

# DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

BUILDING INSPECTION

# PERMIT

Permit Number: 071370

Please Read Application And Notes, If Any, Attached

PERMIT ISSUED  
DEC 10  
CITY OF PORTLAND

This is to certify that ANDREWS DOUGLAS C. LIZABETH ANDREWS/A Bail  
has permission to Change of use to single family with accessory dwelling unit with interior renovation  
AT 417 AUBURN ST 382 A009001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is laid out or occupied. **HOOR NOTICE IS REQUIRED.**

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

**OTHER REQUIRED APPROVALS**

Fire Dept. \_\_\_\_\_  
Health Dept. \_\_\_\_\_  
Appeal Board \_\_\_\_\_  
Other \_\_\_\_\_  
Department Name

12/10/07 *Clayton M.*  
Director - Building & Inspection Services

**PENALTY FOR REMOVING THIS CARD**

**City of Portland, Maine - Building or Use Permit Application**

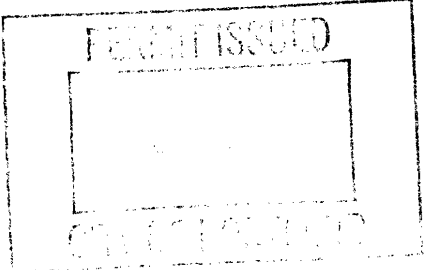
389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 07-1370	Issue Date: 12/10/07	CBL: 382 A009001
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Location of Construction: 417 AUBURN ST	Owner Name: ANDREWS DOUGLAS C & ELIZ	Owner Address: 417 AUBURN ST	Phone:
Business Name:	Contractor Name: N G Bailey INC	Contractor Address: 2 Bailey Dr Gray	Phone: 2076573200
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Dwellings	Zone: R-3

Past Use: Single Family Home	Proposed Use: Two Family Single family w/ accessory dwelling unit.	Permit Fee: \$115.00	Cost of Work: \$1,320.00	CEO District: 5
Proposed Project Description: Change of use to <sup>single</sup> two family with interior renovation. <sup>with accessory dwelling unit</sup>		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: R-2 Type: SB PRC-2007 Signature: 12/10/07 CUM	
		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: Imd	Date Applied For: 11/05/2007	<b>Zoning Approval</b>	
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<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>3. 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..</p>	<p><b>Special Zone or Reviews</b></p> <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input checked="" type="checkbox"/> Site Plan Exemption 3227-0201 Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> OK v/cand/har Date: 12/7/07 ABA	<p><b>Zoning Appeal</b></p> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved 6-0 <input type="checkbox"/> Denied Date: 12/6/07	<p><b>Historic Preservation</b></p> <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:
			

**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

**City of Portland, Maine - Building or Use Permit**

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

<b>Permit No:</b> 07-1370	<b>Date Applied For:</b> 11/01/2007	<b>CBL:</b> 382 A009001
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<b>Location of Construction:</b> 417 AUBURN ST	<b>Owner Name:</b> ANDREWS DOUGLAS C & ELIZ	<b>Owner Address:</b> 417 AUBURN ST	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> N G Bailey INC	<b>Contractor Address:</b> 2 Bailey Dr Gray	<b>Phone</b> (207) 657-3200
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Dwellings	

<b>Proposed Use:</b> single family with accessory dwelling unit	<b>Proposed Project Description:</b> Change of use to single family with accessory dwelling unit with interior renovation.
--------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------

**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Ann Machado      **Approval Date:** 12/07/2007

**Note:** Needs two parking spaces. Site has at least six spaces.

**Ok to Issue:**

- 1) With the issuance of this permit and the certificate of occupancy, this property will be a single family dwelling with an accessory dwelling unit. Any change of use shall require a separate permit application for review and approval.
- 2) 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:** Chris Hanson      **Approval Date:** 12/10/2007

**Note:**

**Ok to Issue:**

- 1) Fastener schedule per the IRC 2003
- 2) All floors and walls that separate dwelling units or dwelling units and common areas are required to meet a 1 hour fire rated assembly and sound transmission rating of 45 STC.
- 3) Hardwired interconnected battery backup smoke detectors shall be installed in all bedrooms, protecting the bedrooms, and on every level.
- 4) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.
- 5) Separate permits are required for any electrical, plumbing, or HVAC systems. Separate plans may need to be submitted for approval as a part of this process.
- 6) All penetrations between dwelling units and dwelling units and common areas shall be protected with approved firestop materials, and recessed lighting/vent fixtures shall not reduce the (1 hour) required rating.
- 7) Permit approved based on the plans submitted and reviewed w/owner/contractor, with additional information as agreed on and as noted on plans.

**Comments:**

11/14/2007-amachado: Filed a conditional use appeal to appear before the ZBA. Permit on hold until ZBA makes decision.

12/7/2007-amachado: ZBA granted conditional use appeal 12/06/07





# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

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

December 10, 2007

Elizabeth & Douglas Andrews  
417 Auburn Street  
Portland, ME 04103

RE: 417 Auburn Street  
CBL: 382 A009  
ZONE: R3

Dear Mr. & Mrs. Douglas:

As you know, at its December 06, 2007 meeting, the board voted 6-0 and granted the Conditional Use Appeal.

Enclosed please find a copy of the board's decision.

The inspections office will now move forward on your change of use permit application (permit #071370).

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

Sincerely,



Gayle Guertin  
Office Assistant

Cc: ~~file~~

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

### APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, December 6, 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: December 7, 2007

RE: Action taken by the Zoning Board of Appeals on December 6, 2007.

The meeting was called to order at 6:38pm.

Roll call as follows:

Members Present: David Dore, Jill Hunter, Phil Saucier, Kate Knox, Peter Thornton and Peter Coyne.

Members Absent: Gordan Smith.

#### 1. New Business:

##### A. Conditional Use Appeal:

417 Auburn Street, Elizabeth A. & Douglas C. Andrews, owners, Tax Map #382 Block A Lot #009 in the R3 Residential Zone. The Appellants are seeking a Conditional Use Appeal under section 14-88 (a) 2 of the City of Portland Zoning Ordinance. Appellants are requesting a change of use from a single family home to a single family home with a secondary dwelling unit. The proposed unit will be located on the second floor and will occupy approximately 986 square feet of living space from the existing 4246 square feet. Representing the Appeal are the owners.

**Board voted 6-0 and granted the Conditional Use Appeal.**

##### B. Miscellaneous Appeal:

186-218 Woodford Street / 177-191 Beacon Street, Woodfords Congregational Church, United Church of Christ, owner, Tax Map #124 Block J Lot #005 in the B1 Neighborhood Business Zone, also in the B2 Business Community Zone and R5 Residential Zone is seeking a Miscellaneous Appeal under section 14-343 of the City of Portland Zoning Ordinance.

Appellant is requesting joint use of parking spaces in the B2 zone, for the proposed change of use from a church to a school. Representing the appeal for the owners are the applicants Ben Walter, Linette George (Church Moderator), and Reverent Richard Weidlex. **Board voted 6-0 and granted the Miscellaneous Appeal.**

##### C. Conditional Use Appeal:

1994 - 2044 Congress Street, David R. Morgan / Brooklawn Memorial Park, owner, Tax Maps #211 Block A Lot #001, Map #209A Block A Lot #015, Map #211 Block A Lot #004, Map #214 Block A Lot #001 in the R1 Residential Zone and Tax Map #214 Block A Lot #004 in the B4 Commercial Business Zone. The Appellant is seeking a Conditional Use Appeal under section 14-68 (c) 2 of the City of Portland Zoning Ordinance. Appellant is proposing a new 60' x 80' maintenance building located on Tax Map #211 Block A Lot #001. Representing the Appeal is the owner and Todd Jensen, Superintendent.

**Board voted 6-0 and granted the Conditional Use Appeal.**

**2. Other Business:**

**3. Adjournment: 7:30pm**

**Enclosure:**

Agenda of December 6, 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

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## ZONING BOARD OF APPEALS

R-3 Residential Zone Additional Dwelling Unit:

Conditional Use Appeal

### DECISION

Date of public hearing:

12/6/07

Name and address of applicant:

Elizabeth A. + Douglas C. Andrews, 417 Auburn Street, Portland

Location of property under appeal:

417 Auburn Street, Portland

For the Record:

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

John Roscont, neighbor.  
Elizabeth Andrews, 417 Auburn Street.

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

Findings of Fact and Conclusions of Law:

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: Accessory unit is less than 1/3 of the entire square footage; is approx 996 ft<sup>2</sup>.

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

Satisfied  Not Satisfied

Reason: There are no new outside stairways; other than existing stairway to deck.

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: No exterior alterations.

4. A minimum lot size of six thousand five hundred (6,500) square feet of land area shall be required.

Satisfied  Not Satisfied

Reason: Lot is 29,700 ft<sup>2</sup>.

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: primary unit will be more than 1000 sq ft

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: At least 8 spots are available for parking.

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: Principle unit will be occupied by the lot owner, per testimony.

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: Residential zone, perhaps couple more people living but less than when there were children living there, no unique characteristics.

2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.

Yes  No

Reason: No adverse impact was found.

3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Yes \_\_\_ No

Reason: No, will remain residential zone.

**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. 6-0

\_\_\_ 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: 12/6/07



Board Chair

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

### Current Owner Information

**Card Number** 1 of 1

**Parcel ID** 382 A009001

**Location** 417 AUBURN ST

**Land Use** SINGLE FAMILY

**Owner Address** ANDREWS DOUGLAS C & ELIZABETH A ANDREWS  
417 AUBURN ST  
PORTLAND ME 04103

**Book/Page** 23858/143

**Legal** 382-A-9  
AUBURN ST 417  
CLAYTON ST  
29700 SF

### Current Assessed Valuation

<b>Land</b>	<b>Building</b>	<b>Total</b>
\$216,000	\$332,600	\$548,600

### Property Information

<b>Year Built</b> 1780	<b>Style</b> Colonial	<b>Story Height</b> 2	<b>Sq. Ft.</b> 4246	<b>Total Acres</b> 0.682	
<b>Bedrooms</b> 6	<b>Full Baths</b> 3	<b>Half Baths</b>	<b>Total Rooms</b> 12	<b>Attic</b> None	<b>Basement</b> Full

### Outbuildings

<b>Type</b>	<b>Quantity</b>	<b>Year Built</b>	<b>Size</b>	<b>Grade</b>	<b>Condition</b>
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### Sales Information

<b>Date</b> 04/18/2006	<b>Type</b> LAND + BLDING	<b>Price</b> \$548,600	<b>Book/Page</b> 23858-143
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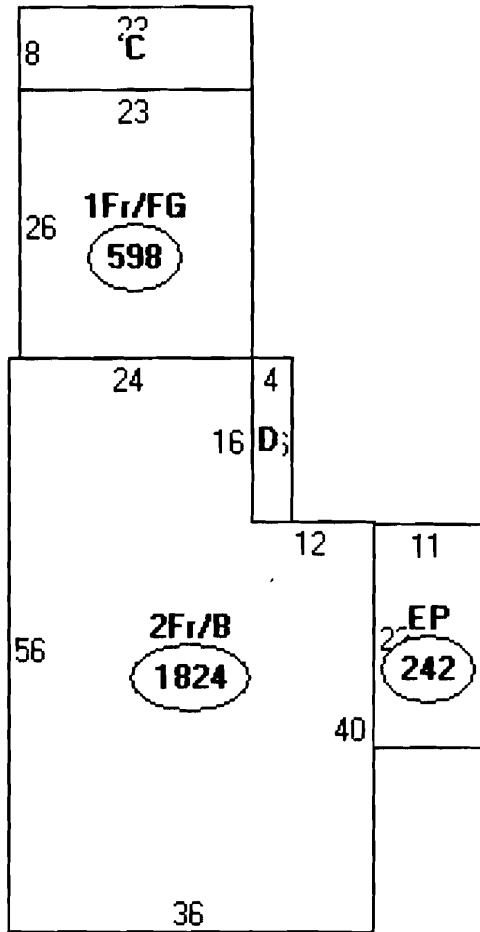
### Picture and Sketch

[Picture](#)      [Sketch](#)      [Tax Map](#)

[Click here to view Tax Roll Information.](#)

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

**New Search!**



Descriptor/Area

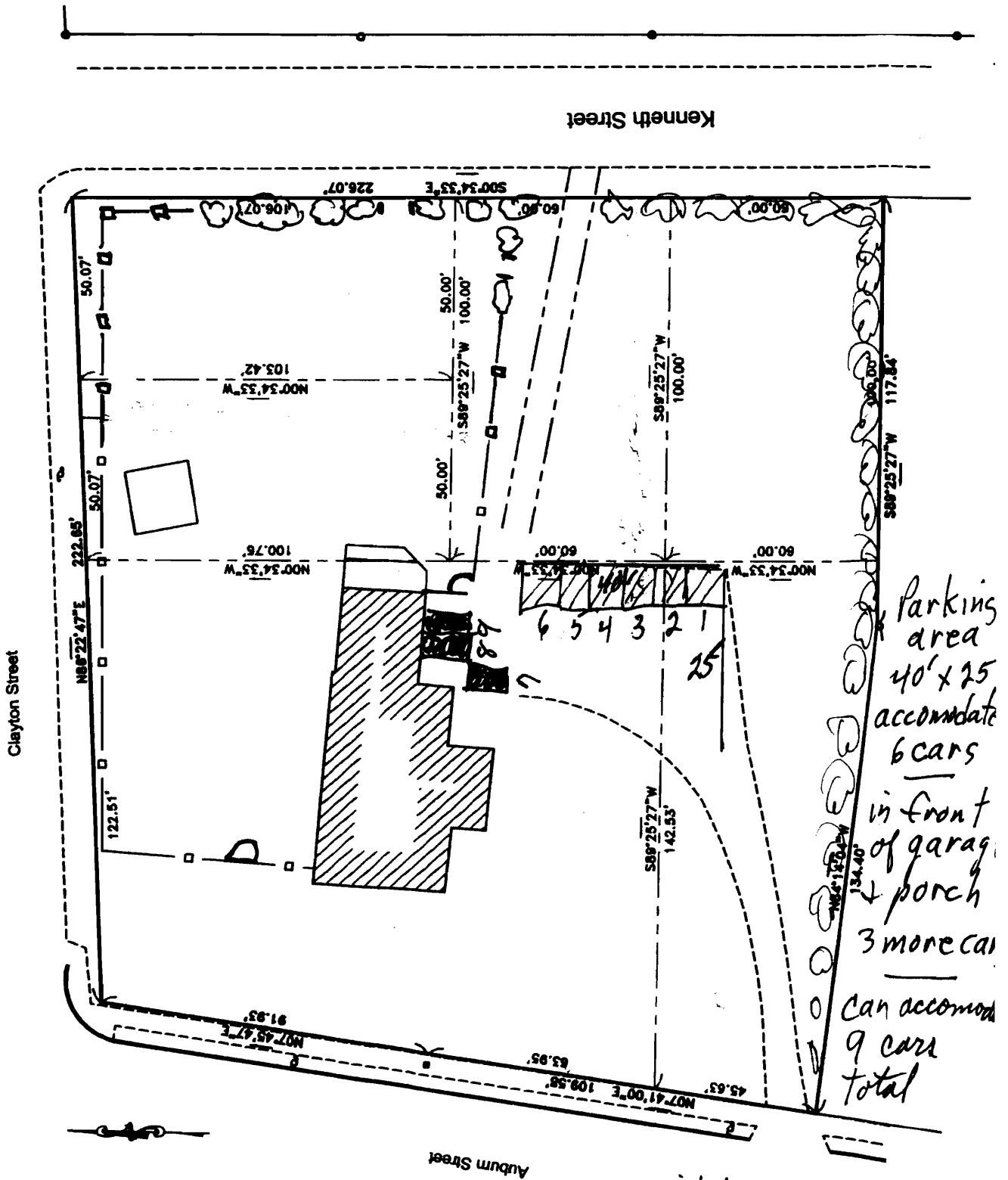
- A: 2Fr/B  
1824 sqft
- B: 1Fr/FG  
598 sqft
- C: 2sWD  
184 sqft
- D: OFP  
64 sqft
- E: EP  
242 sqft

h

Plot Plan 411 Auburn Street

Nov/2007

with parking area dimensions

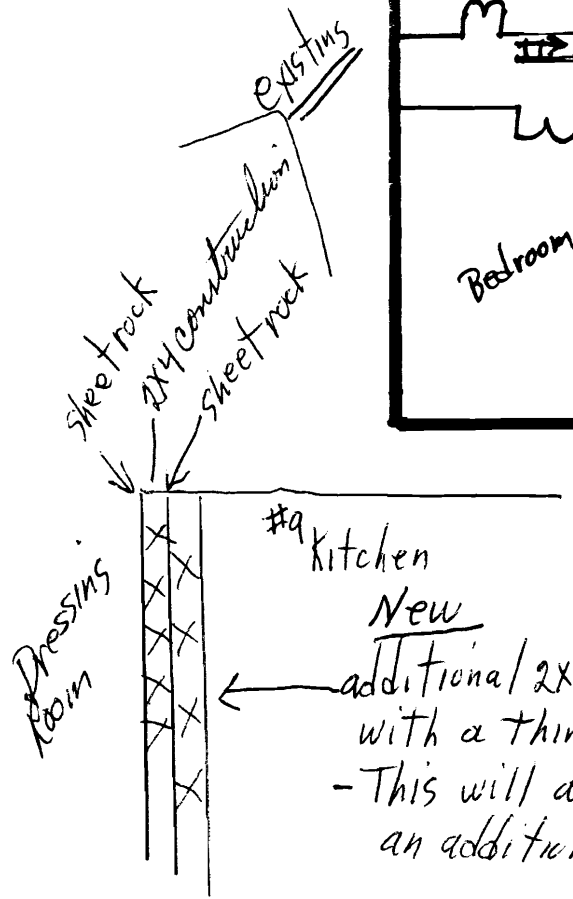
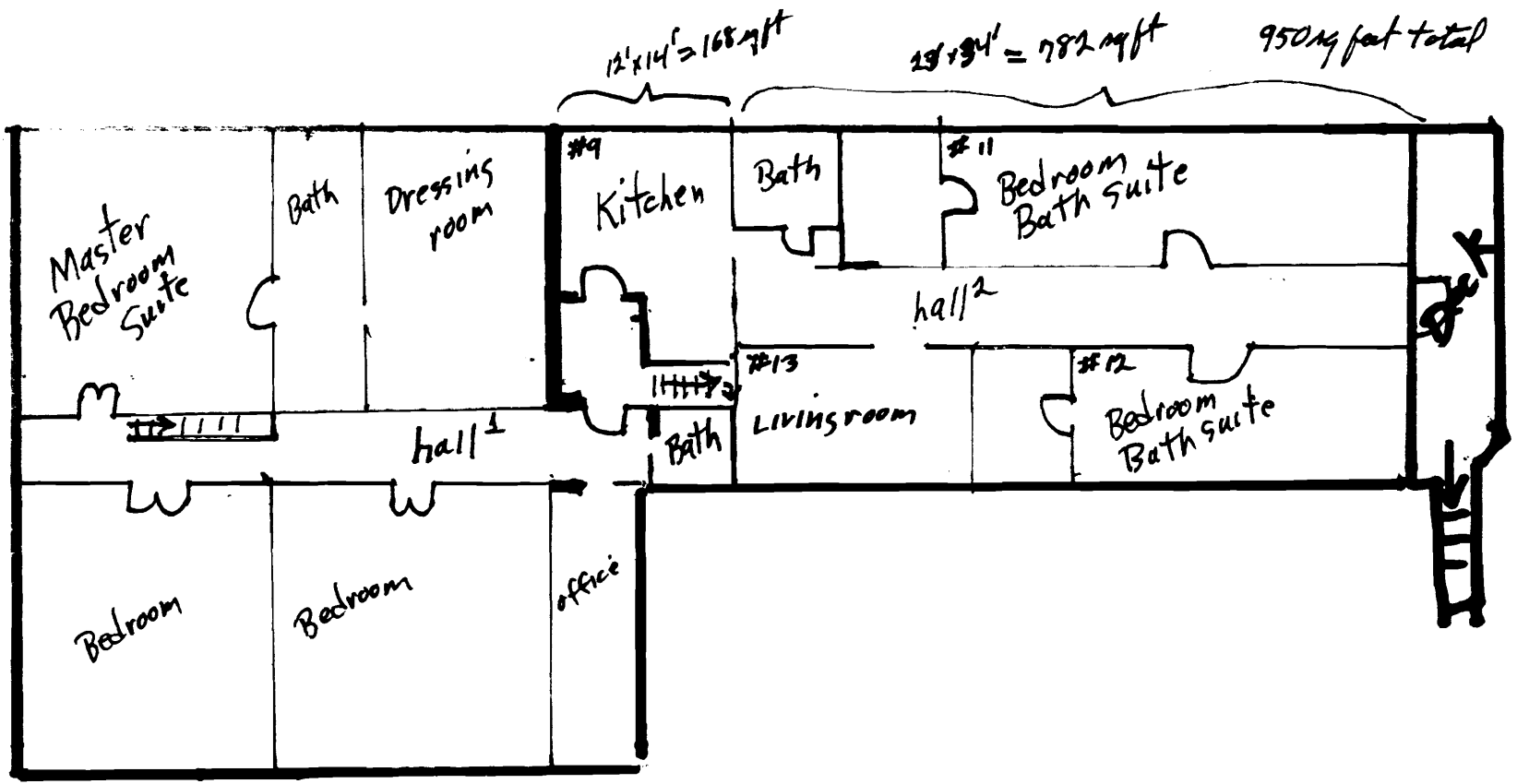


will have 4 cars  
 max with apartment  
 including 2 of owners



# 417 Auburn Street 2nd Floor

\* proposed



← Detail

### Changes

- ① add a second wall between dressing room and room #9
- ② remove the door going between the dressing room + room #9
- ③ remove door from top of back stairs
- ④ put the above door at entrance between hall 1 and stair way foyer
- ⑤ add new door + entrance to room #9

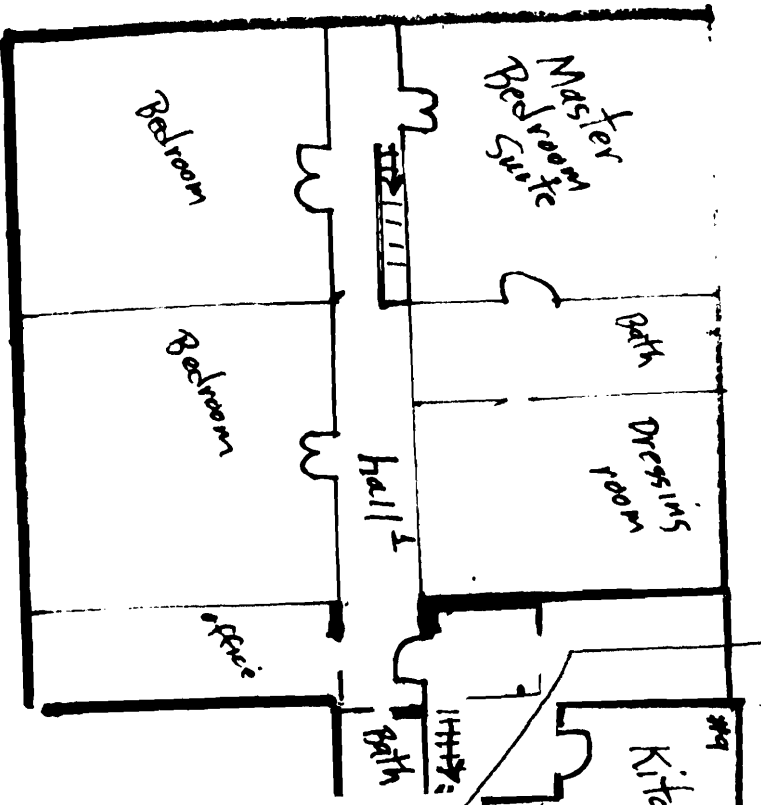
417 Auburn Street

2nd Floor

Diagram of 2 separate units

Unit 1 - 2nd Floor

also includes all of 1st Floor



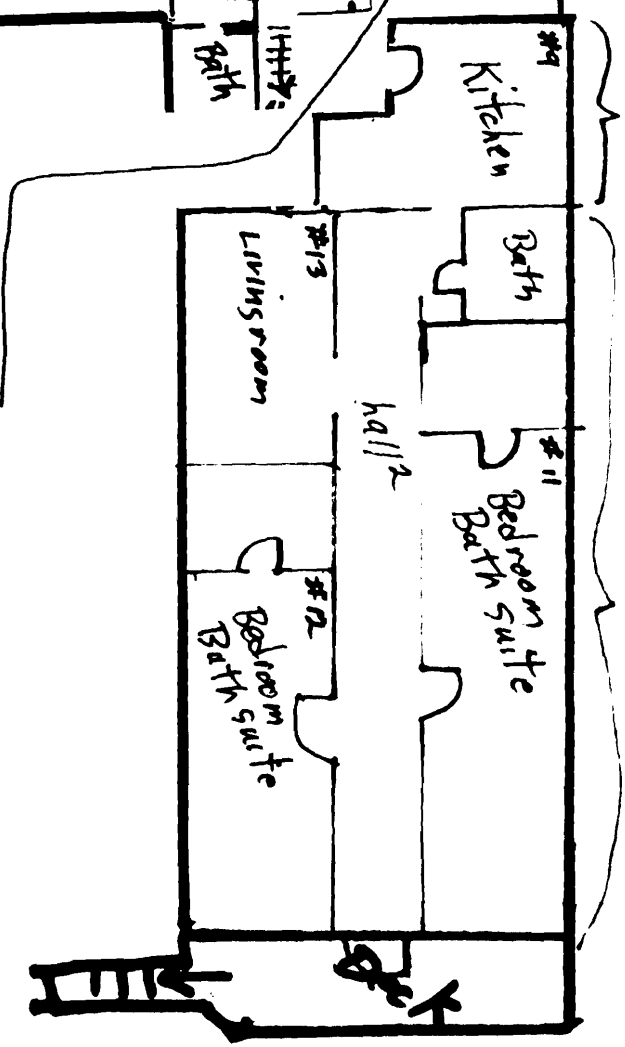
\* proposed

Unit 2 - Apartment

1st fl = 108 sqft

2nd fl = 782 sqft

950 sq foot total



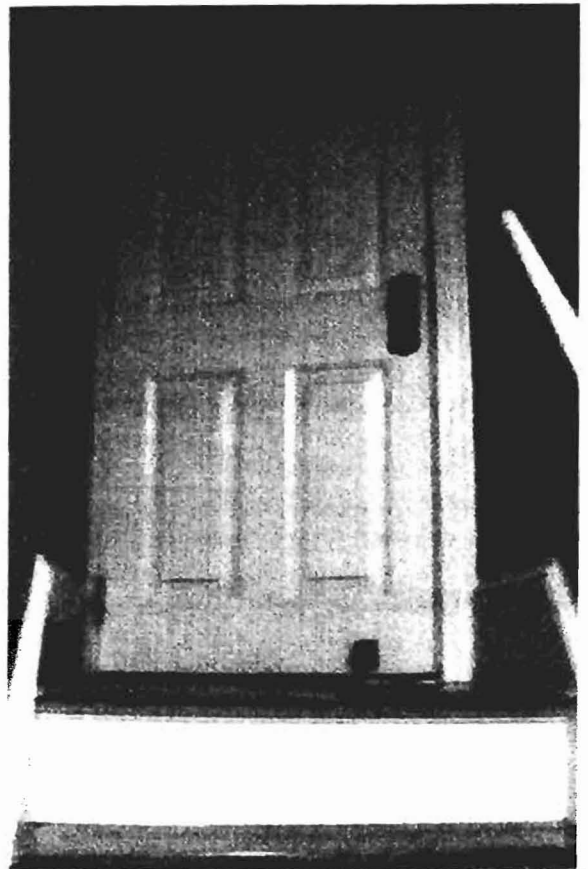
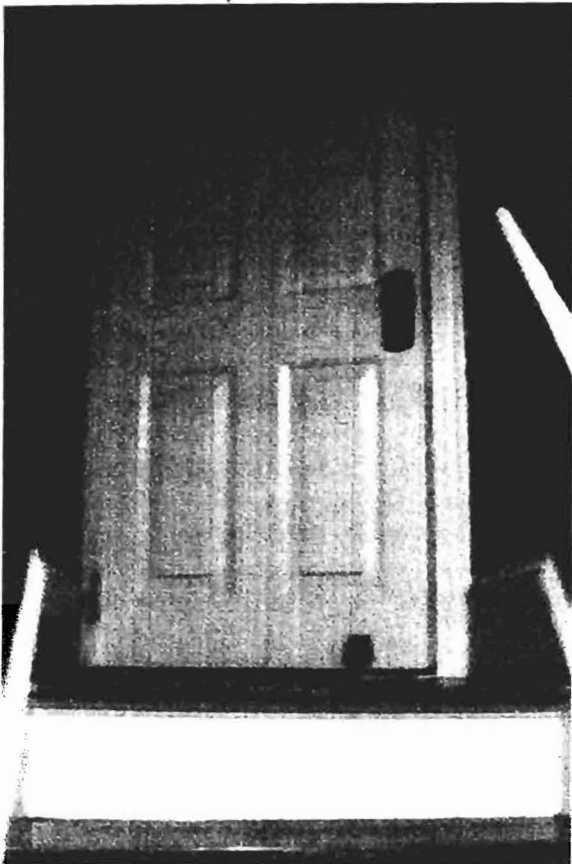
d

Current

Proposed - No Change



outside door looking into hall.  
 Stairs lead up - Door on left in hall goes to first floor



fire rated door at top of stairs

~~No change~~ Removing  
 adding 2 doors in hall

Current



Bedroom/study (#13)

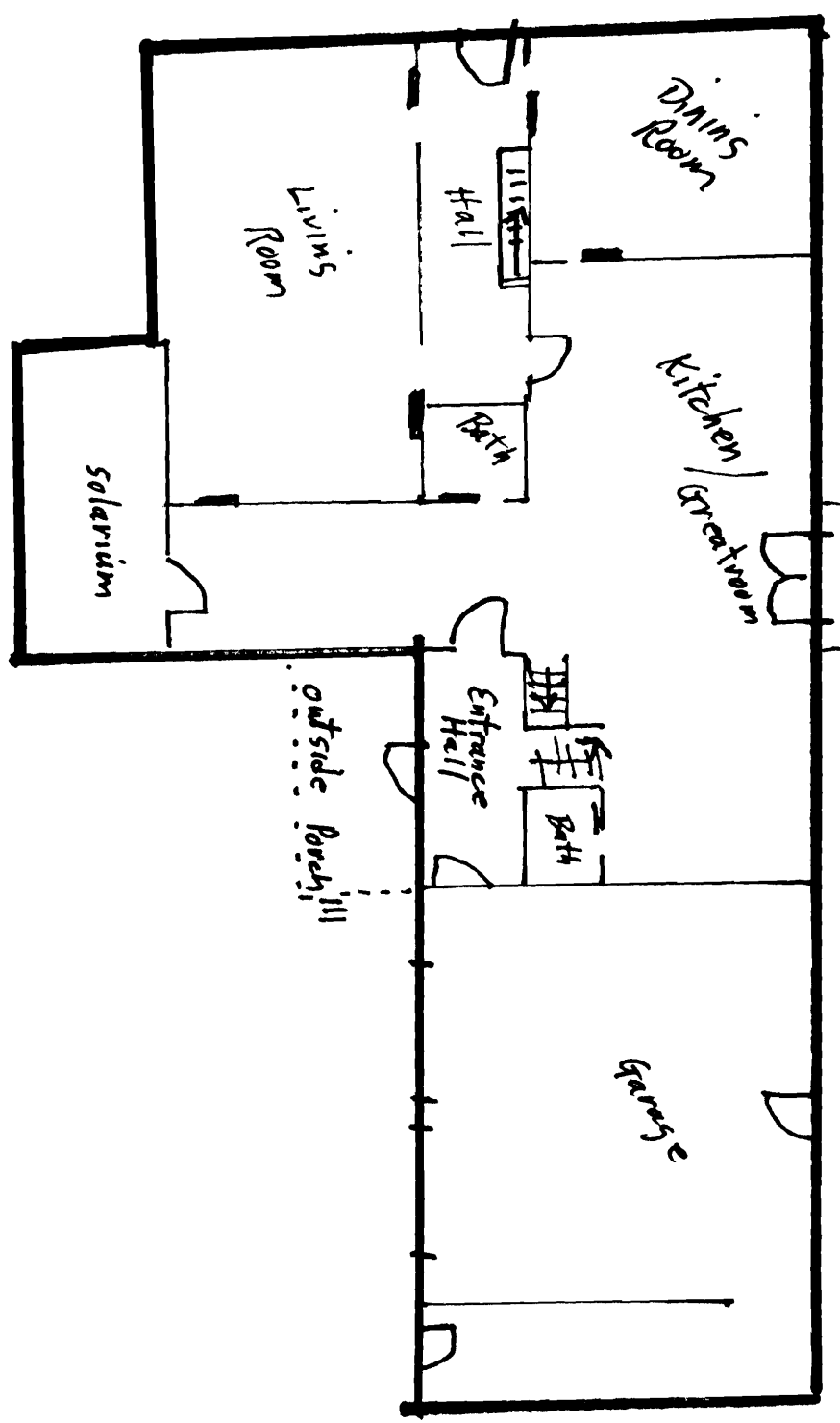
Proposed - No Change



Living room (13)

b.

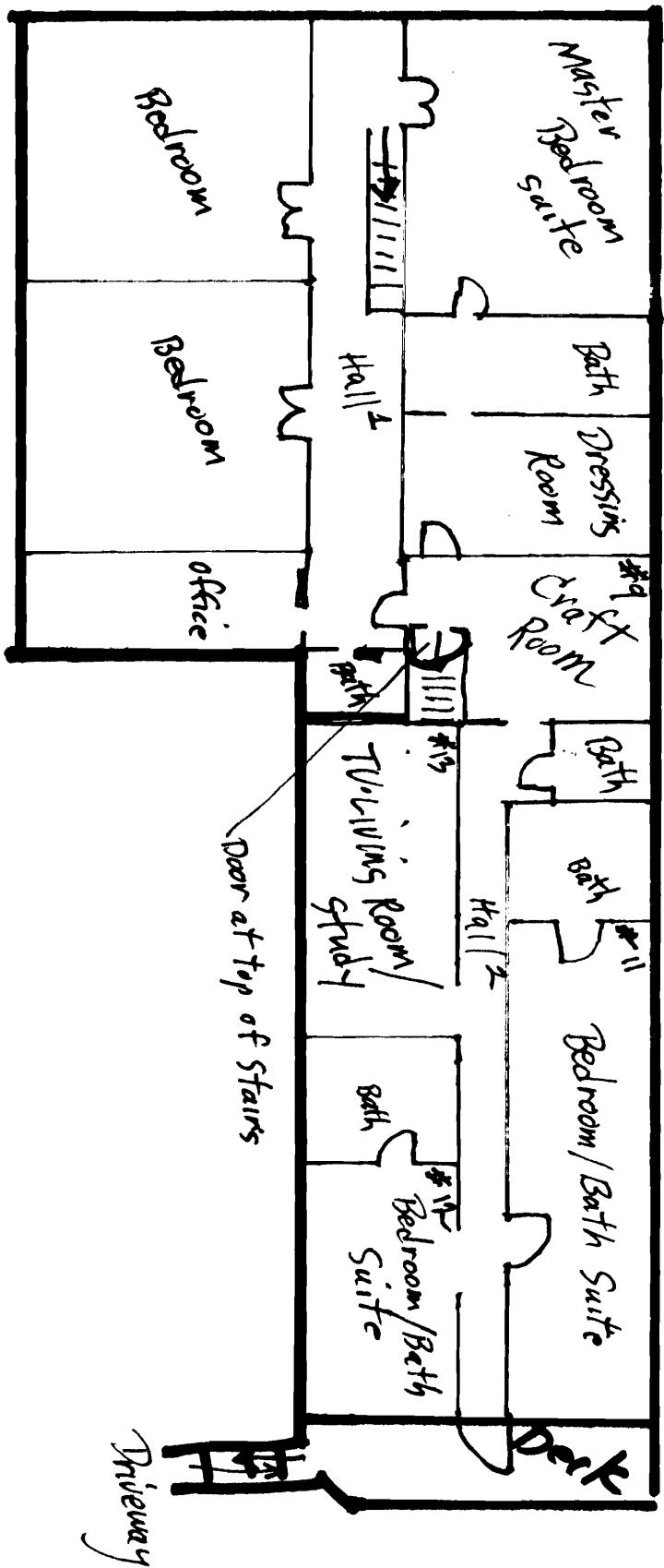
# 417 Auburn Street 1st Floor - Floor Plan



\* Current  
\* No proposed changes

# 417 Auburn Street 2nd Floor

\* Current



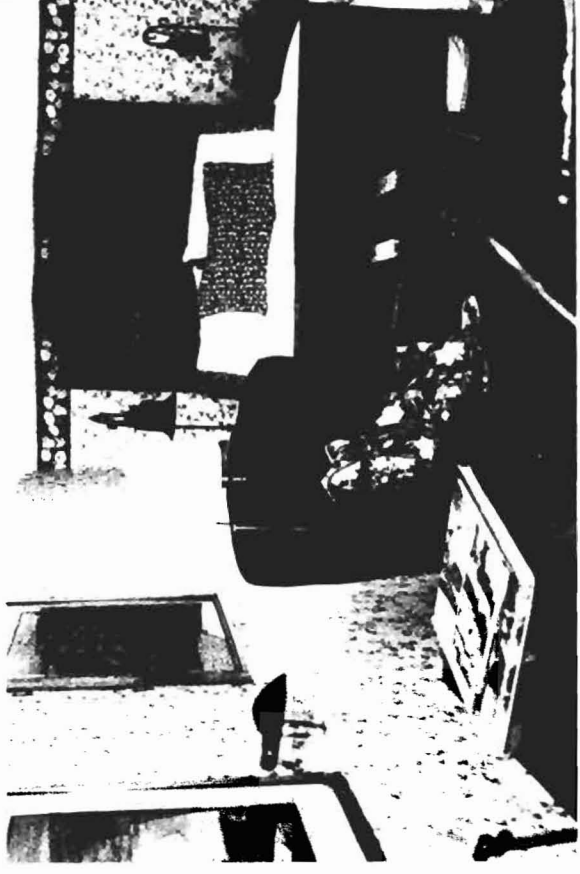
Current

Bedrooms with baths upstairs in "wings" of house (P1A)



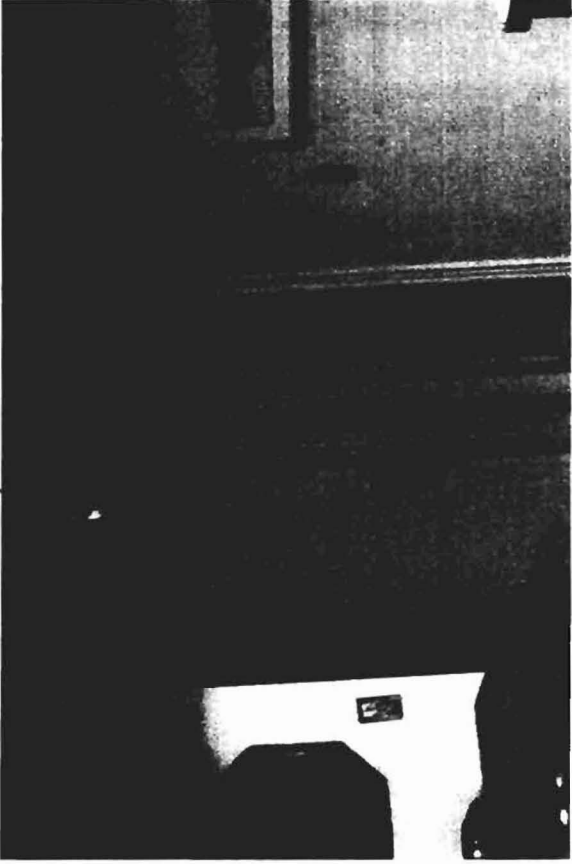
Proposed  
No change

Bedrooms with baths upstairs in "wings" of house - No change



Current

fire rated door at top of  
back stairs



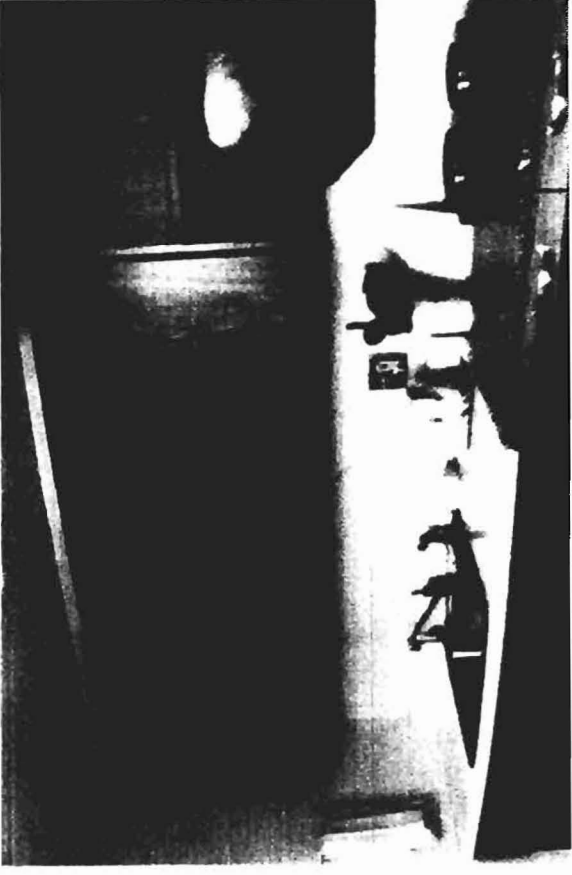
Proposed

Kitchen (#9)

current fire rated door at top of  
back stairs  
add wall  
add fire rated  
fire door



Craft room with sink (#9)



add stove here - already  
wired for 220.







# PROPOSAL

**N. G. BAILEY, INC.**  
General Contractor  
2 Bailey Drive  
GRAY, MAINE 04039

**(207) 657-3200 FAX (207) 657-3646**

To: Dr. & Mrs. Doug Andrews  
417 Auburn Street  
Portland ME 04103

PHONE  
797-9157

DATE  
8/14/2007

JOB NAME / LOCATION

JOB NUMBER

JOB PHONE

We hereby accept specifications and estimates for:

**LABOR AND MATERIAL TO CONSTRUCT SEPERATION WALL W/3'0" X 6'8", 1 HR RATED DOOR, FRAME  
AND HARDWARE -**

**We Propose** to furnish material and labor — complete in accordance with the above specifications, for the sum of **One Thousand Three Hundred Twenty and 00/100 Dollars** 1,320.00  
dollars (\$

to be made as follows:  
**IN FULL UPON COMPLETION OF OUR WORK - NET 10 DAYS**

**A LATE CHARGE OF 1 1/2% THEREAFTER**

All work to be completed in a professional manner following standard practices. No alteration or deviation from above specific terms and conditions will be executed upon written orders and will become an extra charge and about to estimate. All agreements contingent upon strikes, accidents or delays by our contractor, fire, tornado, and other necessary insurance will be fully covered by our contractor's insurance.

Authorized Signature

Note: This proposal may be withdrawn by us if not accepted within **THIRTY** days

**Acceptance of Proposal** The above prices, specifications, and conditions of contract are hereby accepted. You are authorized to do the work specified and it will be made as outlined above.

Signature

Signature

Name of Acceptance:

2/10

NARRATIVE – Fire Code Considerations

The proposed apartment at 417 Auburn Street, along with the primary residence already has

- a. complete fire alarm system which is directly connected to the Portland City fire department; ✓
- b. a sprinkler over the boiler in the basement; ✓
- c. a garage that is completely sheetrocked with four inch, fire rated sheetrock; (the apartment is over this garage) ✓
- d. a main side entrance with a fire door going into the main unit, fire door going into the garage and a back stairwell that currently has a fire door at the top of the stairs. This door will be removed and placed at the entrance to the main unit at the top of the stairs while a new fire rated door will be installed at the entrance to the proposed second unit (apartment). ✓
- e. The fire door at the top of the stairs for the apartment is the main means of egress from this apartment. However, a second means of egress exists at the other end of the hallway in the proposed apartment that goes out onto a deck and has a full set of stairs going down into the parking lot. This second door is also a fire rated door with a panic bar and an automatic closure. ✓
- f. The fire door to the top of the stairs for the main unit is a second means of egress from the second floor for the main unit. The primary means of egress for the main unit from the second floor is down the front stairs and out the front door. ✓
- g. The first floor has three means of egress – the front door, the side door on the south side and a side door on the north side. ✓
- h. The garage also has a back door as well as two garage doors and a front door. ✓

Please see the attached diagram for these above items.

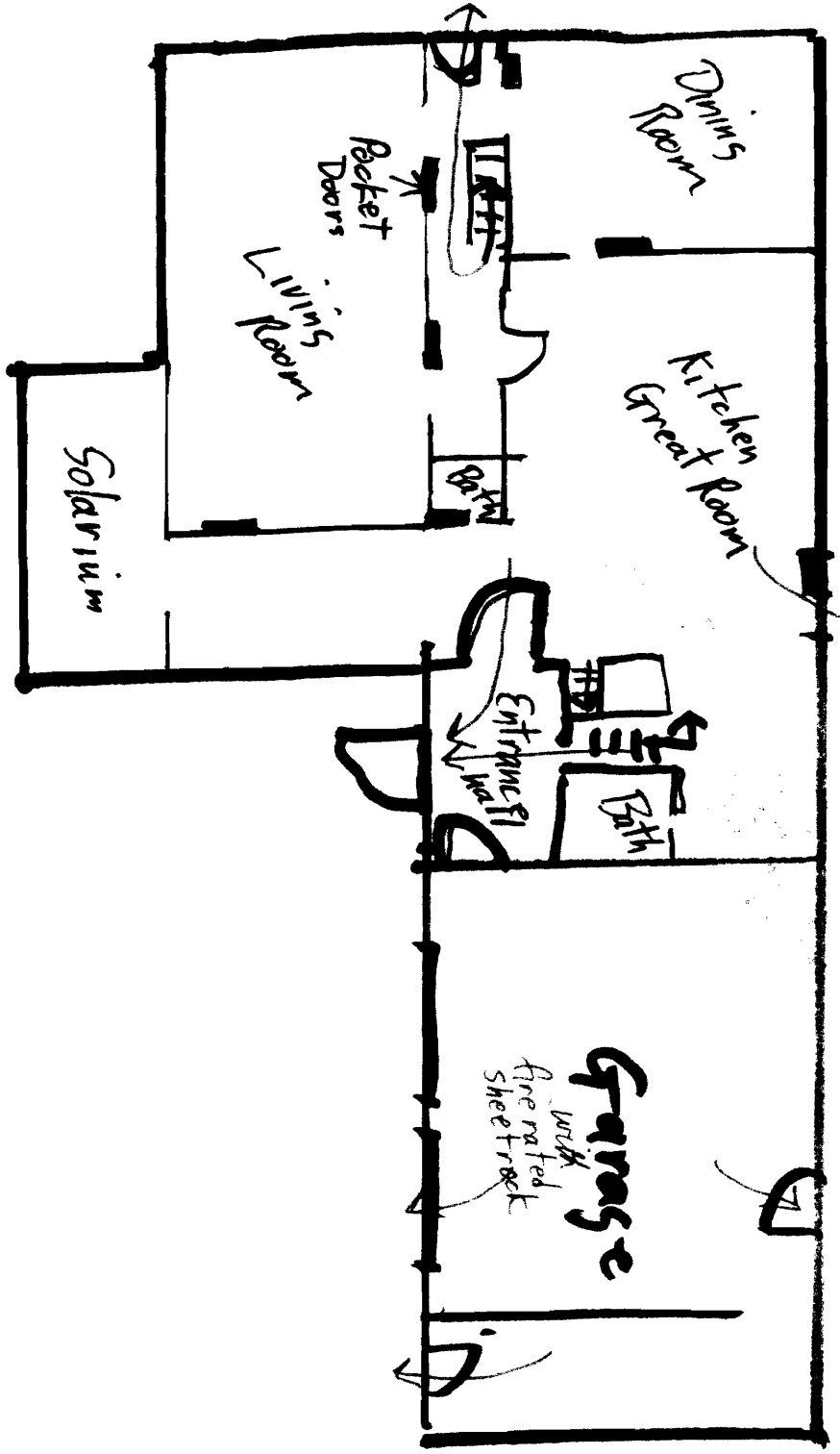
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# Fire Code Considerations

417 Auburn Street

1st Floor Fire Doors + Exits

- = fire rated door
- = fire exit
- = change to wall
- = Ricket doors

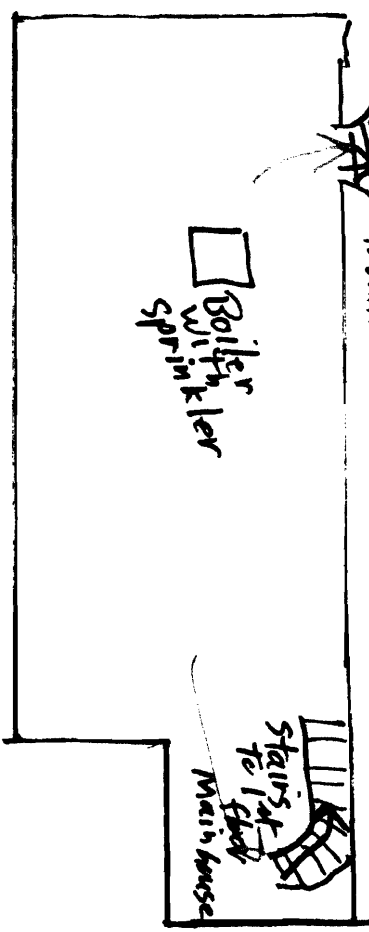


# Basement

~~Quick~~ door  
to outside

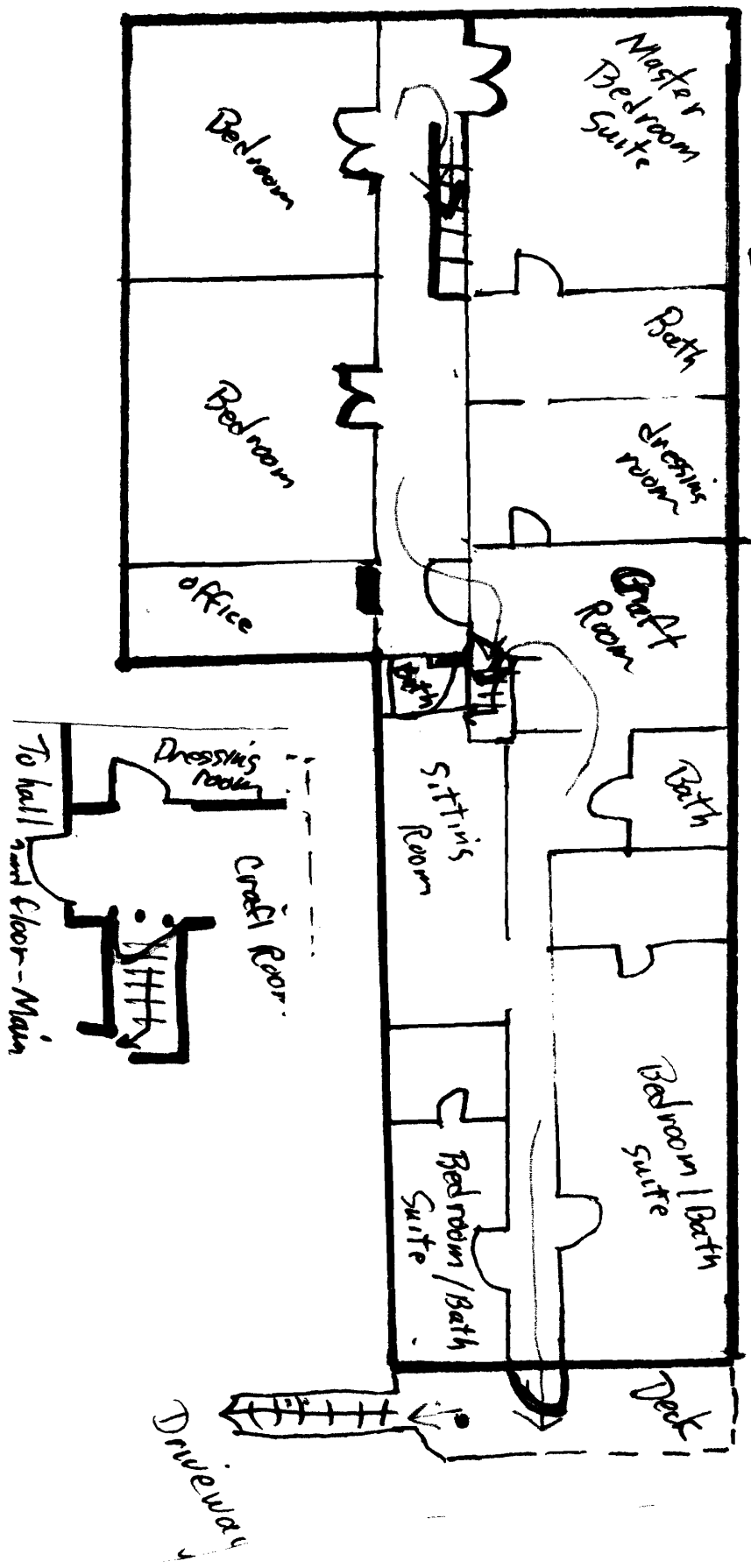
Boiler  
with  
sprinkler

stairs  
to  
Main house



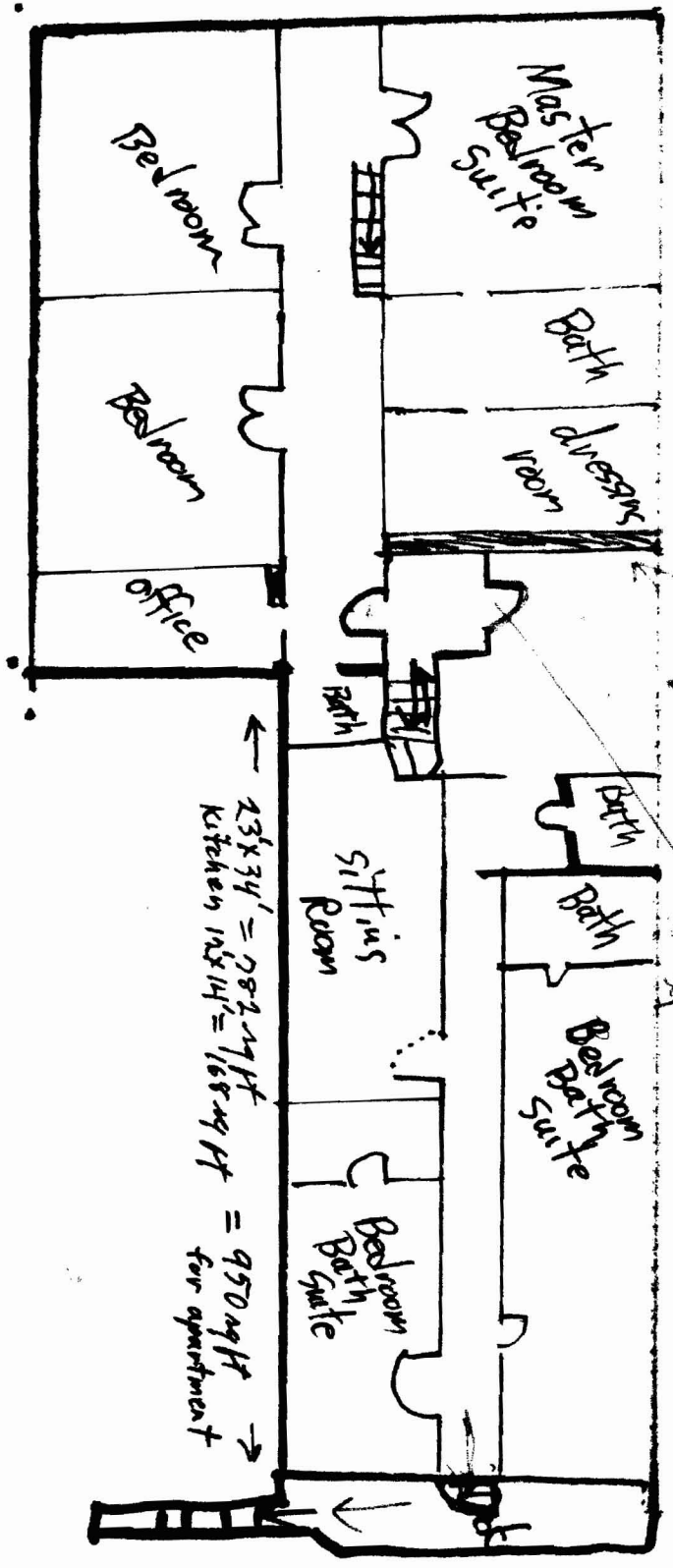
# 2nd Floor Fire Doors + Exits

Current



# 2nd Floor fire Doors, Exits Proposed + new wall

(Details attached)



1. new wall  
2. fire doors  
3. exits  
4. new door  
5. new door  
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2007-0209



# APPLICATION FOR EXEMPTION FROM SITE PLAN REVIEW

Applicant

Application Date

Applicant's Mailing Address

Project Name/Description

Consultant/Agent/Phone Number

Address of Proposed Site

CBL: \_\_\_\_\_

Description of Proposed Development:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Please Attach Sketch/Plan of Proposal/Development

Criteria for Exemptions:

See Section 14-523 (4) on back side of form

- 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

Applicant's Assessment (Yes, No, N/A)

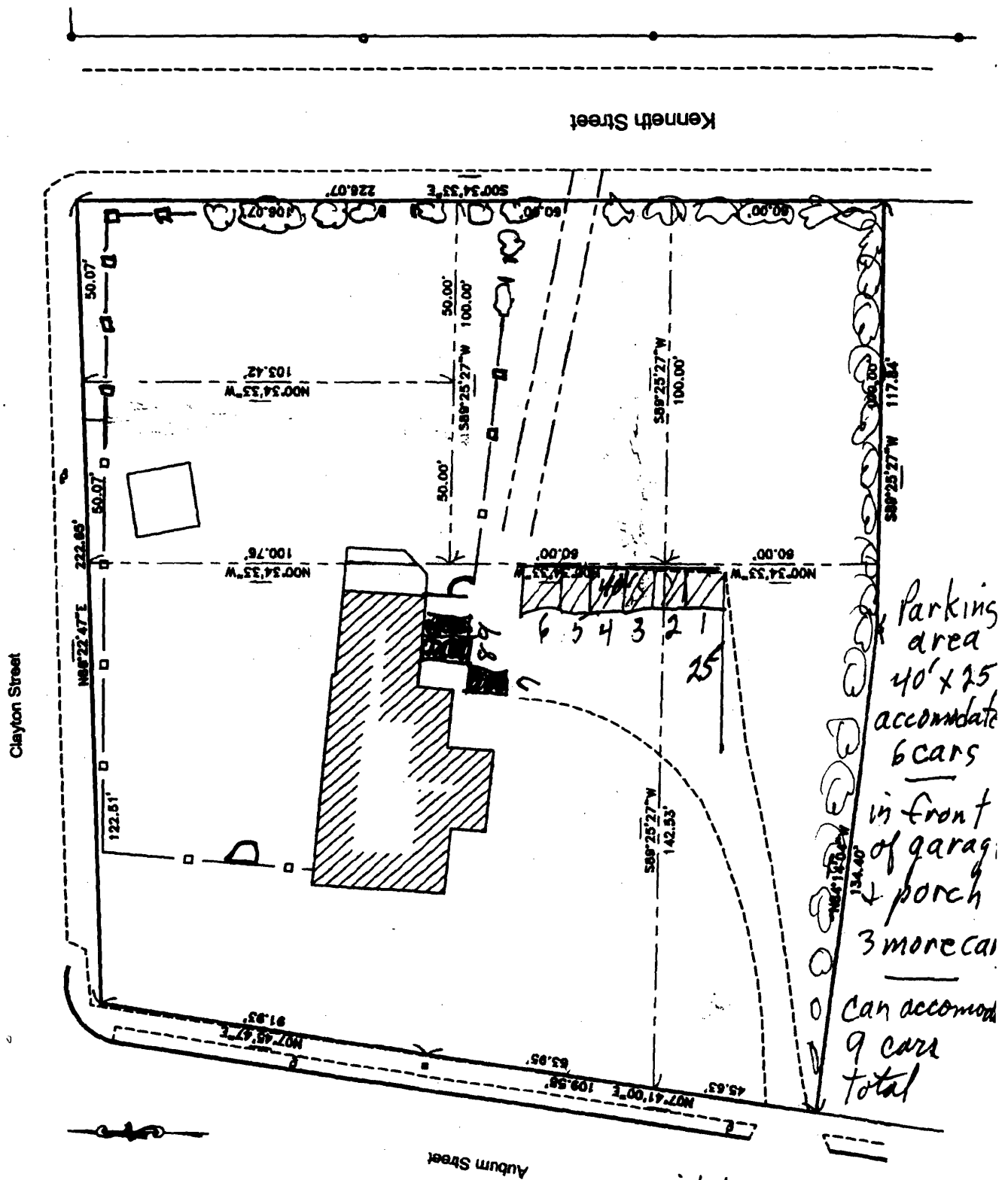
Planning Office Use Only
NO
NA
✓
✓
✓
✓
✓
✓
✓
✓

h

# Plot Plan 411 Auburn Street

Nov/2007

## with parking area dimensions



Parking area  
 40' x 25'  
 accommodate  
 6 cars  
 in front  
 of garage  
 & porch  
 3 more cars  
 can accommodate  
 9 cars  
 total

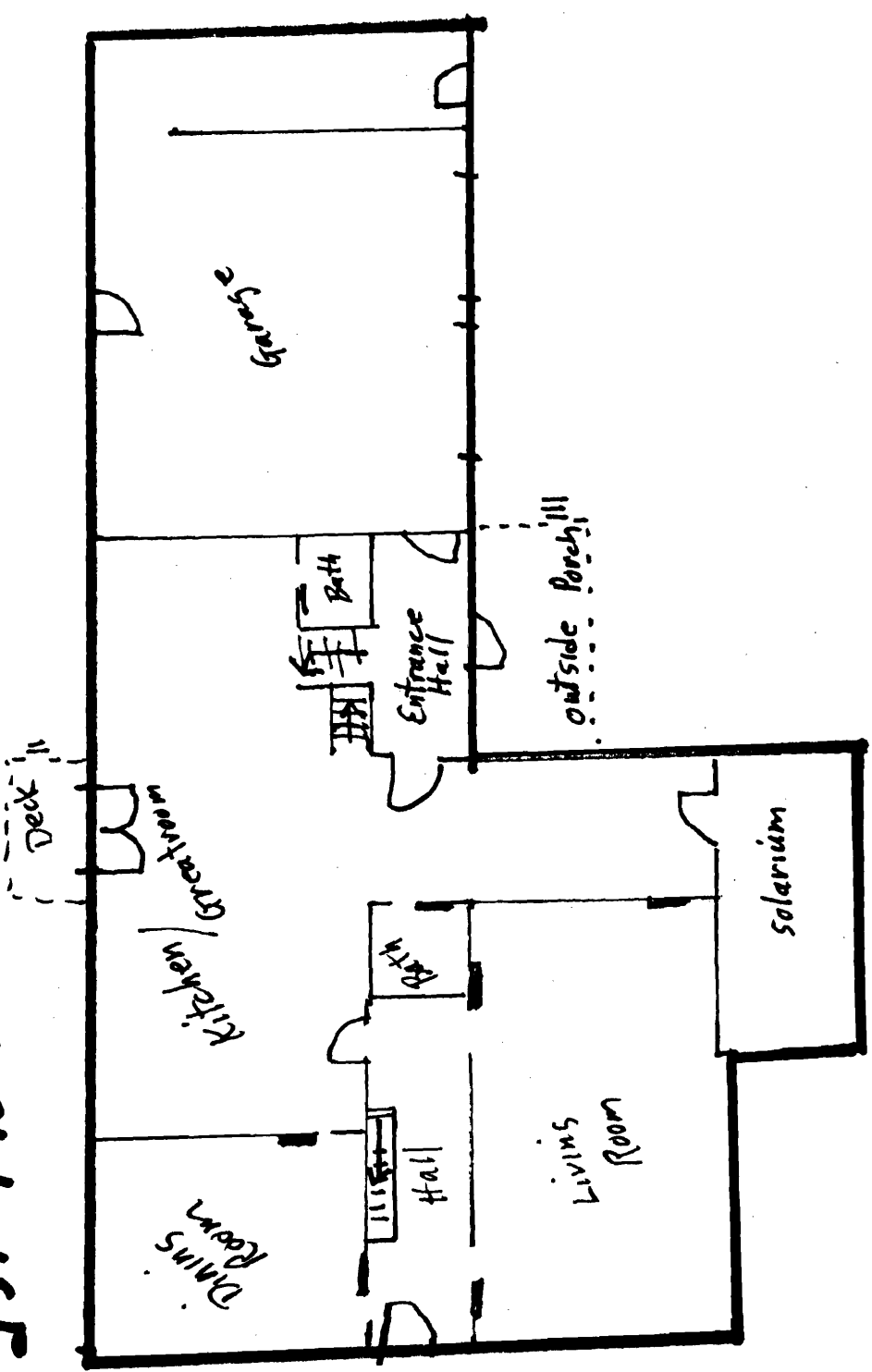
will have 4 cars  
 max with apartment  
 including 2 of owner's



4111 AUBURN STREET

# 1st Floor - Floor Plan

- \* Current
- \* No proposed changes



417 Auburn Street

2nd Floor

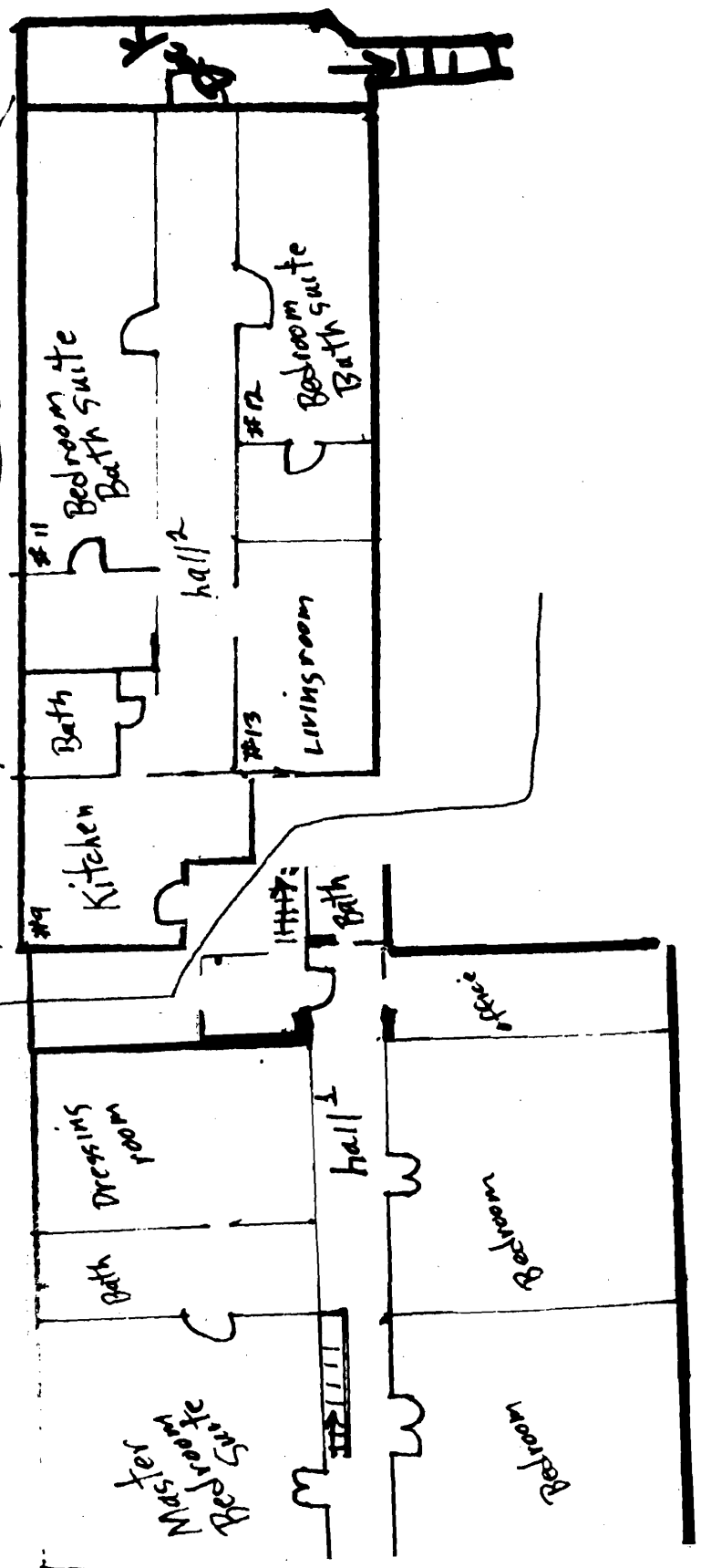
Diagram of 2 separate units

\* proposed  
Unit 2 - Apartment

Unit 1 - 2nd floor -

also includes all of  
1st floor

12x14 = 168 sqft  
25x34 = 852 sqft  
950 sq feet total



# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

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

December 10, 2007

Elizabeth & Douglas Andrews  
417 Auburn Street  
Portland, ME 04103

RE: 417 Auburn Street  
CBL: 382 A009  
ZONE: R3

Dear Mr. & Mrs. Douglas:

As you know, at its December 06, 2007 meeting, the board voted 6-0 and granted the Conditional Use Appeal.

Enclosed please find a copy of the board's decision.

The inspections office will now move forward on your change of use permit application (permit #071370).

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

Sincerely,



Gayle Guertin  
Office Assistant

Cc: 

# OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

### APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, December 6, 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: December 7, 2007  
RE: Action taken by the Zoning Board of Appeals on December 6, 2007.

The meeting was called to order at 6:38pm.

Roll call as follows:

Members Present: David Dore, Jill Hunter, Phil Saucier, Kate Knox, Peter Thornton and Peter Coyne.

Members Absent: Gordan Smith.

1. **New Business:**

**A. Conditional Use Appeal:**

417 Auburn Street, Elizabeth A. & Douglas C. Andrews, owners, Tax Map #382 Block A Lot #009 in the R3 Residential Zone. The Appellants are seeking a Conditional Use Appeal under section 14-88 (a) 2 of the City of Portland Zoning Ordinance. Appellants are requesting a change of use from a single family home to a single family home with a secondary dwelling unit. The proposed unit will be located on the second floor and will occupy approximately 986 square feet of living space from the existing 4246 square feet. Representing the Appeal are the owners. **Board voted 6-0 and granted the Conditional Use Appeal.**

**B. Miscellaneous Appeal:**

186-218 Woodford Street / 177-191 Beacon Street, Woodfords Congregational Church, United Church of Christ, owner, Tax Map #124 Block J Lot #005 in the B1 Neighborhood Business Zone, also in the B2 Business Community Zone and R5 Residential Zone is seeking a Miscellaneous Appeal under section 14-343 of the City of Portland Zoning Ordinance. Appellant is requesting joint use of parking spaces in the B2 zone, for the proposed change of use from a church to a school. Representing the appeal for the owners are the applicants Ben Walter, Linette George (Church Moderator), and Reverent Richard Weidlex. **Board voted 6-0 and granted the Miscellaneous Appeal.**

**C. Conditional Use Appeal:**

1994 - 2044 Congress Street, David R. Morgan / Brooklawn Memorial Park, owner, Tax Maps #211 Block A Lot #001, Map #209A Block A Lot #015, Map #211 Block A Lot #004, Map #214 Block A Lot #001 in the R1 Residential Zone and Tax Map #214 Block A Lot #004 in the B4 Commercial Business Zone. The Appellant is seeking a Conditional Use Appeal under section 14-68 (c) 2 of the City of Portland Zoning Ordinance. Appellant is proposing a new 60' x 80' maintenance building located on Tax Map #211 Block A Lot #001. Representing the Appeal is the owner and Todd Jensen, Superintendent. **Board voted 6-0 and granted the Conditional Use Appeal.**

2. **Other Business:**

3. **Adjournment: 7:30pm**

**Enclosure:**

Agenda of December 6, 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**

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R-3 Residential Zone Additional Dwelling Unit:

Conditional Use Appeal

DECISION

Date of public hearing:

12/6/07

Name and address of applicant:

Elizabeth A. + Douglas C. Andrews, 417 Auburn Street, Portland

Location of property under appeal:

417 Auburn Street, Portland

For the Record:

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

John Racant, neighbor.  
Elizabeth Andrews, 417 Auburn Street.

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

Findings of Fact and Conclusions of Law:

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: Accessory unit is less than 1/3 of the entire square footage; is approx 996 ft<sup>2</sup>.

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

Satisfied  Not Satisfied

Reason: There are no new outside stairways; other than existing 2nd stairway to deck.

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: No exterior alterations.

4. A minimum lot size of six thousand five hundred (6,500) square feet of land area shall be required.

Satisfied  Not Satisfied

Reason: Lot is 29,700 ft<sup>2</sup>.

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: Primary unit will be more than 1000 sq ft.

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: At least 8 spots are available for parking.

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: Principle unit will be occupied by the lot owner, per testimony.

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: Residential zone, perhaps couple more people living but less than when there were children living there, no unique characteristics.

2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.

Yes  No

Reason: No adverse impact was found.



3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Yes \_\_\_ No

Reason: No, will remain residential zone.

**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. 6-0

\_\_\_ 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.

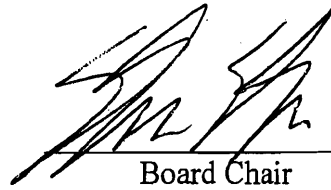
Please note that, pursuant to Portland City Code 14-88(a)(2)(i), if approved the project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

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:

12/6/07



Board Chair