

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: Jane Durgin, City Clerk

FROM: Warren J. Turner, Zoning Enforcement Inspector *Warren J. Turner*

SUBJECT: Report on Actions Taken at the April 23rd meeting of the Board of Appeals

DATE: April 28, 1987

The meeting of the Board of Appeals for Thursday evening, April 23rd, was called to order by Chairman Merrill S. Seltzer at 7 P.M. in Room 209, City Hall, Portland, Maine. There were six members present. Mr. Dinan was absent.

Variances:

Davis Farm Road - Chart 368-A-6, Lawrence A. and Paula M. Donatello, Owners, sought a variance to allow a building to be constructed with frontage on a private way. This 2700 square foot building would be located in the I-1 Industrial Zone. The Office of the Corporation Counsel advised the Board that it has been discovered that Davis Farm Road is considered to be a dedicated street and therefore a building permit can be issued due to that dedication as a possible future public way. The Board therefore voted to table this variance request indefinitely by a unanimous vote of 5 members present.

33-41 Bates Street - Whalen L. Guimond, Owner and James G. Somma, Applicant, as Prospective Purchaser of Vacant Lot in the R-P Zone (Mr. Silvernail arrived prior to the opening of this public hearing) Following the public hearing on the request for a variance to waive the fencing requirement on either side lines of the proposed professional office, the Board voted by a vote of 6 to 0 to deny this variance request.

Use Variance:

2352-2376 Congress Street (Lot #40, Stroudwater Estates) - R. Brent Cote, applicant, applied for a use variance to permit a day care center to be constructed in the I-1 Industrial Zone as an accessory use to an office building to be erected on the same 2.48 acre parcel. The Associate Corporation Counsel, Richard Flewelling, questioned whether the Board of Appeals has the authority to grant such a use in view of the Zoning Ordinance, which states in Section 14-473(3)a, that the Board shall not grant a variance to allow a use permitted in a residential district in any industrial district.