

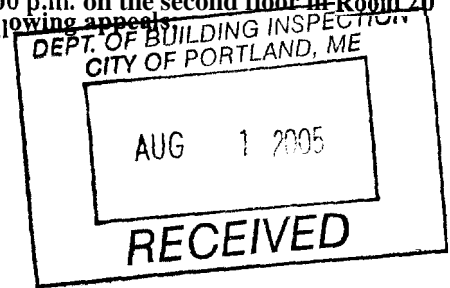
CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, July 7, at 7:00 p.m. on the second floor in Room 20⁹ at the Portland City Hall 389 Congress Street, Portland, Maine to hear the following appeals.

To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: July 7, 2005
RE: Action taken by the Zoning Board of Appeals on July 7, 2005



The meeting was called to order at 7:05p.m.

Roll call as follows:

Members present: William Hall, Patrick Santerre, Peter Thomton, David Dore (acting secretary).

Members Absent: Catherine Alexander (maternity leave) Kate Knox, Derek Gamble (recently resigned).

APPEAL AGENDA

1. Old Business:

A. Practical Difficulty Variance Appeal:

40 Leland Street / 1-9 Mabel Street, David and Andrea Oshana, owners Tax Mar. #133 Block C Lot #010 in the R-5 Residential Zone. are seeking a Practical Difficulty Variance Appeal from section 14-117 of the City of Portland Zoning Ordinance. The appellant proposes to convert the attached carriage house into a fourth residential unit. The property is legally non-conforming for use as a three multi-family dwelling. The current R-5 Zone requires a minimum lot area of 6,000 square feet per dwelling unit or 24,000 square feet of total land area. The Appellant has 12,300 square feet of lot area. Representing the appeal is John B. Shumadine from Murray Plumb Murray, Attorneys at Law. **Board tabled 4-0 without prejudice.**

B. Conditional Use Appeal:

152 Tucker Avenue, Catherine Laferriere & Elizabeth Ward, owners; Tax Map #330 Block B Lot #015 in the R2 Residential Zone are seeking a Conditional Use Appeal under section 14-78(2) (a) of the City of Portland Zoning Ordinance. Appellant is proposing to build a 784 square foot addition for the elderly parents that require nursing care. The primary residence is 2,688 square feet. The owners are representing the Appeal. **Board voted 4-0 and granted the Conditional Use Appeal.**

2. New Business:

A. Miscellaneous Appeal:

73 Congress Street, Muniy Hill Restorations, LLC, owner (Tax Map #014, Block F, Lot #021) located in the B 1-b Neighborhood Business Zone are seeking a Miscellaneous Appeal under section 14-334 of the Zoning Ordinance. Appellant request permission to allow a family restaurant with 865 square feet of floor area. Appellant has permission to lease up to (6) spaces at 118 Congress Street, which is 425 feet away from the restaurant instead of within 100 feet as required. Representing the appeal is the Lessee, Harding Smith, The Front Room, LLC,. **Board voted 4-0 and granted the Miscellaneous Appeal with conditions that the leases for the parking spaces be prior to granting the building permit.**

B. Conditional Use Appeal:

73 Congress Street, Munioy Hill Restorations, LLC. owner (Tax Map #014, Block F, Lot #021) located in the B1-b Neighborhood Business Zone are seeking a Conditional Use **Appeal** under section 14-163(a) of the Zoning Ordinance. Appellant request permission for a street level neighborhood restaurant; hours of operation will be 7:00am to 9:00pm, with a floor area of 865 square feet. The city council recently approved for a zone change from R-6 to B1-b Zone on June 6, 2005. Representing the appeal is the Lessee, Harding Smith, The Front Room, LLC,. **Board voted 4-0 and granted the Conditional Use Appeal.**

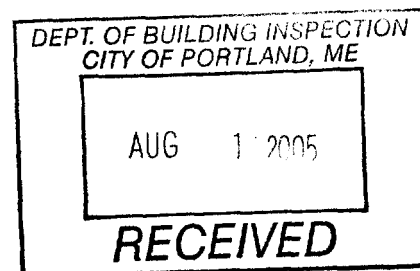
3. **Other Business: None**

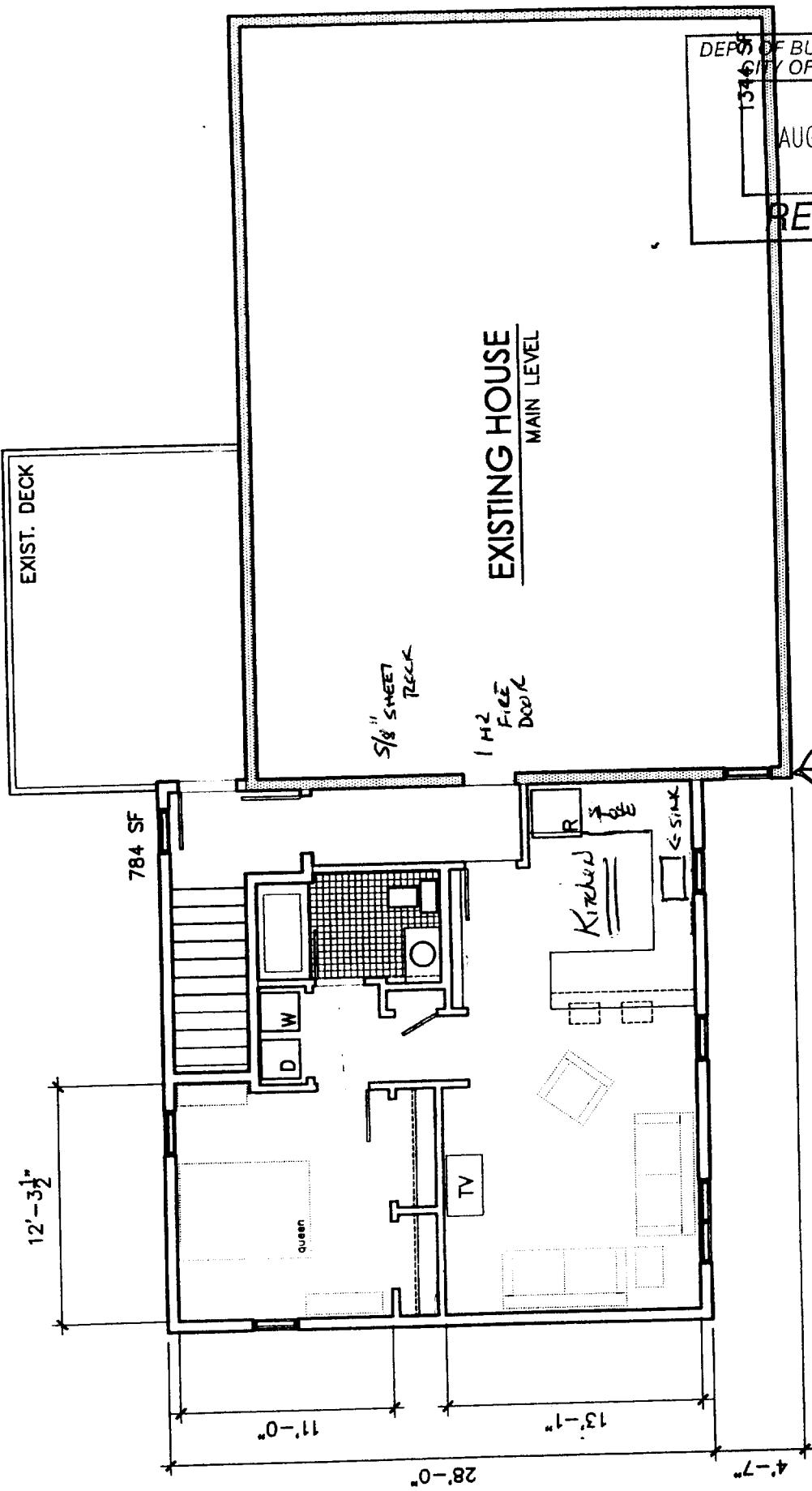
4. **Adjournment: 8:35pm**

Enclosure:

Agenda of July 7, 2005
Copy of Board's Decision
1 standard size tapes

CC: Joseph **Gray**, City Manager
Alex **Jaegerman**, Planning Department
Lee **Urban**, Planning & Development Director
Aaron **Shapiro**, Housing & Neighborhood Services





DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND, ME
1346
AUG 1 2005
RECEIVED

EXISTING HOUSE
MAIN LEVEL

EXISTING SHEATHING
3/4 - 1" AIR SPACE

WARD-LAFERRIERE ADDITION
05.04.2005
CHRISTOPHER M. DELANO, architect

B

AUG 1 2005

RECEIVED

6.

7.

Findings of Fact

1. PROPERTY IS IN R-2 ZONE, 4-0

2. 781 sq ft / 2688 sq ft < 30%

3. GROSS FLOOR AREA ^{LOT} 12,527 sq ft

4. NO OUTSIDE STAIRCASES OR FIRE ESCAPES ABOVE GROUND FLOOR

5. THE ARCHITECTURAL STYLE ^{OF THE} IS COMPATIBLE WITH EXISTING STRUCTURE.

6. PARKING AREAS ARE PROPERLY SCREENED + COMPLY WITH DIVISION 20

7. THE OWNER OF PRINCIPAL LOT PROPERTY WILL OCCUPY PRINCIPAL STRUCTURE

ALL
AGREED
4-0

Approval and Conclusions of Law

A. Conditional Use Standards (Portland City Code Sec. 14-474):

4-0

1. The proposed conditional use ⁽¹⁾ is not permitted under Section 14-76 of the Zoning Ordinance, for the following reason(s):

City of Portland, Maine - Building or Use Permit

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

Permit No: 05-0784	Date Applied For: 06/16/2005	CBL: 330 B015001
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Location of Construction: 152 TUCKER AVE	Owner Name: LAFERRIERE CATHERINA R &	Owner Address: 152 TUCKER AVE	Phone:
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Business Name:	Contractor Name: James Gagne	Contractor Address: Biddeford	Phone: (207) 229-8277
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Lessee/Buyer's Name	Phone:	Permit Type: Additions - Dwellings
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Proposed Use: Single Family Home/ Build 28' x 28' attached Garage w/living space	Proposed Project Description: Build a 28' x 28' attached Garage w/ living space above
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Dept: Zoning Status: Approved with Conditions Reviewer: Jeanine Bourke Approval Date: 07/05/2005

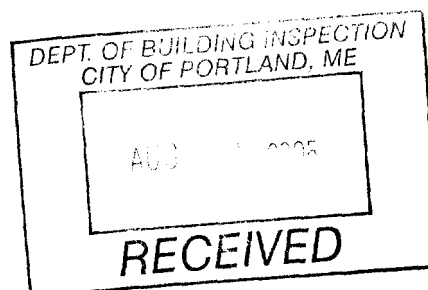
Note: 716 Met w/owners in office for intentions of space. They will amend the permit for a temporary in-law use if **Ok** to Issue:
the appeal is granted. This permit approves just the addition

- 1) This is NOT an approval for an additional dwelling unit. You SHALL NOT add any additional lutchen equipment including, but not limited to items such as stoves, microwaves, refrigerators, or kitchen sinks, etc. Without special approvals.
- 2) This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review **and** approval.
- 3) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Dept: Building Status: Approved with Conditions Reviewer: Jeanine Bourke Approval Date: 07/05/2005

Note: 6/30/05 left vm w/owners for more info on framing & dwelling unit separation....conditional use not approved **Ok** to Issue:
yet.

- 1) The design load spec sheets for any engineered beam(s) must be submitted to this office.
- 2) Permit approved based on the plans submitted and reviewed w/owner/contractor, with additional information as agreed on and as noted on plans.
- 3) Separate permits are required for any electrical, plumbing, or heating.



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CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Patric Santerre,
Peter Thomton
Catherine Decker
Kate Knox
David P. Dore
William Hall, Chair

Catherine Laferriere / Elizabeth Ward
152 Tucker Ave.
Portland, ME 04103

RE: 152 Tucker Ave.
CBL: 330 B015
ZONE: R-2 Zone

Dear Ms Catherine Laferriere and Elizabeth Ward:

As you know, at its July 7, 2005 meeting, **The Board voted 4-0 and granted the Conditional Use Appeal.**

Enclosed please find the billing for the Zoning Board of Appeals legal ad notification along with a copy of the Boards decision.

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

Sincerely,



Gayle Guertin
Office Assistant