

6/16/16

Eric Larrsen
Kent Avery chair
Joe Zahbanl
William Getz

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

R-5 Residential Zone:

Conditional Use Appeal

DECISION

Date of public hearing: June 16, 2016

Name and address of applicant: Michael Paré
593 Washington Ave.
Portland, Maine 04103

Location of property under appeal: 591-593 Washington Ave.
Portland, ME 04103

For the Record:

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

Michael Paré

No public written statement
No public in attendance

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

Existing Floor Plan;

Plot Plan

Pictures

3. Units created as part of the conditional use will not be sold as condominium units or otherwise separated from the ownership of at least one of the pre-existing units on the site;

Satisfied 4 Not Satisfied

Reason and supporting facts:

Section B of page 2 states that the owner will own the property. Owner informed that limit becomes subject to the property

4. Units created as part of the conditional use will be affordable to households earning up to 80% of AMI.¹

Satisfied 4 Not Satisfied

Reason and supporting facts:

Owner is working with Portland Housing Division
Contractual agreement to support limit

¹ Such units shall be subject to income verification as further outlined in implementing regulations.

7. A minimum of one (1) additional parking space is provided for the additional unit, or there exists a minimum of three (3) parking spaces for the present units.

Satisfied 4 Not Satisfied

Reason and supporting facts:

Oral testimony about the 2 car garage and possibility of 6 parking spaces

8. There are no open, outside stairways or fire escapes above the ground floor.

Satisfied 4 Not Satisfied

Reason and supporting facts:

per testimony and plans, stairs and egress are interior

9. Any additions or exterior alterations such as façade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building

Satisfied 4 Not Satisfied

Reason and supporting facts:

No proposed exterior changes, per written statement and testimony

10. 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 4 Not Satisfied

Reason and supporting facts:

No changes to parking area per plan and testimony

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

The Board shall not authorize issuance of a conditional use permit unless there has been a showing that 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. Accordingly, the Board shall only grant approval if each of the following is satisfied:

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.

Satisfied 4 Not Satisfied

Reason and supporting facts:

Residential traffic, Addition is for 1 bedroom

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.

Satisfied 4 Not Satisfied

Reason and supporting facts:

Standard City services

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 or other allowable uses in the zone.

Satisfied 4 Not Satisfied

Reason and supporting facts:

A single residential unit will be added in a residential building, zoned residential

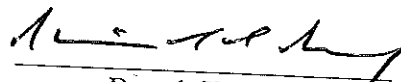
Conclusion: (check one)

4 Option 1: The Board finds that all of the standards (1 through 10) described in section A above have been satisfied and that all of the standards (1 through 3) described in section B above have been satisfied, and therefore GRANTS the application.

 Option 2: The Board finds that while all of the standards (1 through 10) described in section A above have been satisfied, and that while all standards (1 through 3) described in section B above are satisfied, 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 10) described in section A above have been satisfied and/or that not all of the standards (1 through 3) described in section B have been satisfied, and therefore DENIES the application.

Dated: 6/16/16


Board Chair