



Michael A. Russell, MS, Director
Permitting and Inspections Department

Ann Machado
Zoning Administrator

RECEIVED
JUL 31 2017

CITY OF PORTLAND ZONING BOARD OF APPEALS Conditional Use Appeal Application

Applicant Information:

Subject Property Information: Dept. of Building Inspections
City of Portland Maine

NAME
sholeh Misaghian

PROPERTY ADDRESS
11 Gertrude Ave portland ME 04103

BUSINESS NAME
Happy Garden Family child care

PROPERTY OWNER (if Different)

BUSINESS ADDRESS
(207) 239-0955 Misaghian.sholeh@gmail.com

ADDRESS (if Different)
sholeh and Bahman saberi

BUSINESS TELEPHONE & E-MAIL
11 Gertrude Ave Portland ME 04103

PHONE # AND E-MAIL
(207) 239-0919

APPLICANT'S RIGHT/TITLE/INTEREST
R 3

CONDITIONAL USE AUTHORIZED BY
SECTION 14- 88(A)(3)
up to 12 kids daycare.

EXISTING USE OF THE PROPERTY:

single family and Home daycare 5 children

TYPE OF CONDITIONAL USE PROPOSED:

single family and Home daycare 12 children

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:

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; and
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; and
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 of other allowable uses in the 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 described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

SIGNATURE OF APPLICANT
[Signature]

DATE
7-27-17

Zoning Administrator
Department of Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Zoning Administrator:

I am requesting a conditional use permit allowing me the use of my residence at 11 Gertrude Avenue, Portland, ME 04103 to serve as a home day care for up to 12 children. I am the owner and deed holder of this property and my request is based on Section 14-88(d) (3) of the Portland Zoning Ordinance.

Attached you will find a copy of a floor plans showing my entire dwelling and area of the home daycare space, as well as an explanation on how my home day care meets the criteria listed under Section 14-88(d) (3).

Thank you for your assistance in this matter.
Sincerely,

Sholeh Misaghian

A handwritten signature in black ink, consisting of a stylized 'M' followed by a horizontal line and the name 'sholeh' written below it.

7-30-17

The following is an explanation of how my home day care meets the criteria listed under Section 14-88(d) (3);

- 1) Traffic is only 12 additional cars 2 times a day. There is already a church lot that we have the permission to use as a drop off area. I have 4 parking spaces in my driveway which will be adequate for me and one staff person.
 - 2) I don't expect any unsanitary or harmful condition. Will live like in a residential building.
 - 3) I don't expect any commercial type effect. It will be for a residential use.
-
- a. I live at this residence.
 - b. I will not have more than 12 children.
 - c. Outdoor play area is fenced.
 - d. Solid waste is stored in covered bins.

As you can see, my home daycare is a secondary and incidental use of my residence. The external activity level and impact is negligible and in keeping with the residential character of the neighborhood.

Thank you for considering my application.

Sincerely,

Sholeh Misaghian

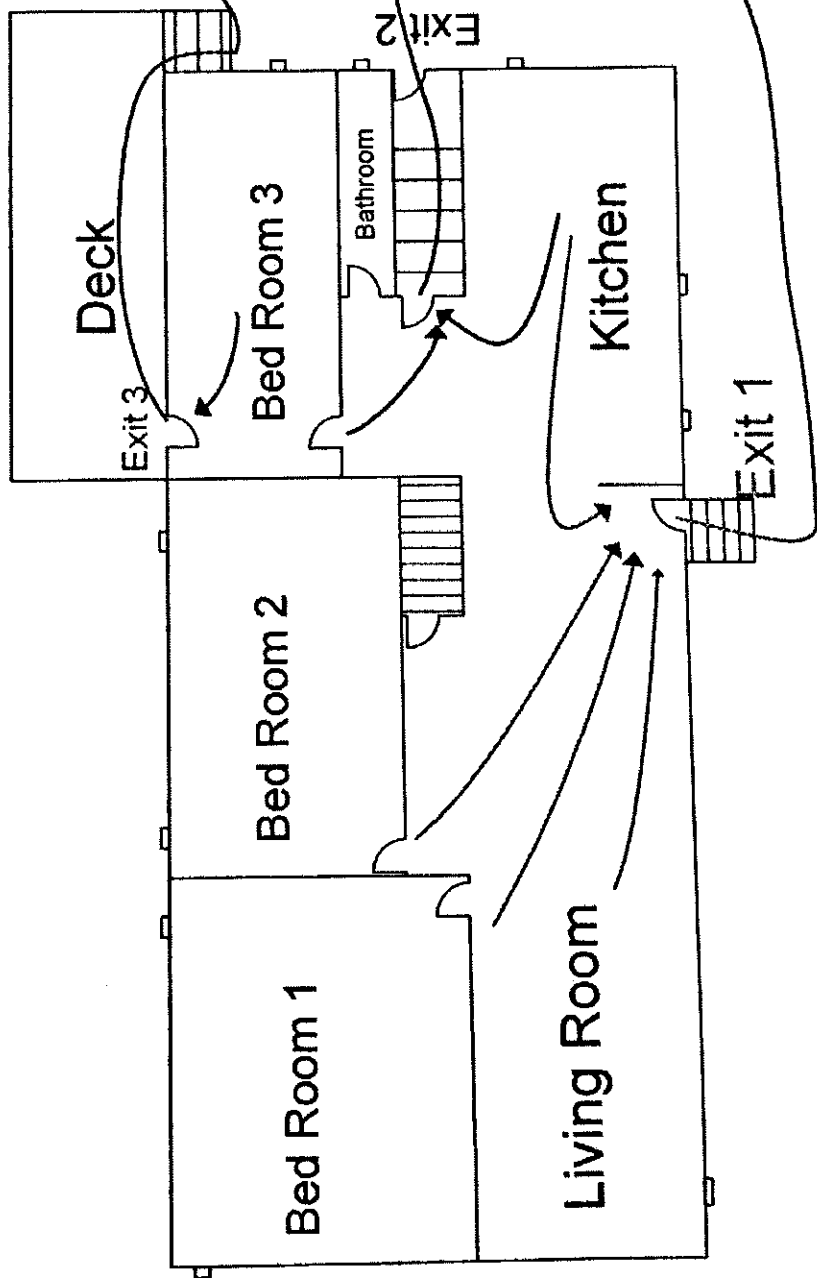
A handwritten signature in cursive script, appearing to be 'Sholeh', with a horizontal line underneath it.

7-30-17

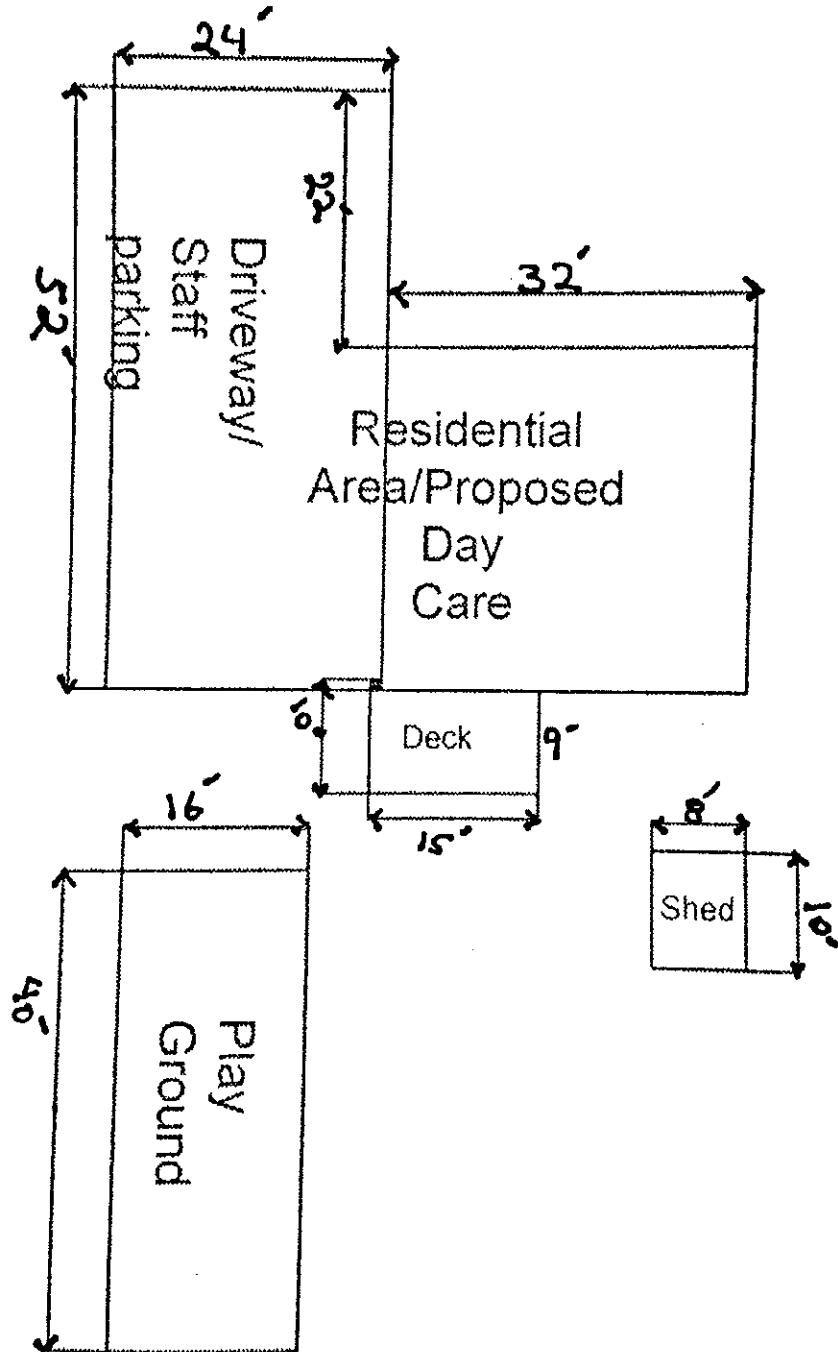
Happy Garden Fire Plan



We meet here!



Gertrude Avenue





NORTH DEERING ALLIANCE CHURCH
1301 Washington Avenue
Portland, Maine 04103
(207) 797-2561

February 26, 2017

To: Maine State Child-Care Licensing Department,

I am writing on behalf of Sholeh Misaghian. We are neighbors. Our church family is pleased to allow Sholeh and her business, the Happy Garden Family Child-care Center, to use our church parking lot for parents to park as they drop off and pick up their children each weekday.

Please let me know if there are questions I can answer. My email is (stevespling@gmail.com) and my cell phone is (207) 891-8264.

Sincerely,

Steve

Rev. Stephen Espling

Living the Call Together
Matthew 28:18-20

REO #0014907901

**SPECIAL WARRANTY DEED
(Quitclaim Deed with Covenant)**

Wells Fargo Bank, N.A. as Trustee for MASTR Asset Backed Securities Trust 2005-OPT1, a corporation duly organized and existing and having a place of business c/o Option One Mortgage Corporation, in the City of Irvine and State of California, for consideration paid, GRANTS to *Sholeh Misaghian and Bahman Sabeti*, whose mailing address is 246 Auburn Street, Apt. 44, Portland, ME 04103 hereinafter called "Grantees", and their heirs and assigns forever, AS JOINT TENANTS WITH QUITCLAIM COVENANT, the following described property, with the buildings thereon, and the appurtenances belonging thereto, situated in the City of Portland, in the County of Cumberland, in the State of Maine, and being more particularly described as follows:

A certain lot or parcel of land with the buildings thereon, situated in Portland, County of Cumberland, State of Maine being Lot numbered 16 on Gertrude Street, as shown on a plan of Wadco Park, recorded in the Cumberland County Registry of Deeds in Plan Book 12, Page 17, bounded and described as follows:


Bounded on the Northwest by said Gertrude Street; on the Northeast by Lot numbered 17 on said Plan; on the Southeast by Lots numbered 24 and 25 on said Plan; on the Southwest by land conveyed to Ellen G. Johnston et al by Charles E. Tenny by deed duly recorded in said Registry of Deeds.

Reference is made to Judgment of Foreclosure and Sale recorded in Book 25215, Page 208 and docketed with Court on February 2, 2007 in an action titled Wells Fargo Bank, N.A. as Trustee for MASTR Asset Backed Securities Trust 2005-OPT1, vs Armando Deforte filed in the Cumberland County Superior Court, in Docket No. RE-06-146 for a mortgage recorded in Book 22146, Page 163, of the Cumberland County Registry of Deeds. Being the same premises conveyed to the Grantor herein by deed dated April 19, 2007 and recorded in Book 25215, Page 213, said Registry of Deeds (in which an Exhibit B was erroneously referred to as Exhibit A).


IN WITNESS WHEREOF, Wells Fargo Bank, N.A. as Trustee for MASTR Asset Backed Securities Trust 2005-OPT1, by Option One Mortgage Corporation, its attorney in fact under a certain Power of Attorney dated January 5, 2007 and recorded in March, 2007 of the Cumberland County Registry of Deeds has caused this instrument to be executed by Assistant Secretary, as Chris Bisceglia thereunto duly authorized, this 15th day of November 2007.

MAINE REAL ESTATE TAX PAID

WITNESS:


Brooks Allen
STATE OF CALIFORNIA
COUNTY OF ORANGE

Wells Fargo Bank, N.A. as Trustee for MASTR Asset Backed Securities Trust 2005-OPT1
By Option One Mortgage Corporation
Its attorney in fact

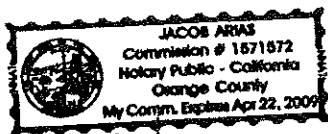
By: 
Chris Bisceglia
Assistant Secretary
Title: November 15th 2007

SEAL

Personally appeared the above-named Chris Bisceglia, **Assistant Secretary** of Option One Mortgage Corporation, attorney in fact for Wells Fargo Bank, N.A. as Trustee for MASTR Asset Backed Securities Trust 2005-OPT1, and acknowledged the foregoing instrument to be his/her free act and deed in his/her said capacity and the free act and deed of said Grantor.

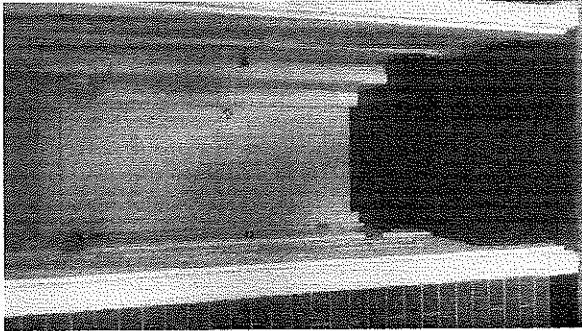
Before me,


Notary Public/Printed Name: **JACOB ARIAS**

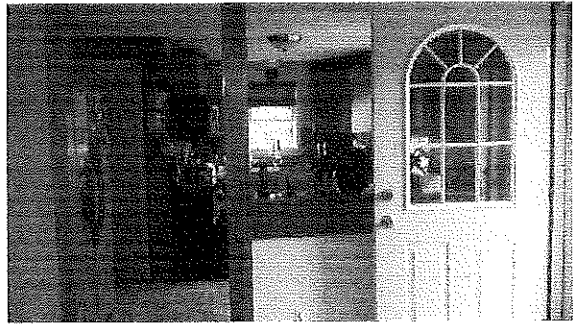


Received
Recorder/Registrar of Deeds
Nov 28, 2007 10:29:26A
Cumberland County
Pamela E. Lewis

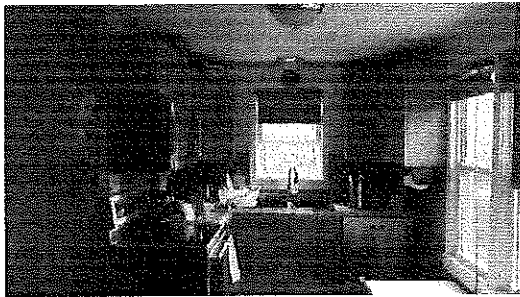
Front entry/hallway



Kitchen view from Living room



Kitchen



Living room/front entry view from kitchen



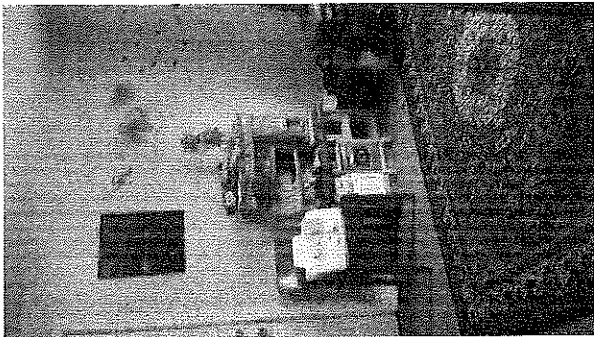
Exterior bedroom (proposed for nap/play)



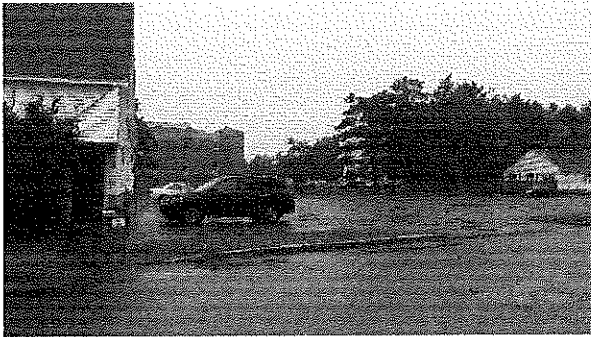
Interior bedroom (proposed for nap/play)



Playroom (existing)



Neighbor/Church-written parking agreement for use



Front



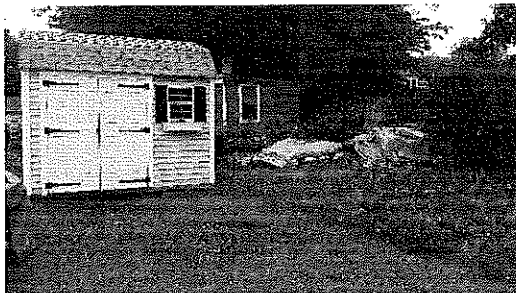
Back



Front/Residential parking (4) cars



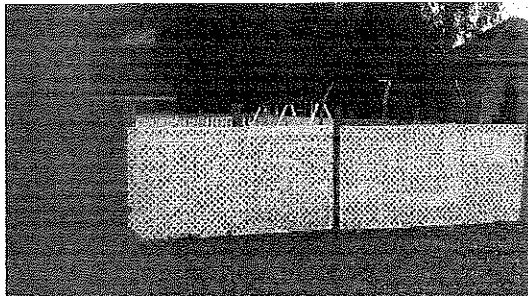
Garden/Storage shed



Fenced in Playground Interior



Fenced in playground



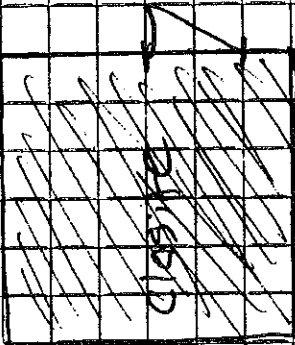
Bathroom (3/4)



SECOND FLOOR

12 shelves

Small desk



Bar table

P

toilet

sink

100 SF

Door from first floor

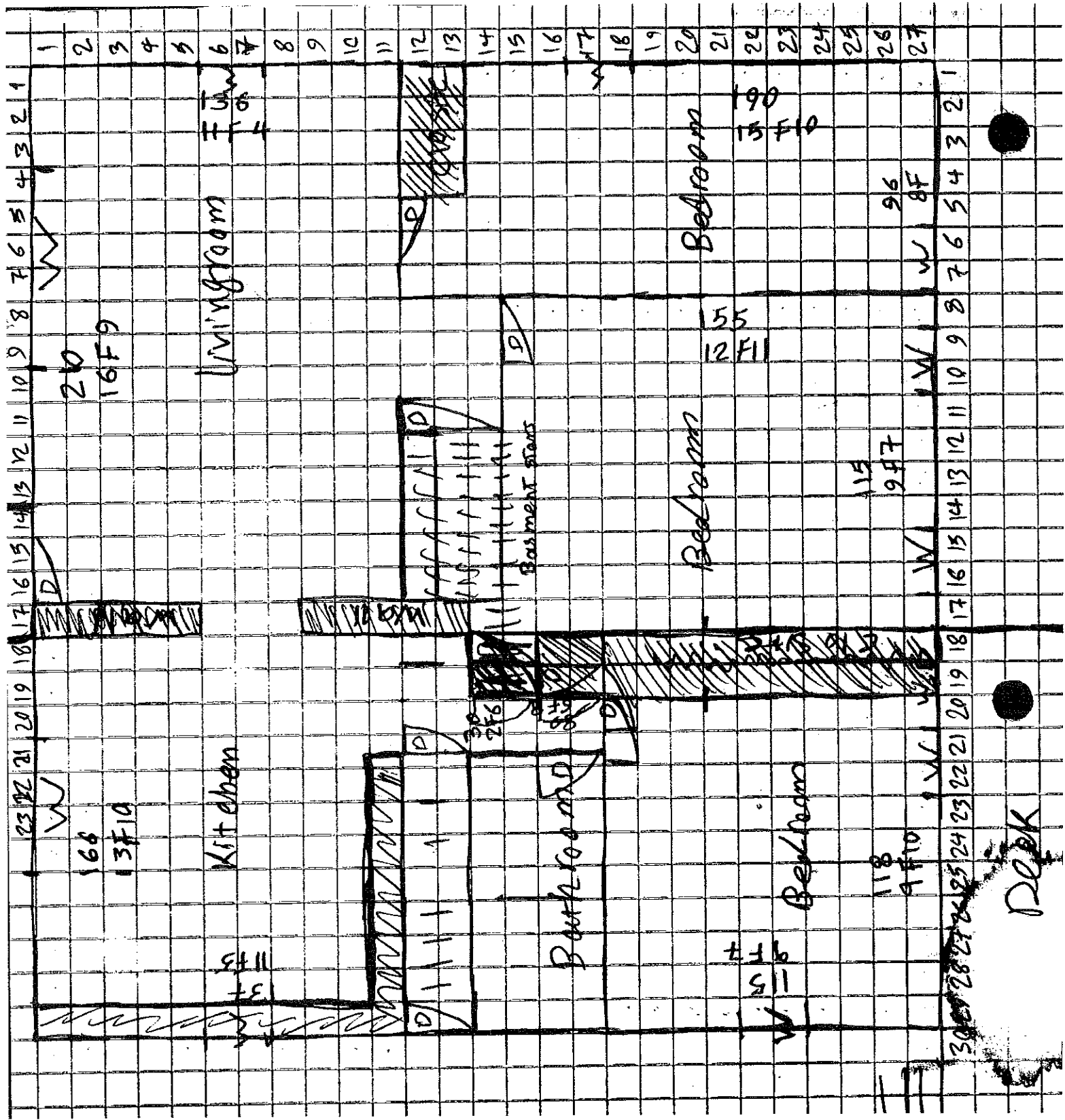
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226
19F1

205
84F7

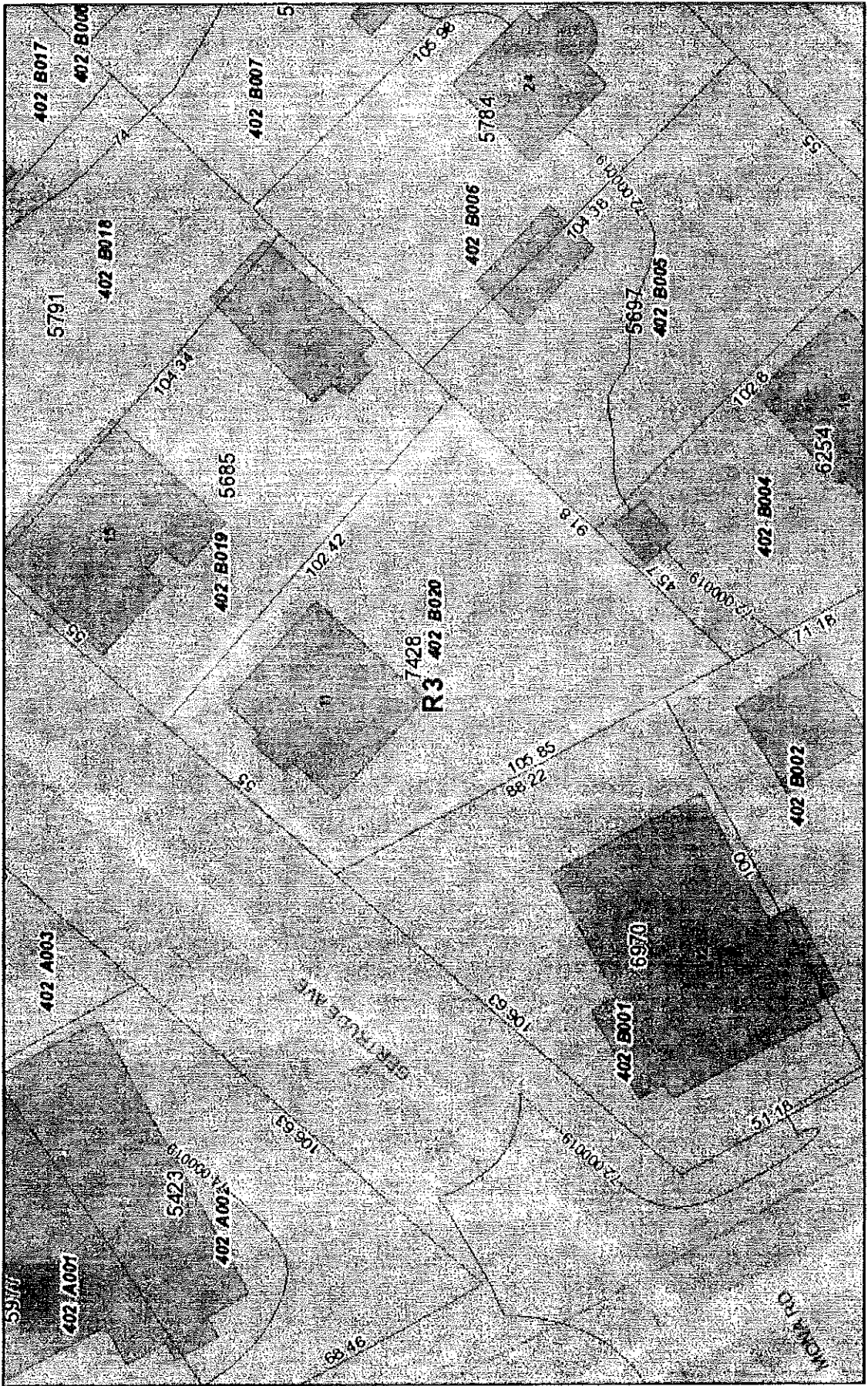
7 shelves

Small Door
(exit for roof)



DECK

ArcGIS Web Map



February 6, 2017

- Contours
- 76.0000001 - 101.0000000
- 101.0000001 - 128.0000000
- 27.0000001 - 51.0000000
- 51.0000001 - 76.0000000

- Coastal Buffer
- H - Highly Unstable
- U - Unstable
- Shoreland Overlay Zone
- Stream Overlay Zone
- Stream_protection

City of Portland, DPS