



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

Ann Machado, Zoning Administrator

August 9, 2017

Sholeh Misaghian  
Happy Garden Family Childcare  
11 Gertrude Avenue  
Portland, Maine 04103

Dear Sholeh,

Your Conditional Use Appeal has been scheduled to be heard before the Zoning Board of Appeals on **Thursday, August 17, 2017, at 6:30 p.m.** on the Second Floor in Room 209, Portland City Hall, 389 Congress Street, Portland, Maine.

Please remember to bring a copy of your application 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 a handout outlining the meeting process for the Zoning Board of Appeals.

I have also included the bill for the processing fee, legal ad, and notices for the appeal. You may pay online by visiting <http://www.portlandmaine.gov/1728/Permitting-Inspections> and clicking the "Pay Your Bill Online" link in the menu on the left. You can also pay by mail at:

MAKE CHECK PAYABLE TO: City of Portland  
MAILING ADDRESS: Permitting & Inspections Department, Room 315  
389 Congress Street  
Portland, ME 04101

***All fees must be paid in full either before the hearing or by bringing payment to the hearing.*** If there are outstanding fees at the time of the hearing, your appeal will be tabled and rescheduled once fees are paid.

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

Sincerely,

Doreen M. Christ  
Support Services Specialist

pc: File

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

Kent Avery, Chair  
Donna Katsiaticas, Secretary  
Robert Bartels  
Eric Larsson  
Benjamin McCall  
Joseph Zamboni

### APPEAL AGENDA

The Board of Appeals will hold a Public Hearing on Thursday, August 17, 2017, at 6:30 p.m. on the Second Floor in Room 209 at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following appeals:

**1. New Business:**

- A. Conditional Use Appeal:** 11 Gertrude Avenue, Sholeh Misaghian, owner, Tax Map 402, Block B, Lot 020, R-3 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-88(d)(3) to operate a licensed child care center for up to 12 children at her existing single-family home. Representing the appeal is the owner.
- B. Interpretation Appeal:** 191 Marginal Way, ConvenientMD LLC, lessee, Tax Map 24, Block C, Lot 021, B-7 Mixed Development District Zone: The applicant is challenging the Zoning Administrator's interpretation of the term "building identification sign," from an e-mail dated July 21, 2017 (Section 14-369.5). Representing the appeal is Natalie L. Burns, Esq.

**2. Other Business:** Final discussion to change start time of meeting.

**3. Adjournment**

Portland, Maine



Yes. Life's good here.

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

*Ann Machado, Zoning Administrator*

## Zoning Board of Appeals Meeting Process

You or your representative must attend the Zoning Board meeting in order to present your case and to answer any questions the Board may have concerning your appeal. Have a copy of your appeal with you.

First, the Chairperson will call the meeting to order and read the procedures.  
Next, the Secretary will call the roll of the Board members present.  
The meeting will then open to the first appeal on the agenda.

The first applicant will come forward to the small front table and give a verbal summary of what it is they are appealing to the Board. The Board will have already received your written application packet. You then may need to answer questions from the Board.

The public will have a chance to respond when the Chair first asks the public as to who would like to respond in favor or against the appeal application. The applicant will be able to respond after all the public comments.

When the Board is satisfied that they have all the information they need to make a decision, the Chairperson will close the meeting to public comment and will begin their deliberations.

The Board will make a motion (usually in the affirmative) and then further discuss the issues involved. On rare occasions, the Board may open the public portion again (temporarily) to ask another question to the applicant. After the deliberation, the Board will take an official vote and thus make and thus make an official decision

The Board will then ask the next applicant to come forward. The process continues until all appeals are heard and decisions are rendered.

The Chairperson will then adjourn the meeting.

A copy of the Board's decision will be mailed to you, along with a bill for abutter's notices and legal ads. We will also include a building permit application if deemed necessary.

The Building Permit application will have to be filled out and returned to Inspection Services on the 3<sup>rd</sup> floor of City Hall, as per current application process. A document outlining the Building Permit process is available at the office or on line at: <http://www.portlandmaine.gov/DocumentCenter/View/4468>. It is the responsibility of the applicant to submit all the required documents and plans that are listed on the permit application checklist. Any outstanding fees incurred during the Appeal process must be paid before the building permit can be issued.

**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street  
 Portland, Maine 04101

**INVOICE OF FEES**

<b>Application No:</b> 0000-3018	<b>Applicant:</b> MISAGHIAN SHOLEH & BAHMA
<b>Project Name:</b> 11 GERTRUDE AVE	<b>Location:</b> 11 GERTRUDE AVE
<b>CBL:</b> 402 B020001	<b>Application Type:</b> Conditional Use
<b>Invoice Date:</b> 08/09/2017	

<b>Previous Balance</b>	-	<b>Payment Received</b>	+	<b>Current Fees</b>	-	<b>Current Payment</b>	=	<b>Total Due</b>	<b>Payment Due Date</b>
\$100.00		\$100.00		\$232.64		\$0.00		\$232.64	On Receipt

**First Billing**

<b>Previous Balance</b>	<b>\$100.00</b>
<b>Payment Received 7/17/2017 - Thank you</b>	- <b>\$100.00</b>

<u>Fee Description</u>	<u>Qty</u>	<u>Fee/Deposit Charge</u>
Processing Fee	1	\$50.00
Notices - ZBA	80	\$60.00
Legal Advertisements - ZBA	1	\$122.64
		<hr/> \$232.64
	<b>Total Current Fees:</b>	+ <b>\$232.64</b>
	<b>Total Current Payments:</b>	- <b>\$0.00</b>
	<b>Amount Due Now:</b>	<hr/> <b>\$232.64</b>

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 Detach and remit with payment

**CBL** 402 B020001  
**Bill To:** MISAGHIAN SHOLEH & BAHMAN SABETI JTS  
 11 GERTRUDE AVE  
 PORTLAND, ME 04103

**Application No:** 0000-3018  
**Invoice Date:** 08/09/2017  
**Invoice No:** 69501  
**Total Amt Due:** \$232.64  
**Payment Amount:**

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

**Pay On-Line at <http://portlandmaine.gov/550/Inspections>**