

LARSSON
AULRY
KATSIAFICAS
Chip

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

R-2 Residential Zone:

Conditional Use Appeal

DECISION

Date of public hearing: August 20, 2015;

Name and address of applicant: Ann Burrill
2065 Washington Ave.
Portland, ME 04103

Location of property under appeal: 2063-2067 Washington Ave. Portland, Maine

For the Record:

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

*Ann Burrill
2065 Washington Ave.
Portland, Me. etc.*

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

Application + Attachments

Findings of Fact and Conclusions of Law:

The applicant, Ann Burrill, is seeking a Conditional Use in the R-2 Residential Zone under § 14-78(a)(2) to legalize a presently existing accessory dwelling unit within the footprint of a single family home. The dwelling unit was created by a previous owner without a permit.

The project is subject to article V site plan review and approval that 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 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.

A. Conditional Use Standards pursuant to Portland City Code §14-78(a)(2)

Alteration or construction of a single-family detached dwelling to accommodate an accessory dwelling unit within the building is permitted if:

1. The accessory dwelling unit is clearly subordinate to the principal dwelling;

Satisfied Not Satisfied

Reason and supporting facts:

⊗ parking sketch shows it is portion of 2nd floor over the garage

2. The accessory unit has a minimum floor area of four hundred (400) square feet that represents no more than thirty (30) percent of the gross floor area of the principal dwelling unit.¹

Satisfied Not Satisfied

Reason and supporting facts:

650 sq ft. is 24% of gross floor plan

¹ "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 the attic if such space is habitable.

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

Satisfied Not Satisfied

Reason and supporting facts:

15,246 sq. - meets both standards

4. There are no open, outside stairways or fire escapes above the ground floor.

Satisfied Not Satisfied

Reason and supporting facts:

applicant testimony shows no
outside stairways + fire escapes

5. Any additions or exterior alterations such as façade materials, building form and roof pitch are designed to be compatible with the architectural style of the building

Satisfied Not Satisfied

Reason and supporting facts:

unit works within existing
building envelope

6. The accessory or principal dwelling unit is occupied by the owner of the lot, except for bona fide absences of a temporary nature;

Satisfied Not Satisfied

Reason and supporting facts:

Applicant is homeowner & reside
in residence

7. A minimum of one (1) additional parking space is provided for the additional unit, or there exists a minimum of three (3) parking spaces for the present unit.

Satisfied Not Satisfied

Reason and supporting facts:

4 spaces available - 2 in garage
2 in front of garage
+ site plan sketch

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

The Board shall not authorize issuance of a conditional use permit unless there has been a showing that 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. Accordingly, the Board shall only grant approval if each of the following is satisfied:

1. 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 neighborhood. Apartment buildings are in close proximity.

2. 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, ordinary use in
the zone*

3. 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:

*Parking is landscaped as is lot in
general.*

Conclusion: (check one)


Satisfies, LaRosen

Option 1: The Board finds that all of the standards (1 through 7) described in section A above have been satisfied and that all of the standards (1 through 3) described in section B above have been satisfied, and therefore GRANTS the application.

___ Option 2: The Board finds that while all of the standards (1 through 7) described in section A above have been satisfied, and that while all standards (1 through 3) described in section B above are 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 not all of the standards (1 through 7) described in section A above have been satisfied and/or that not all of the standards (1 through 3) described in section B have been satisfied, and therefore DENIES the application.

Dated: 8/20/15



Board Chair

KENT AVERY
~~ACTING SECRETARY~~
AND ACTING
CHAIR.