



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

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS

Conditional Use Appeal Application

Applicant Information: NICK NADEAU

Subject Property Information: 22 HAWTHORNE ST

NAME

PROPERTY ADDRESS

427 D012001

BUSINESS NAME

CHART/BLOCK/LOT (CBL)

BUSINESS ADDRESS

PROPERTY OWNER (If Different)

22 HAWTHORNE ST UNIT #2

BUSINESS TELEPHONE & E-MAIL

ADDRESS (If Different)

207-468-1726 nadeaunm5@gmail.com

CURRENT OWNER

PHONE # AND E-MAIL

APPLICANT'S RIGHT/TITLE/INTEREST

R-5

CURRENT ZONING DESIGNATION

CONDITIONAL USE AUTHORIZED BY

SECTION 14- 118(a) (5)

EXISTING USE OF THE PROPERTY: Currently a two unit with one unit above the existing two car garage.

TYPE OF CONDITIONAL USE PROPOSED: Convert the two car garage into a two bedroom apartment

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

DATE

Nick Nadeau

22 Hawthorne Street Unit #2 | 207-468-1726 | nadeaunm5@gmail.com

March 6, 2017

City of Portland
Zoning Board of Appeals
389 Congress Street.
Portland Maine 04103-3509

**Dear City of Portland
Zoning Board of Appeals:**

The following request is in regard to a conversion of an existing two car heated garage to a two bedroom one bath apartment dwelling. The property is located at 22 Hawthorne Street Portland, ME 04103.

Currently this dwelling is an two unit apartment building residing in Zone R-5. This zone allows only 1- and 2-family homes. Sec 14-118(a)(5) states that a third unit can be added as long affordable to households earning up to 80% of the AMI for the City of Portland

Sincerely,

Nick Nadeau

To
Portland Zoning Board of Appeals
389 Congress Street.
Portland, ME 04101

From
Nick Nadeau
22 Hawthorne St. Unit #2
Portland, ME 04103

To whom this may concern:

The following memo is in regard to the proposed addition of a third unit for the building located at 22 Hawthorne St. Portland, Maine 04103.

The space that will be utilized is an existing attached 2 car garage that was built in 2006.

This is to inform the following parties that all rules detailed in Section 14-118(a)(5) (see page 2) will be followed. Additionally Standards 1-3 (see page 2) from the Conditional Use of Appeal Application will also be followed.

Explanation of how each item will be followed are outlined in **RED**

From City of Portland Code of Ordinances

5. Use of space existing as of September 3, 2008 to accommodate additional dwelling units under the following conditions:

The space that will be utilized is an existing attached 2 car garage that was built in 2006.

- a) This section shall under no conditions permit more than four dwelling units on a lot and shall not allow more than two additional dwelling units on a lot above what would otherwise be permitted; This project will be limited to three units total
- b) Any units created under this section may not be sold as condominium units or otherwise separated from the ownership of at least one of the pre-existing units on the site ; No condo conversion will take place
- c) Any units created under this section must be affordable to households earning up to 80% of AMI and are subject to income verification as further outlined in implementing regulations; All requirements detailed by Portland Housing & Community Development will be followed. This unit will be a two bedroom 1 bathroom unit and will be below the 80% AMI requirements.
- d) The additional units shall have a minimum floor area of four hundred (400) square feet and may not involve removing more than ten percent of the gross floor area of an existing dwelling unit into a new dwelling unit. 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 and may include the attic if such space is habitable. The added unit will be roughly 700 square feet, and all floors are above grade and does not include attic space. The current garage is not used as livable space for either unit, so no livable space will be removed from the current two units
- e) Modifications to existing structures shall be minimal, and be limited to new doors, windows and other openings; All exterior walls are existing only windows and exterior doors will be added
- f) Parking shall be provided as required by Division 20 of this article;

Current parking supports over 6 vehicles

- g) There shall be no open, outside stairways or fire escapes above the ground floor; and City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-118 Rev. 10-19-2015 14-122 None of these will exist
- h) The project shall be subject to Article V for site plan review and approval and the following additional standards:
 - a. i. Any additions or exterior alterations such as façade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the single family appearance of the building;

Exterior will match the current look of the existing structure

- b. ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped properly to screen vehicles from adjacent properties and streets. The existing drive way will be utilized no additional pavement will be needed

From City of Portland Zoning Board of Appeals- Conditional Use Appeal Application

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; **Current drive supports parking for 6 vehicles which would cover all 3 units**
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. **Onsite construction material will be contained in a proper dumpster with no visible debris.**
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.
No additional signage or other structures will be added for this project





11/4/1

REFRAME
WINDOWS
UNDER EXISTING
HEADER.





22





22

6444 VG

(SPACE ABOVE FOR RECORDING INFORMATION)

Quit Claim Deed

I, **DIANNE M. THERIAULT** of Portland, Cumberland County, Maine, for consideration paid, grants to **DIANNE M. THERIAULT AND JOHNNEY L. THERIAULT**, both having a mailing address of 22 Hawthorne Street, Portland, ME 04103 with **QUIT CLAIM Covenants**, as joint tenants, the land and interest in land situated in Portland, Cumberland County, Maine, described as follows:

A certain lot or parcel of land with the buildings thereon, situated in Veranda Park at East Deering in Portland, County of Cumberland, and State of Maine, bounded and described as follows:

BEGINNING at a point in the southwesterly side line of Hawthorne Street, distance northwesterly thereon two hundred seven and ninety-one hundredths (207.91) feet from Veranda Street;

THENCE southwesterly at right angles to said Hawthorne Street one hundred (100) feet to a point;

THENCE northwesterly, parallel with said street forty-five (45) feet to a point;

THENCE northeasterly, again at right angles to said Hawthorne Street, one hundred (100) feet to said street;

THENCE southeasterly along the southwesterly side line of said Hawthorne Street, forty-five (45) feet to the point of beginning, containing four thousand five hundred 4,500 square feet of land. Said premises are known and designated as Lot #143 as shown on a plan of land of Veranda Park, made by Illsley and Cummings, civil engineers, for the Fessenden Park Company and recorded in the Cumberland County Registry of Deeds, Plan Book 10, Page 55.

ALSO one other certain lot or parcel of land situated at said Veranda Park, in said Portland and being Lot #142 on said Hawthorne Street, as shown on said Plan of Veranda Park,

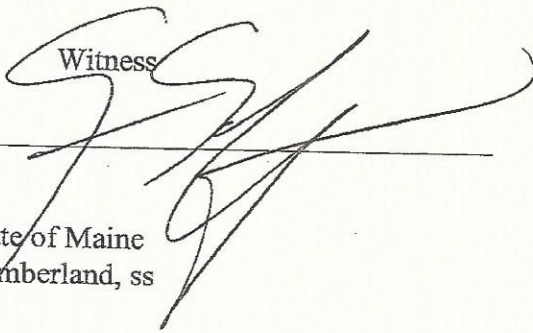
recorded in said Plan Book 10, Page 55 and containing 4,509 square feet, more or less, as shown on said Plan.

ALSO conveyed hereby is a right of way, in common with certain others in said Hawthorne Street.

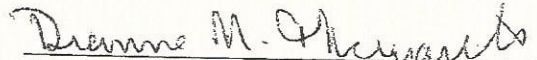
SAID lots are hereby conveyed subject to a restriction that no building costing less than five hundred (\$500.00) dollars shall be erected thereon, and no building shall be erected nearer than fifteen (15) feet to said Hawthorne Street.

Being the same premises conveyed to Dianne M. Theriault by deed of John L. Theriault dated May 11, 2005 and recorded in the Cumberland County Registry of Deeds in Book 22648, Page 228.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 1 day of ~~May~~ ^{JUNE}, 2006.

Witness


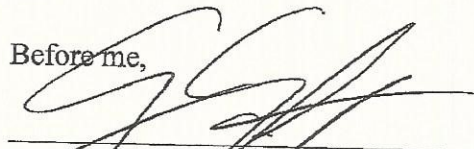
State of Maine
Cumberland, ss



Dianne M. Theriault

June 1, 2006

Personally appeared the above named Dianne M. Theriault and acknowledged the foregoing instrument to be her free act and deed.

Before me,


Notary Public
Maine Attorney at Law
Print name: JOEL SCHAEFFER

qcd1gr
forms/deeds/WF13

Received
Recorded Register of Deeds
Jun 07 2006 01:32:49P
Cumberland County
John B O'Brien