

McCall
Larson
Avery
Katharine
Bartels

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

R-2 Residential Zone
Conditional Use Appeal

DECISION

Date of public hearing: October 5, 2017

Name and address of Appellant: Jacqueline Wiegleb
2065 Washington Ave Extension
Portland, Maine 04103

Location of property under appeal: 2065 Washington Ave Extension
CBL 385A A003001

For the Record:

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

Jacqueline Wiegleb
2065 Washington Ave. Ext.

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

Application w/ Exhibits

Findings of Fact and Conclusions of Law:

The applicant is seeking an after-the-fact conditional use permit to add an accessory dwelling unit in her single-family home. An accessory dwelling unit is permitted if it meets all of the criteria of § 14-78(a)(2) and § 14-474(c).

Findings:

1. The alteration is of a single-family, detached dwelling; the accessory dwelling unit will be within the building and clearly subordinate to the principal dwelling; and the accessory unit will be for the benefit of the homeowners or tenants. § 14-78(a)(2).

Satisfied Not Satisfied

Reason and supporting facts:

Plan & application shows accessory dwelling unit above garage & is subordinate to dwelling. Applicant/homeowner lives in principal dwelling unit.

2. The accessory unit is no more than thirty (30) percent of the gross floor area of the principal building and has a minimum floor area of four hundred (400) square feet. Gross floor area excludes any floor area that has less than two-thirds of its floor-to-ceiling height above the average adjoining ground level, and may include attic space if such space shall be included as habitable space within either dwelling unit. § 14-78(a)(2)(a).

Satisfied Not Satisfied

Reason and supporting facts:

650 sq. feet or 24% of gross floor plan

3. The lot area is eight thousand (8,000) square feet for single-family dwellings in existence as of May 1, 1984, or is ten thousand (10,000) square feet for single-family dwellings constructed after May 1, 1984. § 14-78(a)(2)(b).

Satisfied Not Satisfied

Reason and supporting facts:

.35 acres - ^{15,219}~~14,000~~ sq. feet according
to assessor's office.
Building built 1840.

4. There are no open, outside stairways or fire escapes above the ground floor. § 14-78(a)(2)(c).

Satisfied Not Satisfied

Reason and supporting facts:

No open stairways or fire escapes
per application, pictures.

5. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors are compatible with the architectural style of the building and preserve the single-family appearance of the building. § 14-78(a)(2)(d).

Satisfied Not Satisfied

Reason and supporting facts:

No renovations to building
anticipated.
apartment is inhabited already

6. The project is subject to Chapter 14, Article V for site plan review and approval and the following additional standards:
- i. Any additions or exterior alterations, such as façade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building and preserve the single-family appearance of the building.
 - ii. 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.

§ 14-78(2)(e).

Satisfied Not Satisfied

Reason and supporting facts:

*No additions / alterations proposed
parking area is screened &
landscaped.*

7. Either the accessory unit or the principal dwelling will be occupied by the owner of the lot on which the principal building is located, except for bona fide temporary absences.
§ 14-78(2)(f).

Satisfied Not Satisfied

Reason and supporting facts:

*Owner lives in the principal
building.*

8. For accessory units pursuant to § 14-78, one (1) additional parking space must be provided for each unit. Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed one (1) space for each dwelling unit. §§ 14-78(2)(g), 14-332(a)(2).

Satisfied Not Satisfied

Reason and supporting facts:

*2 spaces available in garage -
at least 3 in front of
garage - ~~1~~*

9. The proposed use, at the size and intensity contemplated at the proposed location, will not have substantially greater negative impacts than would normally occur from surrounding uses or other allowable uses in the same zoning district. This standard is satisfied if all of the following are met. § 14-474(c).

- i. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone.

Satisfied Not Satisfied

Reason and supporting facts:

*residential use in residential
district. One additional dwelling
unit won't change character.*

- ii. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter.

Satisfied Not Satisfied

Reason and supporting facts:

residential use consistent with surrounding uses. No one testified in opposition. It won't create any of these conditions.

- iii. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading, deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses or other allowable uses in the zone.

Satisfied Not Satisfied

Reason and supporting facts:

No signs, loading, deliveries, landscaping professionally maintained. It is similar to other uses in zone.

Conclusions:

Harrison, McCall

Option 1: The Board finds that all of the standards described above have been satisfied, and therefore GRANTS the conditional use permit.

Option 2: Pursuant to § 14-474(d), the Board has the authority to impose conditions on conditional use permits. The Board finds that all of the standards described above have been satisfied, however, certain reasonable 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 all of the standards described above have not been satisfied, and therefore DENIES the application.

Dated:

10-5-17

[Signature]
Board Chair