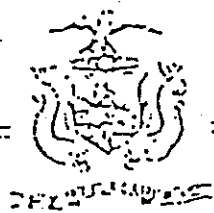


CITY OF PORTLAND, MAINE

BOARD OF APPEALS



CONDITIONAL USE APPEAL

DECISION

Name and address of applicant: ~~MATT ISRAELSON~~ KAREN L. McILWAN

664 Allen Ave, PORT 04103

Location of property under appeal: 75 ALLEN AVE 435-A-50

OWNER: MATT ISRAELSON, 135 Marginal Way #313, PORT. 04101
For the Record

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

Karen McIlwan

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

Findings of Fact

1. The proposed conditional use is/is not (circle one) permitted under section 14-118 of the zoning ordinance, for the following reason(s):

S-O

2. The proposed conditional use does/does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s): S-O

3-A. There are not (circle one) unique or distinctive characteristics or effects associated with the proposed conditional use, for the following reason(s): S-O

3-B. There will/will not (circle one) be an adverse impact on the health, safety or welfare of the public or the surrounding area, for the following reason(s): _____

3-C. The impact does/does not (circle one) differ substantially from the impact which would normally occur from such a use in this zone, for the following reason(s): S-O

Conclusion*

After public hearing on 11/18/99, and for the reasons above-stated, the accompanying application is hereby (check one)

granted S-O

granted subject to the following condition(s):

denied.

Dated: 11/18/99

[Signature]
Secretary of the Board

*The application may be denied only if either the finding for #1 or 2 above is in the negative or the findings for #'s 3-A, 3-B and 3-C above are each in the affirmative.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Elizabeth Bordowitz, Chair
Lee Lowry III, Secretary
William Neleski, Jr.
Andrew Braceras
Sam Sivovlos
Julie Brady
Peter Clifford

November 22, 1999

Karen L. McIlwain
664 Allen Avenue
Portland, ME 04103

RE: 75 Allen Avenue
CBL: 435-A-050
ZONE: R-5 Zone

Dear Ms. McIlwain;

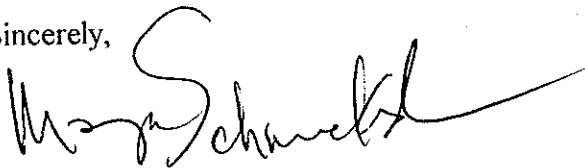
As you know, at its November 18, 1999 meeting, **the Board of Appeals voted 5-0 to grant a childcare facility for up to 12 children, changing from 2 units to 1 unit and daycare, as outlined under Section 118(3) d, R-5 Zone.**

Enclosed please find a copy's of the Board's decision.

It will now be necessary for you to come to this office and apply for a change of use permit. This permit will indicate that it is changing a 2-unit building to a 1 unit and daycare. We will require complete floor plans with dimensions and a set of construction plans should you do any interior renovations. A cost of a change of use is \$30.00.

Should you have any questions regarding this matter, please do not hesitate to contact either myself or Nadine Williamson, Office Manager.

Sincerely,



Marge Schmuckal
Zoning Administrator

MS/nbg
Enclosure

CC: Area 2 (Kevin Carroll, Tammy Munson, and John Reed)

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Elizabeth Bordowitz, Chair
Lee Lowry III, Secretary
William Neleski, Jr.
Andrew Braceras
Sam Sivovlos
Julie Brady
Peter Clifford

November 8, 1999

Karen L. McIlwain
664 Allen Avenue
Portland, ME 04103


RE: 75 Allen Avenue
CBL: 435-A-050
ZONE: R-5 Zone

Dear Ms. McIlwain;

Your Conditional Use Appeal has been scheduled for review before the Board of Appeals on Thursday November 18, 1999 at 7:00 p.m. in Room #209, City Hall, Portland, Maine. You must plan to attend to answer any questions, which the Board may have concerning this appeal.

A copy of the November 18, 1999 agenda is enclosed for your information. If you have any further questions please do not hesitate to contact either Nadine Williamson, Office Manager or myself. Thank you.

Sincerely,



Marge Schmuckal
Zoning Administrator

Enclosure
MS/nbw

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

Billing for Legal Ads for Agenda's

Project Name: Conditional Use Appeal
Owner's Name: Matthew Israelson
Address of Project: 75 Allen Avenue
Division/Board: Zoning Board of Appeals – 11/18/99

Number of Residential Notices Mailed Out:	300
% Amount of Legal Ad:	39.90
.40 x Number of Notices:	120.00
Total Amount Due:	159.90

Make checks payable to the *City of Portland*, ATTN: Nadine Williamson, 3rd Floor, Room 315, 389 Congress Street, Portland, Maine 04101.

Bill to: Karen McIlwain
664 Allen Avenue
Portland, ME 04103

Mailed: November 12, 1999

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing at 7:00 p.m. in Room 209, City Hall, Portland, Maine on Thursday, November 18, 1999 to hear the following appeals:

1. Unfinished Business:

INTERPRETATION APPEAL

28 Waterville Street, Johanna Pulkkinen, owner of the property. Mark & Cherylann Pulsoni abutters to 28 Waterville Street, hereby respectfully petitions the Board of Appeals to overturn the interpretation of the Code Enforcement Officer's measuring of setbacks of the new porch structure, on the left hand side of the property, as outlined in the letter dated August 31, 1999 concerning Section 14-472 of the Zoning Ordinance, R-6 Zone.

2. New Business:

INTERPRETATION APPEAL

6-8 Walker Street, Thomas Jewell, Esq. Attorney for Dubois Real Estate, owner of the property. Attorney Jewell respectfully petitions the Board of Appeals to Reconsider hearing an Interpretation Appeal at 6-8 Walker Street and allow relief from Section 14-139(2) to overturn the Zoning Administrator's interpretation regarding the current number of non-confirming units that are permitted at this premises, R-6 Zone.

CONDITIONAL USE APPEAL

75 Allen Ave., Matthew Israelson, owner of the property. Ms. McIlwain, prospective tenant of the property, respectfully petitions the Board of Appeals to grant a childcare facility for up to 12 children, changing from 2 units to 1 unit and daycare, as outlined under Section 118(3) d, R-5 Zone.

3. Adjournment:



CITY OF PORTLAND, MAINE

Department of Building Inspection

11/4 19 99

Received from Karen L. McIlwain a fee

of Eighty dollars /100 Dollars \$ 80.00

for permit to ^{install}
^{erect}
^{alter} change the use / Appeal ^{ZBA}

at ^{move}
^{demolish} 75 Allen Ave Est. Cost \$ 0

CR # 2130

50.00 ZBA

30.00 CIU

80.00

Inspector of buildings

Per

UB

THIS IS NOT A PERMIT

No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRESERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt less \$5.00 or 10% whichever is greater.

WHITE - Applicant's Copy

YELLOW - Office Copy

PINK - Auditors Copy