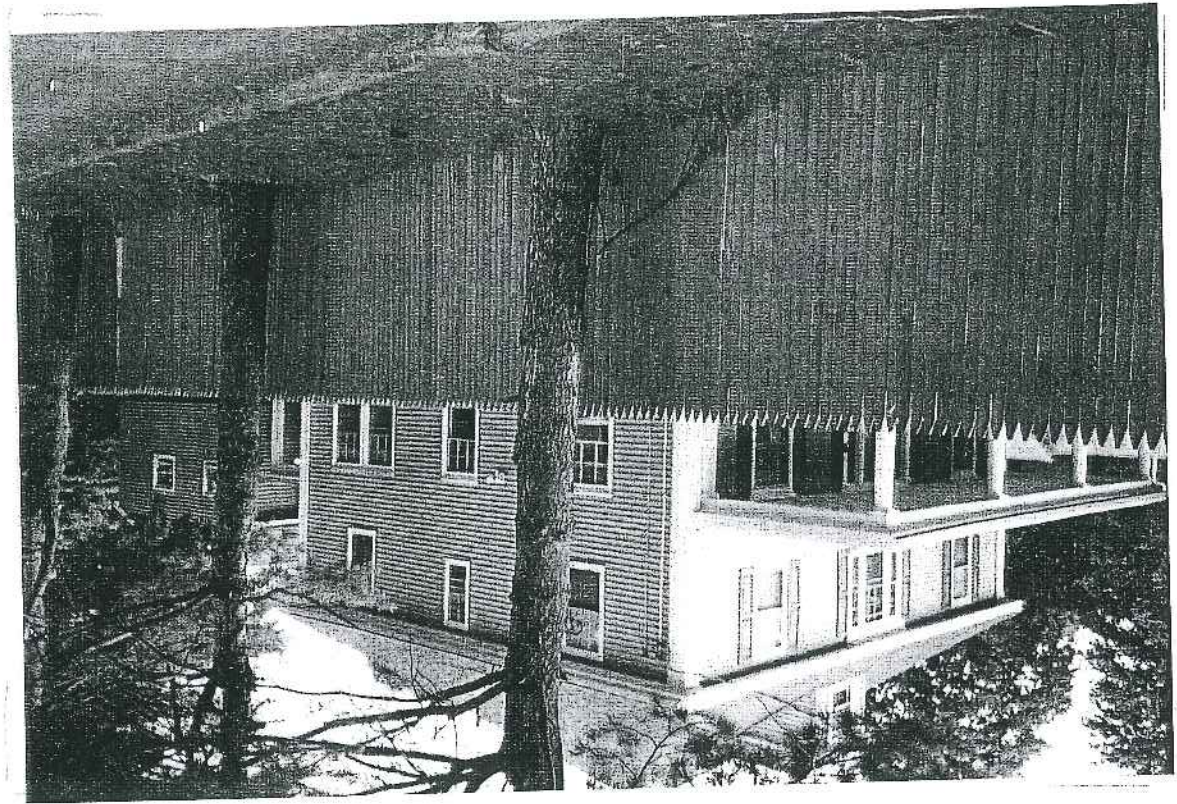
PS: The only construction involved with this proposal is to add kitchen equipment into the proposed Inlaw Unit. So the present single family exterior appearance would not be compromised in any way.



5-103 7/21/10

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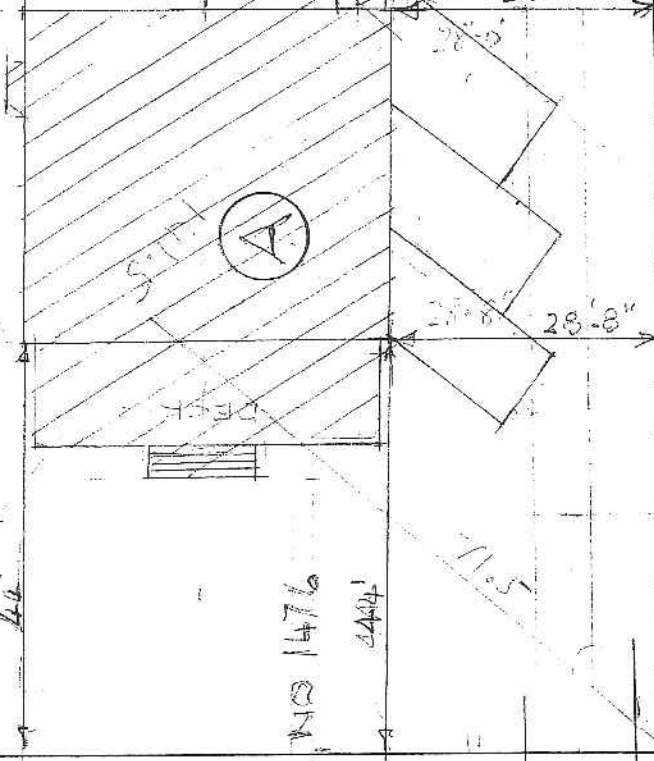
CONSTN. NORTH
TRUE ANG

132'

72.5'

53.3'

PROPOSED INLAW
UNIT UPPER FLOOR



93'

NO 1476

1444

1/3 ACRE

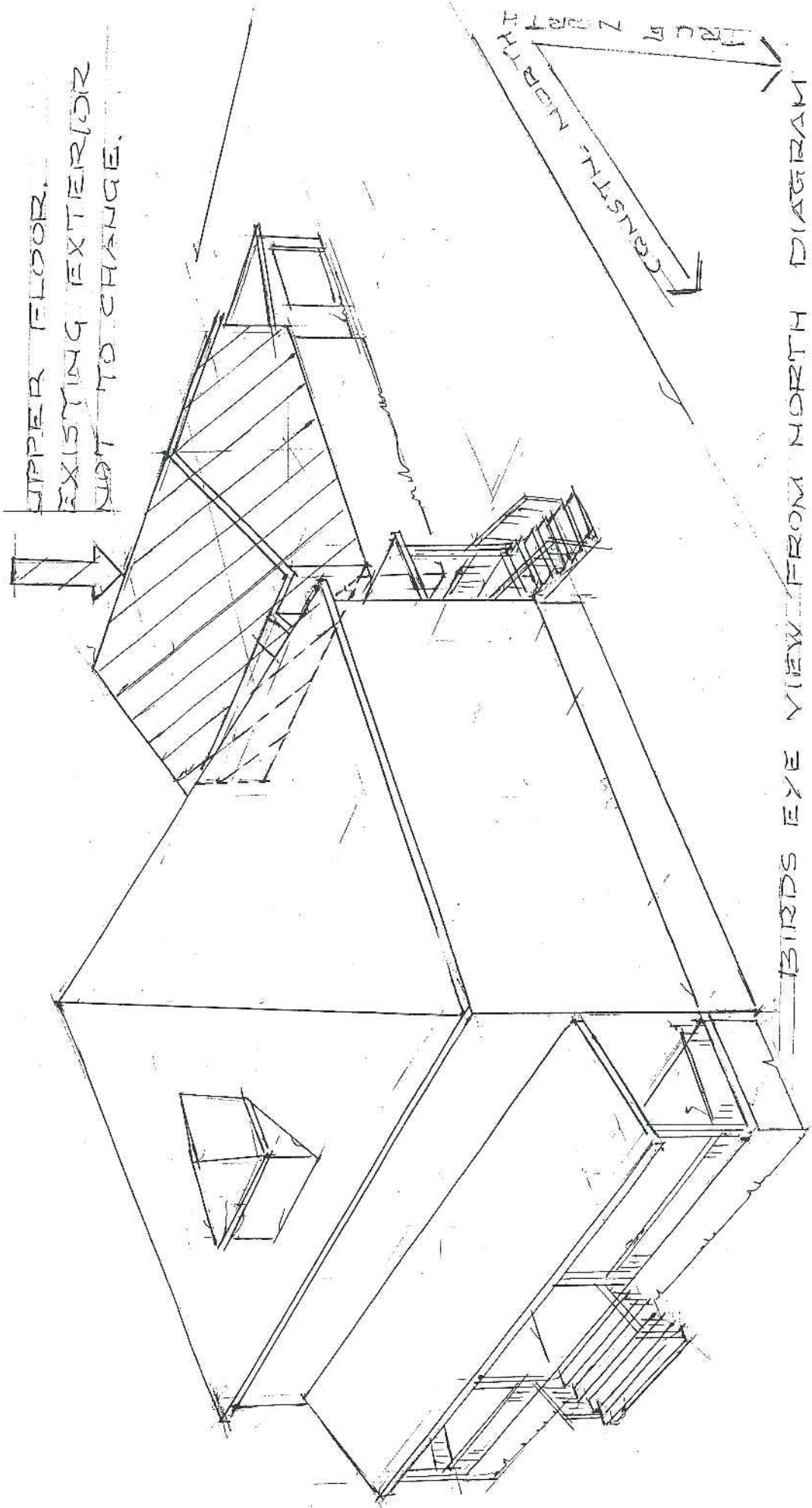
SITE PLAN SC: 1" = 20' SITE AREA 13,168 SF ±

CONDITIONAL ZONING USE APPEAL APPLICATION DATED 21 AUG 09
FROM CHARLES B MESSER 1476 FOREST AVE PORTLAND ME
PO BOX 198 PORTLAND ME PHONE 207 252 7482 OWNER
PROPOSED INLAW UNIT

7

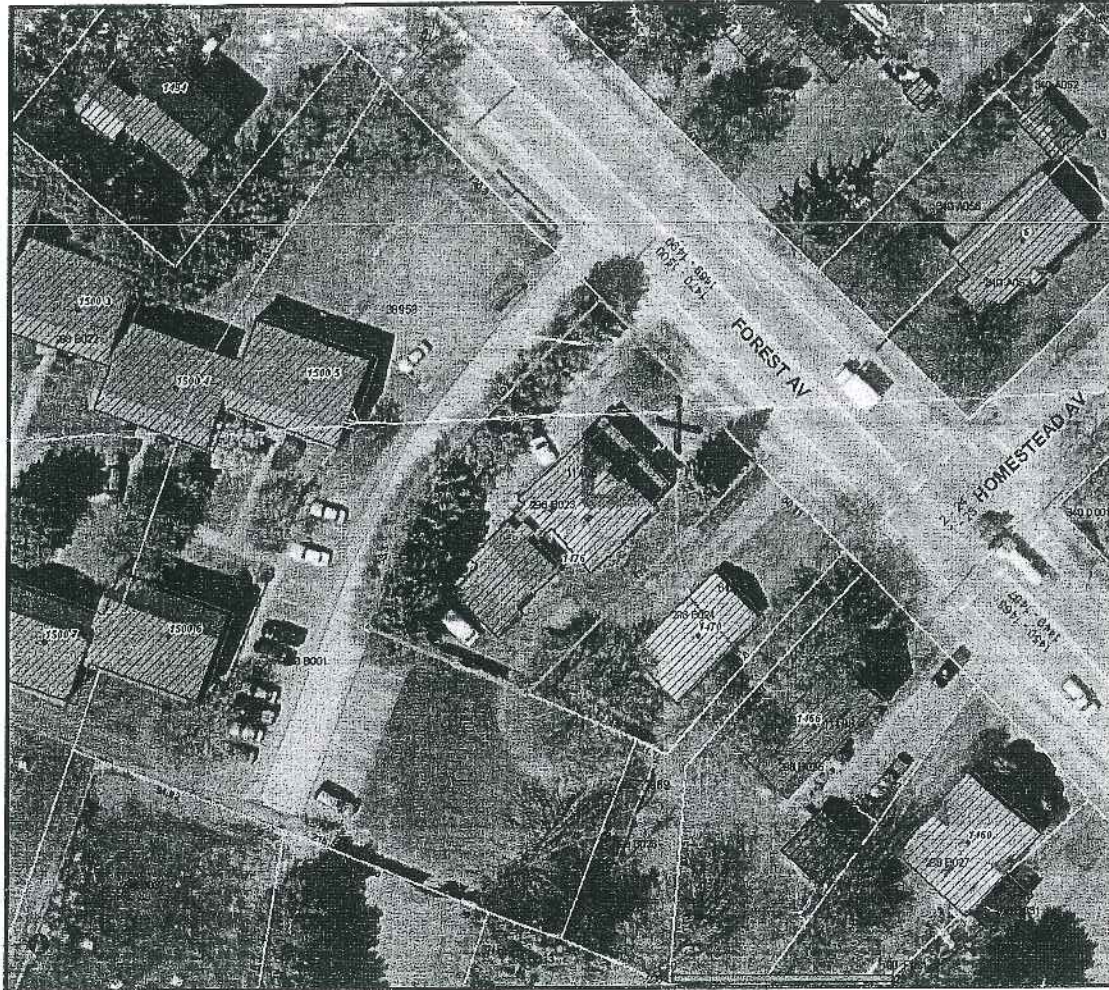
FOREST AVENUE

PROPOSED INLAW UNIT



CONDITIONAL ZONING USE APPEAL APPLICATION DATED 21 AUG 0
FROM CHARLES B MESSER 1476 FOREST AVE PORTLAND ME
PO BOX 198 PORTLAND ME PHONE 207 252 7482 OWNER
PROPOSED INLAW UNIT

*Several other multiple family units
in this vicinity*



City of Portland
GIS



DISCLAIMER: This is a product of the City of Portland MIS Department. The data depicted here have been developed with cooperation from other federal, state and local agencies. The City of Portland expressly disclaims responsibility for damages or liability that may arise from the use of this map.

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04101



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