



APPLICATION FOR EXEMPTION FROM SITE PLAN REVIEW

Brian Stone
Applicant

12/11/07
Application Date

P.O. Box 1073, Portland, ME 04104
Applicant's Mailing Address

Project Name/Description

1920 Forest Ave
Address of Proposed Site

Address of Proposed Site

CBL: 324-A-001

Description of Proposed Development:
Change of use from single family to one retail space to a two family
no construction - to meet to ZBA for practical difficulty for lot size -
area of change of use is first floor (983 sq ft)

Please Attach Sketch/Plan of Proposal/Development

Criteria for Exemptions:
See Section 14-523 (4) on back side of form

Applicant's Assessment (Yes, No, N/A)	Planning Office Use Only
	X
	N/A
	✓
	✓
	✓
	✓
	✓
	✓

- a) Within Existing Structures; No New Buildings, Demolitions or Additions
- b) Footprint Increase Less Than 500 Sq. Ft.
- c) No New Curb Cuts, Driveways, Parking Areas
- d) Curbs and Sidewalks in Sound Condition/Comply with ADA
- e) No Additional Parking/ No Traffic Increase
- f) No Stormwater Problems
- g) Sufficient Property Screening
- h) Adequate Utilities

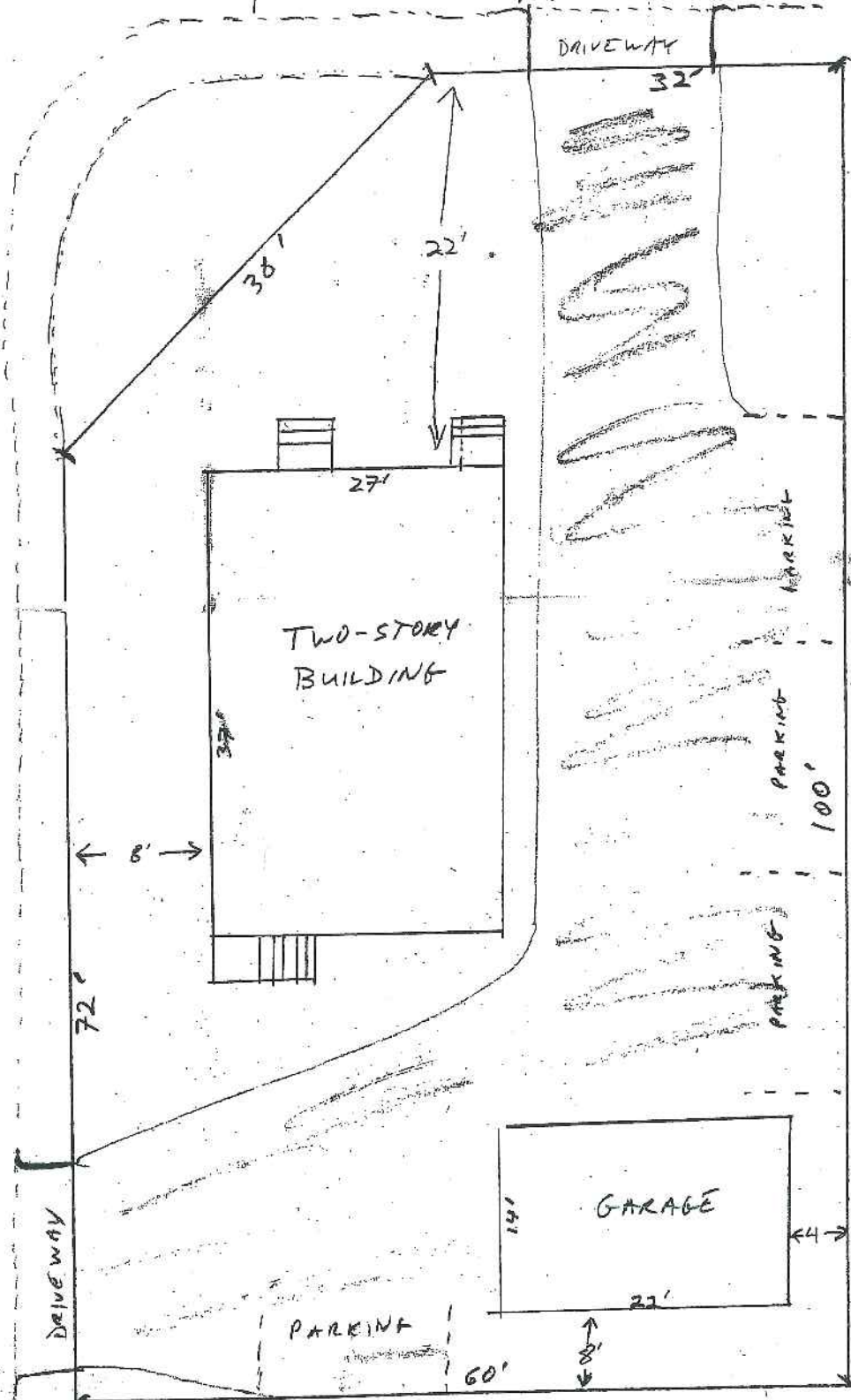
Planning Division Use Only

Exemption Granted Partial Exemption _____ Exemption Denied _____

Planner's Signature: Barbara Bachright Date 12/11/07

FOREST AVENUE

RIVERSIDE STREET



DEPT. OF B. & C.
CITY OF
SEP 1 9 2007

PLOT PLAN OF 1920 FOREST AVE.

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

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

September 24, 2007

Kelley Moses & Brian Stone
48 Bramhall St.
Portland, ME 04102

RE: 1918-1920 Forest Ave.
CBL: 324 A001
ZONE: B2

Dear Ms Kelley & Mr. Stone:

As you know, at its September 20, 2007, meeting, the board voted 4-0 to grant the Practical Difficulty Variance Appeal.

I am enclosing your Certificate of Variance Approval; **the original must be recorded in the Cumberland County Registry of Deeds within 90 days of September 25, 2007, when it was signed.** Failure to record the Certificate will result in its being voided.

Enclosed please find please find the billing for the Zoning Board Appeals legal ad and abutter's notification also a copy of the Board's decision; along with a building permit to submit to the inspections office for your change of use from one retail space and one dwelling unit to two dwelling units. You have six months from the date of this letter, referenced under section 14-474 (f) to apply for the change of use permit.

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

Sincerely,



Gayle Guertin
Office Assistant

Cc: Richard Bryant, Attorney
File

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, September 20, 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: September 21, 2007

RE: Action taken by the Zoning Board of Appeals on September 20, 2007.

The meeting was called to order at 6:45pm.

Roll call as follows:

Members Present: Philip Saucier (acting chair), Jill Hunter, Peter Coyne and Gordon Smith.

Members Absent: Kate Knox, Peter Thornton and David Dore.

1. Old Business:

A. Interpretation Appeal:

69 George Street, Janet Kantz, owner, Tax Map #157 Block A Lot 004 in the R3 Residential Zone. The Appellants are seeking an Interpretation Appeal concerning the construction of a new house located at 69 George Street in regards to sections 14-47, the definitions of front and side setbacks; 14-86, the purpose statement of the R-3 zone; 14-87 (a) 5 - single family, single component manufactured housing placement on the lot; and 14-90 (f) the minimum lot width requirement of 65 feet. Representing the appeal is the applicant / abutter, Dale and Pricilla Doucette located at 79 George Street. Continued from the meeting of August 16, 2007, to discuss retaining wall setbacks. Continued from the meeting of September 6, 2007, due to a lack of quorum of the members who heard the original appeal. **Board voted 4-0 and denied part one and denied part two of the Interpretation Appeal.**

2. New Business:

A. Practical Difficulty Variance Appeal:

1918-1920 Forest Avenue, Kelley Moses and Brian Stone, owners, Tax Map # 324 Block A Lot #001, in the B2 Business Zone. The Appellant is seeking a Practical Difficulty Variance Appeal. The property is located in a B-2 zone which allows residential uses (14-182 (a)) permitted in the closest residential zone, which in this case is R-5. The B-2 zone (14-185) also refers to the closest residential zone for the dimensional requirements. Appellant is requesting a change of use from one retail space and one dwelling unit to two (2) dwelling units. Section 14-120 (a) & (b) of the R-5 zone requires a minimum of 6,000 square foot of land area instead of the approximate 5,608 square foot shown. Representing the owners for the appeal is the attorney Richard Bryant. **Board voted 4-0 and granted the Practical Difficulty Variance Appeal.**

B. Conditional Use Appeal:

136 Ocean Avenue, Diane Gullikson, owner Tax Map #138 Block D Lot #028 in the R5 Residential Zone. The Appellant is seeking a Conditional Use Appeal under section 14-118 (c) 3 of the City of Portland Zoning Ordinance. Appellant is requesting a Change of Use from a single

family home to single family home and a daycare facility for up to twelve children. Representing the Appeal is Roxanne Gullikson (daughter of the owner). **Board voted 4-0 and granted the Conditional Use Appeal.**

3. Other Business: None

4. Adjournment: 8:00pm

Enclosure:

Agenda of September 20, 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

"Practical Difficulty" Variance Appeal

DECISION

Date of public hearing: 9-20-07

Name and address of applicant: Kelley Moses & Brian Stone

Location of property under appeal: 1918-1920 Forest Ave
324 A 001

For the Record:

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

Richard Bryant 20 Junk St Portland
c/o Van Meer & Belanger

Todd Closson 745 Riverside St Portland

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

various photos
plot plan
deed description showing 60x100

Findings of Fact and Conclusions of Law:

"Practical Difficulty" Variance standard pursuant to Portland City Code §14-473(c)(3):

1. The application is for a variance from dimensional standards of the zoning ordinance (lot area, lot coverage, frontage, or setback requirements).

Satisfied Not Satisfied

4-0

Reason: Lot, which was 6000sf, reduced to 5604

2. Strict application of the provisions of the ordinance would create a practical difficulty, meaning it would both preclude a use of the property which is permitted in the zone in which it is located and also would result in significant economic injury to the applicant. "Significant economic injury" means the value of the property if the variance were denied would be substantially lower than its value if the variance were granted. To satisfy this standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

4-0

Satisfied Not Satisfied

Reason: use currently

3. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

4-0

Satisfied Not Satisfied

Reason:

4-0

4. The granting of the variance will not produce an undesirable change in the character of the neighborhood and will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties.

Satisfied Not Satisfied

Reason: no effect by

4-0

5. The practical difficulty is not the result of action taken by the applicant or a prior owner.

Satisfied Not Satisfied

Reason: City road widening project

4-0

6. No other feasible alternative is available to the applicant, except a variance.

Satisfied Not Satisfied

Reason: Owner tried other options

4-0

7. The granting of a variance will not have an unreasonably adverse effect on the natural environment.

Satisfied Not Satisfied

Reason: no environment

4-0

8. The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. § 435, nor within a shoreland zone or flood hazard zone.

Satisfied Not Satisfied

Reason:

Conclusion: (check one)


4-0

Option 1: The Board finds that the standards described above (1 through 8) have been satisfied and therefore GRANTS the application.

Option 2: The Board finds that while the standards described above (1 through 8) have been satisfied, 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 standards described above (1 through 8) have NOT all been satisfied and therefore DENIES the application.

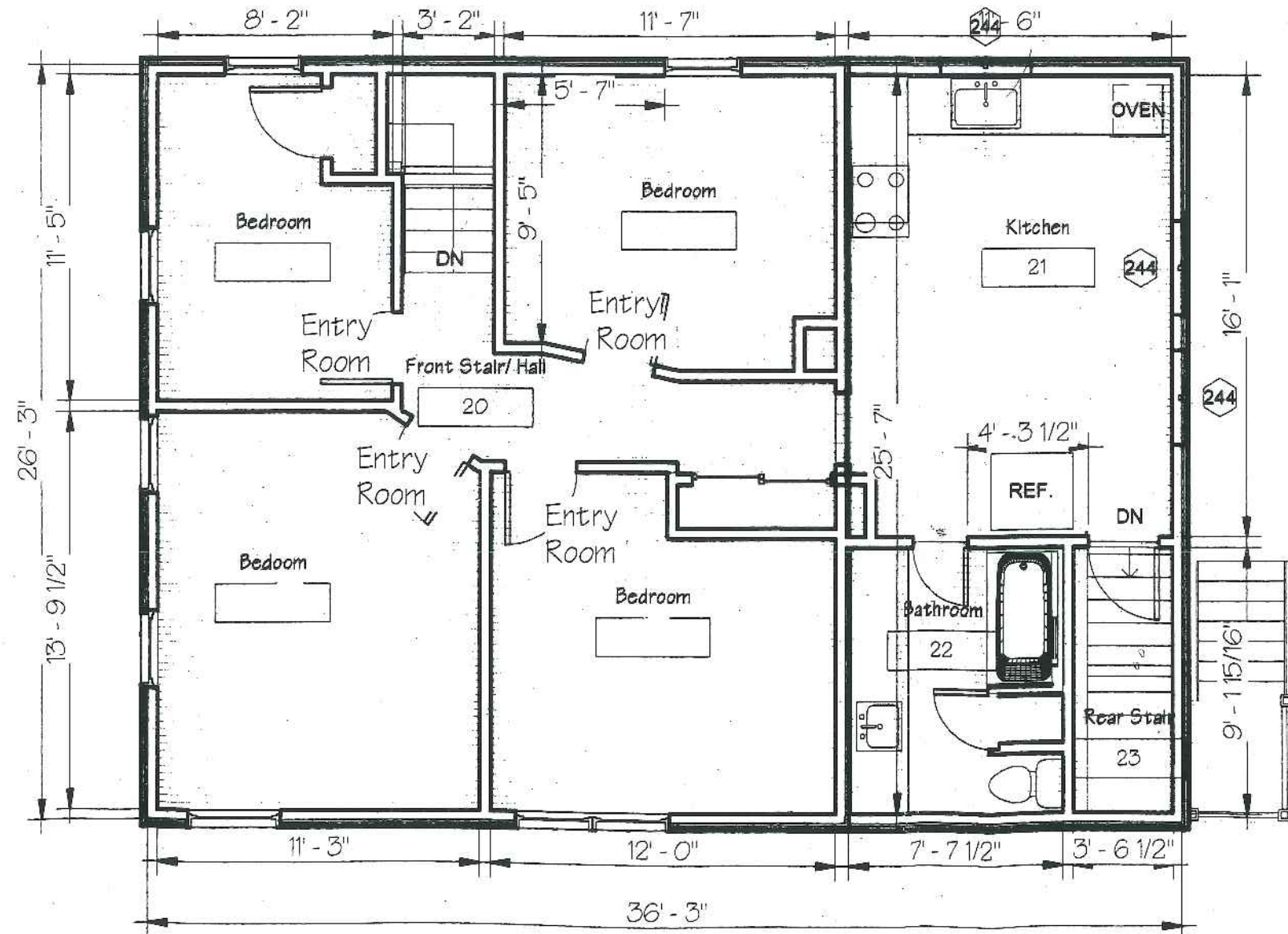
Dated: 9-20-07



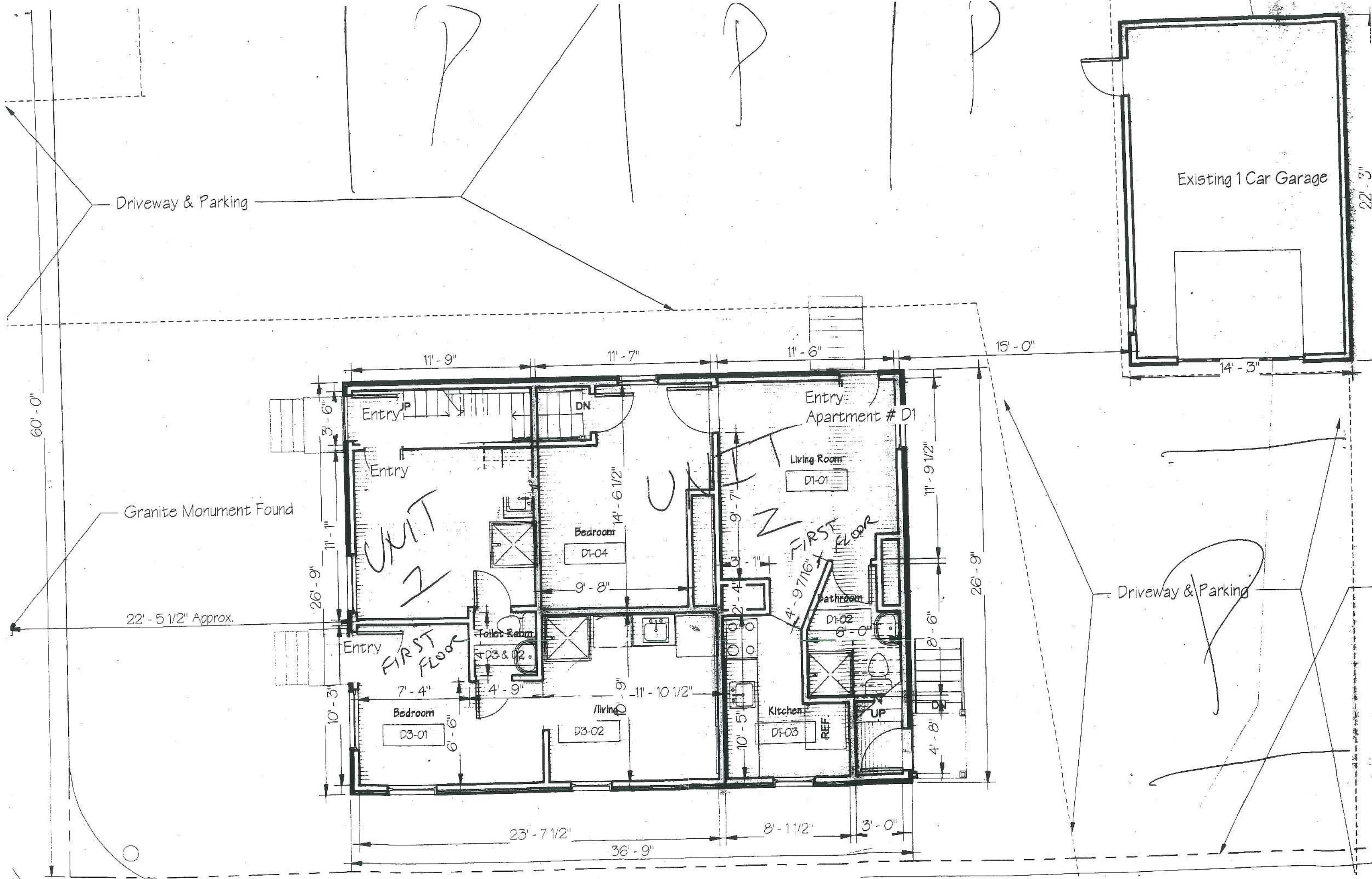
Board Chair

Approx. Property Line
(per deed description)

2nd
FLOOR
UNIT 1



Approx. Property Line
(per deed description)



Driveway & Parking

Existing 1 Car Garage

Granite Monument Found

Driveway & Parking

UNIT 2

FIRST FLOOR

FIRST FLOOR

Entry Apartment # D1

Entry

Entry

Living Room

Bedroom

Bathroom

Toilet Room

Bedroom

Living

Kitchen

UP

DN

D1-04

D1-01

D1-04

D1-02

D3-01

D3-02

D1-03

REF.

60'-0"

22'-5 1/2" Approx.

11'-9"

11'-7"

11'-6"

15'-0"

26'-9"

11'-1"

3'-6"

3'-6"

10'-3"

7'-4"

4'-9"

11'-10 1/2"

10'-5"

11'-9 1/2"

26'-9"

8'-6"

4'-8"

23'-7 1/2"

36'-9"

8'-1 1/2"

3'-0"

14'-3"

22'-3"