

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

R-2 - Residential Zone
Conditional Use Appeal

DECISION

Date of public hearing: June 1, 2017
Name and address of applicant: Peter Brogan
81 Longview Drive
Portland, Maine 04103
Location of subject property : 81 Longview Drive
CBL 387 A011001

For the Record:

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

*Peter Brogan
81 Longview Drive
Portland.*

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

Application & Exhibits

Findings of Fact and Conclusions of Law:

The applicant is seeking a conditional use permit pursuant to §§ 14-78(a)(2) of the City of Portland Code of Ordinances to create an accessory dwelling unit as part of an addition to an existing single-family residence. The Board has authority to consider a conditional use permit application pursuant to § 14-474(a).

An additional dwelling unit is permitted in a detached, single-family dwelling if it is within the building, clearly subordinate to the principal dwelling, for the benefit of the homeowners or tenants, and if it meets all of the requirements of §§ 14-78(a)(2)(a) - (g).

Findings:

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

Satisfied Not Satisfied

Reason and supporting facts:

in law unit above the garage. Owner of property will live in principal dwelling.

2. The accessory unit shall be no more than 30% of the gross floor area of the 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, but 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:

under 30% - close to 20% of total gross area (1020)

3. The lot size is a minimum of eight thousand (8,000) square feet for a single-family dwelling in existence as of May 1, 1984. § 14-78(a)(2)(b).

Satisfied Not Satisfied

Reason and supporting facts:

lot size is 15,000 sq feet per application

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

Satisfied Not Satisfied

Reason and supporting facts:

application indicates no open stairways or fire escapes above ground floor.

5. Any building additions or exterior alterations shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling. § 14-78(a)(2)(d).

Satisfied Not Satisfied

Reason and supporting facts:

Drawings show similar roof pitch & window design. no testimony from public otherwise.

6. The project shall be subject to site plan review and approval, including the following additional standards: i) 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 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(a)(2)(e).

Satisfied _____ Not Satisfied _____

Reason and supporting facts:

as a condition - it will go through
site plan review.
Plans & drawings show it appears to
be compatible.

7. Either the accessory unit or principal unit will be occupied by the lot owner, except for bona fide temporary absences. § 14-78(a)(2)(f).

Satisfied _____ Not Satisfied _____

Reason and supporting facts:

Unit will be occupied by owner

8. Parking shall be provided as required by Chapter 14, Division 20. § 14-78(a)(2)(g).

Division 20 provides that, for accessory units pursuant to § 14-78, one additional parking spaces for each such unit shall be required. Existing parking spaces shall not be used to meet the parking requirements of this paragraph, unless the existing parking spaces exceed one space for each dwelling unit. § 14-332(a)(2).

Satisfied Not Satisfied

Reason and supporting facts:

10 parking spaces available. 3 car garage added to existing ~~1~~ car garage.

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).

- a. 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:

residence in residential district.
no change in hours of operation
or parking spaces. no public
comment 5 objecting

b. 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:

*residence in residential district
no noise, glare or unsanitary
condition will be created*

c. 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:

*Residential use in residential
zone with accessory in-law unit.
Site plan review will occur. NO
material storage contemplated.*

Katsopoulos, McCall

Conclusions:


Option 1: The Board finds that all of the standards described above have been satisfied, and therefore GRANTS the conditional use permit. *for a period of 2 years.*

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:

6-1-17



Board Chair