



**Planning and Development Department
Zoning Board of Appeals
Conditional Use Appeal Application**

Applicant Information:

Michael + Janice Terrante
Name

43 Alice Court
Business Name

Portland, Maine
Address

207-878-2220 Telephone Fax

Applicant's Right, Title or Interest in Subject Property:

OWNER
(e.g. owner, purchaser, etc.):

Current Zoning Designation: R-2

Existing Use of Property:

Residence

DEPT. OF COMMUNITY DEVELOPMENT
CITY OF PORTLAND, ME
MAR 24 2009

Subject Property Information: 43 Alice Court

ADU Portland, Me
Property Address

3864-B-016
Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Name

Address

Telephone Fax

Conditional Use Authorized by Section 14 - 78(a)(2)

Type of Conditional Use Proposed:

Single Family
with income ADU

SCANNED

Standards:

Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

- (a) There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- (b) There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- (c) Such impact differs substantially from the impact which would normally occur from such a use in that zone.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as above described, and certified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

Michael + Janice Terrante
Signature of Applicant

3-23-09
Date

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA DECISION

The Board of Appeals will hold a public hearing on Thursday, April 16, 2009 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: April 21, 2009

RE: Action taken by the Zoning Board of Appeals on April 16, 2009.

The meeting was called to order at 6:30pm.

Roll call as follows: Members Present: Sara Moppin, Gordon Smith (Secretary), Deborah Rutter, William Getz and Philip Saucier (chair).

Members Absent: Peter Coyne and Jill Hunter.

1. New Business:

A. Conditional Use Appeal:

43 Alice Court, Michael and Janice Ferrante, owners, Tax Map 386A, Block B, Lot 016, R-2 Zone: The appellants are seeking a Conditional Use Appeal under section 14-78(a)(2) to add an accessory dwelling unit to their single family dwelling. Representing the appeal are the owners. **The Board voted 4-0 to grant the Conditional Use Appeal.**

B. Practical Difficulty Variance Appeal:

122 Pine Street, Edward and Karen Rea, owners, Tax Map 062, Block B, Lot 008, R-6 Residential Zone: The appellants would like to enclose the existing 14'x 3'10" porch and stairs and to build a 5'6"x 3'10" deck to connect the enclosed porch to the rear deck. The appellants need a variance to keep the 170 square foot rear deck that was built without a permit. The appellants are requesting a variance for the side setback on a side street from a required 10' to 5' [section 14-139(1)(d)(4)]. The appellants are also seeking a variance for the maximum allowable lot coverage of 50% [section 14-139(1)(e)]. The lot is 2600 square feet. The footprint of the building with the 5'6" x 3'10" deck extension and the 170 square foot rear deck is 1416.75 square feet which covers 54.49% of the lot. Representing the appeal are the owners. **The Board voted 5-0 to grant the Practical Difficulty Appeal.**

2. Other Business: None

3. Adjournment: 7:47pm

Enclosure:

Agenda of April 16, 2009

Original Zoning Board Decision

one audio tape and one dvd

CC: Joseph Gray, City Manager

Penny St. Louis Littell, Director, Planning & Urban Development

Alex Jaegerman, Planning Department

T.J. Martzial, Housing & Neighborhood Services

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2. Other Business:

3. Adjournment:

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-chair
Deborah Rutter
Jill E. Hunter
Gordan Smith-secretary
William Getz
Sara Moppin

April 21, 2009

Janice & Michael Ferrante
43 Alice Court
Portland, Maine 04103

RE: 43 Alice Court
CBL: 386A B016
ZONE: R2

Dear Mr. & Mrs. Ferrente:

As you know, at the April 16, 2009 meeting, the Zoning Board voted 4-0 (with one member recused) to grant your Conditional Use Appeal.

Enclosed please find the billing for the Zoning Board Appeals legal ad and abutter's notification and also a copy of the board's decision. You are required to submit a Change of Use permit for the accessory dwelling unit for your single family dwelling. Enclosed is an application for your change of use. You have six months from the date of this letter, referenced under section 14-474 (f) to apply for the change of use, or your Zoning Board approval will expire.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

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
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-1499	Applicant: Ferrante Michael J & Janice
Project Name: 43 Alice Ct	Location: 43 ALICE CT
CBL: 386A B016001	Application Type: Conditional Use Appeal
Invoice Date: 03/25/2009	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due		Payment Due Date
\$0.00		\$0.00		\$100.00		\$100.00		\$0.00		On Receipt

Previous Balance **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	1	\$46.00
Notices	25	\$18.75
Appeal Fee	1	\$100.00
		\$164.75
Total Current Fees:	+	\$164.75
Total Current Payments:	-	\$100.00
Amount Due Now:		\$64.75

Bill to: Ferrante Michael J &
43 Alice Ct
Portland, ME 04103

CBL 386A B016001
Application No: 0000-1499
Invoice Date: 03/25/2009
Invoice No: 34067
Total Amt Due: \$0.00
Payment Amount: \$100.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

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2. Other Business: None

3. Adjournment: 7:47pm

Enclosure:

Agenda of April 16, 2009
Original Zoning Board Decision
one audio tape and one dvd
CC: Joseph Gray, City Manager
Penny St. Louis Littell, Director, Planning & Urban Development
Alex Jaegerman, Planning Department
T.J. Martzial, Housing & Neighborhood Services

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Present - Sara Moppin, Gordon Smith (Sec.), Deborah Putter, William Getz
Phil Savcier (Chair)

Absent - Peter Coyne, Jill Hunter

APPEAL AGENDA

Start 6:35

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granted

4-0

1-0

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granted

5-0

2. Other Business:

3. Adjournment:

7:47.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

R-2 Residential Zone Accessory Dwelling Unit

Conditional Use Appeal

DECISION

Date of public hearing: April 16, 2009

Name and address of applicant: Michael & Janice Ferrante
43 Alice Court
Portland, ME 04103

Location of property under appeal: 43 Alice Court

For the Record:

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

Michael ferrante - APPLICANT

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

Findings of Fact and Conclusions of Law:

Applicants reside at 43 Alice Court. They are requesting to add an accessory dwelling unit to their residence to be occupied by elderly family members. According to the application, the main residence is 2100 sq. ft. and the proposed accessory unit is 620 sq. ft. The lot area is 25,000 sq. ft. There are no open outside stairways or fire escapes above the ground floor.

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

1. The accessory dwelling unit is within the building and clearly subordinate to the principal dwelling and is for the benefit of older or handicapped homeowners or tenants.

Satisfied Not Satisfied

Reason and supporting facts:

Per plans + photos

2. 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 and supporting facts:

- Accessory unit is 620 sq. ft.
- Principal Dwelling is 2100 sq. ft.

3. Lot area shall be eight thousand (8,000) square feet for single-family dwellings in existence as of May 1, 1984, and lot area shall be ten thousand (10,000) square feet for single-family dwellings constructed after May 1, 1984.

Satisfied Not Satisfied

Reason and supporting facts:

Lot is 29,000 sq ft.

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

Satisfied Not Satisfied

Reason and supporting facts:

Applicant says not applicable

5. 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 and supporting facts:

N/A

6. 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.

Satisfied Not Satisfied

Reason and supporting facts:

Driveway is paved, 90-foot long; Adequate
Pkg.; Standard Residential 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 and supporting facts:

Applicant resides in principal dwelling,
Per testimony.

8. 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 and supporting facts:

- Driveway is sufficient for pkg.

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 and supporting facts:

Blends in w/ neighborhood

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

Yes ___ No

Reason and supporting facts:

none, per application + test map

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

Yes ___ No

Reason and supporting facts:

SAME AS any other necessary unit

Conclusion: (check one)

Option 1: The Board finds that all of the standards (1 through 8) 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.

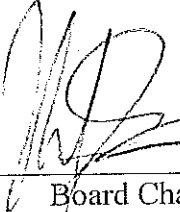
Option 2: The Board finds that all of the standards (1 through 8) described in section A above have been satisfied, and that while not all of the conditions (1 through 3) described in section B above are present, certain additional conditions must be imposed to minimize adverse effects on other property 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 8) 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)(g), 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: 4-16-09



Board Chair



City of Portland Zoning Board of Appeals

April 8, 2009

Janice & Michael Ferrante
43 Alice Court
Portland, Maine 04103

Dear Appellant,

Your Conditional Use Appeal has been scheduled to appear before the Zoning Board of Appeals on **Thursday, April 16, 2009 at 6:30 p.m.** on the second floor room #209 of City Hall.

Please remember to bring a copy of the packet with you to the meeting to answer any questions the Board may have.

I have included an agenda with your appeal highlighted, as well as the procedures of the meeting for you to familiarize yourself.

I have also included the bill for the legal ad and notices. The check should be written as follows:

MAKE CHECK OUT TO: City of Portland
MAILING ADDRESS: Room 315
389 Congress Street
Portland, ME 04101

Please feel free to contact me at 207-874-8701 if you have any questions.

Sincerely,

Gayle Guertin
Office Assistant

Cc: File

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
 389 Congress Street
 Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-1499	Applicant: Ferrante Michael J & Janice
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2. Other Business:

3. Adjournment:

**IMPORTANT NOTICE FROM CITY OF PORTLAND
INSPECTIONS DIVISION**

**TO RESIDENTS AND PROPERTY OWNERS
IN THE VICINITY OF 43 ALICE COURT**

WHAT A. Conditional Use Appeal:
43 Alice Court, Michael and Janice Ferrante, owners, Tax Map 386A, Block B,
Lot 016, R-2 Zone: The appellants are seeking a Conditional Use Appeal under
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WHEN The Zoning Board of Appeals meeting will be held on Thursday, April 16, 2009
at 6:30 pm at Portland City Hall, located at 389 Congress Street. The meeting will
take place on the second floor in Room 209, 2nd Floor, City Hall.

FOR MORE INFORMATION

For more information you may contact Marge Schmuckal, Zoning Administrator, at 207-874-8695.

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CITY OF PORTLAND, MAINE
Zoning Board of Appeals

Zoning Board of Appeals Committee

DATE: 4/16/2009
TIME: 6:30:00 PM
LOCATION: 389 Congress Street

AGENDA

- 1 New Business: A. Conditional Use Appeal: 43 Alice Court, Michael and Janice Ferrante, owners, Tax Map 386A, Block B, Lot 016, R-2 Zone: The appellants are seeking a Conditional Use Appeal under section 14-78(a)(2) to add an accessory dwelling unit to their single family dwelling. Representing the appeal are the owners.
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CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
386A A007001	CATHCART CHARLES J JR & WENDY S JTS	63 GARSOE DR PORTLAND, ME 04103	63 GARSOE DR	1
386A A009001	PIERTER MICHAEL M & SUSAN E JTS	87 GARSOE DR PORTLAND, ME 04103	87 GARSOE DR	1
386A A010001	FRIEDMAN GREG S & HANNAH H	95 GARSOE DR PORTLAND, ME 04103	95 GARSOE DR	1
386A A011001	BUSH JENNIFER B & JEFFREY L BUSH JTS	14 ALICE CT PORTLAND, ME 04103	14 ALICE CT	1
386A A012001	GALLACHER VINCENT & CLAIRE GALLACHER JTS	4 ALICE CT PORTLAND, ME 04103	4 ALICE CT	1
386A B013001	MILLIKEN ROBERT G & JANET A MILLIKEN TRUSTEES	9 ALICE CT PORTLAND, ME 04103	9 ALICE CT	1
386A B014001	LEBORGNE DAVID L & ADELE C	186 LESTER DR PORTLAND, ME 04103	29 ALICE CT	1
386A B015001	ISHERWOOD GREGG W & DONNA M JTS	39 ALICE CT PORTLAND, ME 04103	39 ALICE CT	1
386A B016001	FERRANTE MICHAEL J & JANICE E FERRANTE JTS	43 ALICE CT PORTLAND, ME 04103	43 ALICE CT	1
386A B017001	NELSON DONATA R	47 ALICE CT PORTLAND, ME 04103	47 ALICE CT	1
386A B018001	CHORK REAP & TANN CHORK JTS	50 ALICE CT PORTLAND, ME 04103	50 ALICE CT	1
386A B019001	HOLLAND JENNIFER M & JOSEPH G FERNANDEZ JTS	44 ALICE CT PORTLAND, ME 04103	44 ALICE CT	1
386A B020001	WALP MICHAEL R & ANNE D JTS	38 ALICE CT PORTLAND, ME 04103	38 ALICE CT	1
386A B021001	HOWARD MARIANNE B	89 WHITES POINT RD STANDISH, ME 04084	106 GARSOE DR	1
386A B022001	MYERS STEPHEN R & LINDA L JTS	98 GARSOE DR PORTLAND, ME 04103	98 GARSOE DR	1
386A B023001	SMALLY STEVEN T & SHARON R	88 GARSOE DR PORTLAND, ME 04103	88 GARSOE DR	1
386A B024001	POWERS KATHLEEN M	82 GARSOE DR PORTLAND, ME 04103	82 GARSOE DR	1
386A B033001	SIMPSON STEPHEN B	20 ARMSTRONG HEIGHTS PORTLAND, ME 04103	20 ARMSTRONG HEIGHTS	1
386A B034001	ARMSTRONG JULIE L & KIRK ARMSTRONG JTS	38 ARMSTRONG HEIGHTS PORTLAND, ME 04103	38 ARMSTRONG HEIGHTS	1
386A B035001	APGAR WADE N	15 ALICE CT PORTLAND, ME 04103	15 ALICE CT	1
386A X001001	MAINE TURNPIKE AUTHORITY	430 RIVERSIDE ST PORTLAND, ME 04103	MAINE TURNPIKE	1
387 A034001	HESSELINK DAVID A & LAURA F JTS	3 ALICE ST PORTLAND, ME 04103	3 ALICE ST	1
387 D035001	DOWNEY LAURIE J & DANIEL S DOWNEY SR JTS	2 ALICE ST PORTLAND, ME 04103	2 ALICE ST	1
387 D036001	KENNEY BARRY R & PATRICIA A JTS	125 CARTER ST PORTLAND, ME 04103	4 ALICE ST	1
448 A004001	WOLF LLOYD B	9 LOVEITT'S FIELD RD SOUTH PORTLAND, ME 04106	22 HOPE AVE	1

CBL	OWNER	OWNER MAILING ADDRESS	PROPERTY LOCATION	UNITS
Total Listed	25	UNITS	25	

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-1499	Applicant: Ferrante Michael J & Janice
Project Name: 43 Alice Ct	Location: 43 ALICE CT
CBL: 386A B016001	Application Type: Conditional Use Appeal
Invoice Date: 03/25/2009	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$164.75		\$164.75		\$0.00	On Receipt

Previous Balance **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	1	\$46.00
Notices	25	\$18.75
Appeal Fee	1	\$100.00
		\$164.75
Total Current Fees:		+ \$164.75
Total Current Payments:		- \$164.75
Amount Due Now:		\$0.00

Bill to: Ferrante Michael J &
43 Alice Ct
Portland, ME 04103

CBL 386A B016001
Application No: 0000-1499
Invoice Date: 03/25/2009
Invoice No: 34067
Total Amt Due: \$0.00
Payment Amount: \$164.75

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.