

66 State St.
Jan 15/1987



CITY OF PORTLAND

CONDITIONAL USE APPEAL

DECISION

For the Record

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

Robert C. Robinson Atty.

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

written exhibits - letter from Adelaide M. Curran
157 Danforth St.

Findings of Fact

137 (B)
c

1. The proposed conditional use is / is not (circle one) permitted under Section 14-137(3)b of the Zoning Ordinance, for the following reason(s):

7-0

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):

7-0

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

6-1

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):

6-1

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

6-1

Conclusion*

After public hearing on Jan. 15, 1987, and for the reasons above-stated, the accompanying application is hereby (check one)

6-1 granted.

granted subject to the following condition(s):

conditions specified in the motion

denied.

Dated: Jan. 15, 1987

John C. Kow
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.

Granted
John C. Kow
Christopher Collins
Marshall S. Betty
Michael E. Goyette
Thomas J. Jurek
Robert L. ...

Denied
David ...

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Gerard Pelletier, Data Processing

December 5, 1986
DATE

FROM: Warren Turner, Zoning Enforcement Inspector

SUBJECT: Labels for 66 State Street, Roman Catholic Church - Appeal

May we please have the following labels:

44-B 10 thru 48

44-C 8 thru 30

44-D 10 thru 19
21, 22, 23, 25, 26, 27, 29, and 30

44-E 14 and 19

44-G

44-H

45-B 9-10-11
18 thru 29
34 and 40

45-D 1 and 3

45-F 4 thru 19
36 and 37

57-E 7

me to D P

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chairman and Members of the Board of Appeals

FROM: Warren J. Turner, Zoning Enforcement Inspector

Warren J. Turner
DATE:

January 2, 1987

SUBJECT: St. Dominic's School - Conditional Use for Offices

The applicant (Roman Catholic Bishop of Portland) is requesting approval for a conditional use for offices in the former St. Dominic's School building. There are at least two parties interested in having offices within this building, although a firm agreement has not yet been agreed upon. One is an architect's office and the other is a social service organization, who wish to occupy this building for office uses.

Because this building is not a residential structure Subsections i, ii, iii, and iv of Section 14-137 do not apply and these four criteria are to be disregarded in considering this building for professional office re-uses.

The applicant is also requesting a waiver for four offstreet parking spaces, since 31 offstreet parking spaces are required and only 27 spaces are being provided.

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



MERRILL S SELTZER
Chairman

JOHN C. KNOX
Secretary

ROBERT J. GAUDREAU
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTORT
CHRISTOPHER DINAN

January 20, 1987

RE: 66 State Street
St. Dominic's School

Roman Catholic Bishop of Portland
c/o Mr. Robert C. Robinson Attorney
12 Portland Pier
Portland, Maine 04101

Dear Mr. Robinson:

At the meeting of the Board of Appeals on Thursday evening, January 15th, the Board voted by a 6 to 1 vote to approve professional office uses for the former St. Dominic's School in the R-6 Residence Zone at 66 State Street subject to the following conditions:

- a) Based on 10,800 square feet of office floor area;
- b) That 31 offstreet parking spaces be provided as required by the Zoning Ordinance; and
- c) Or that a variance be sought by the applicant.

On this motion the Board voted by a vote of 6 to 1. With reference to the variance request to waive four (4) parking spaces, the Board voted by a 6 to 1 to table that variance indefinitely. A copy of the Board's decision is enclosed. Since the Board approved your conditional use appeal, your client may now apply for a change of use together with any alterations within the building.

Sincerely,

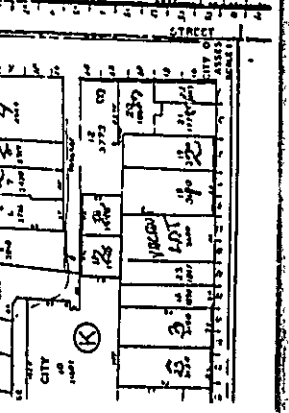
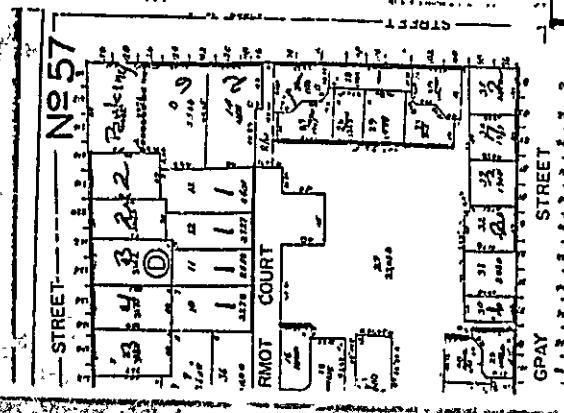
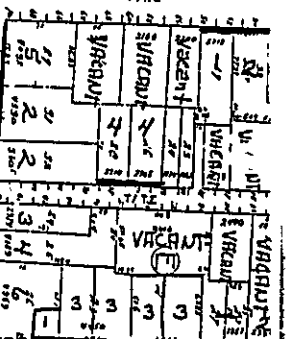
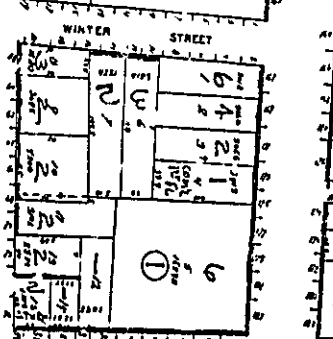
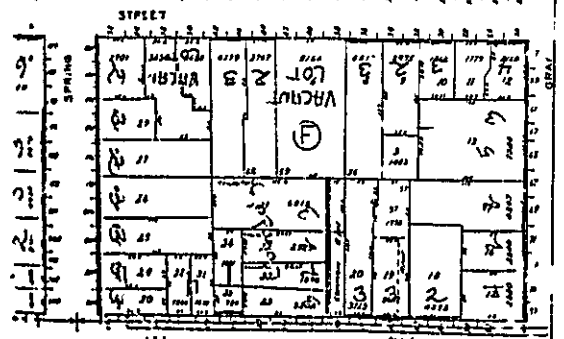
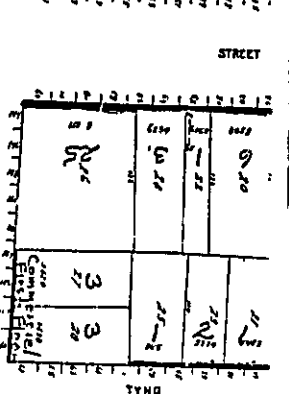
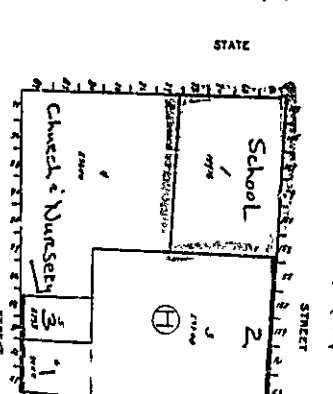
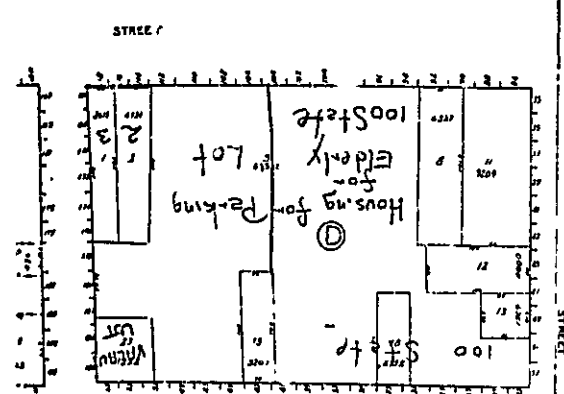
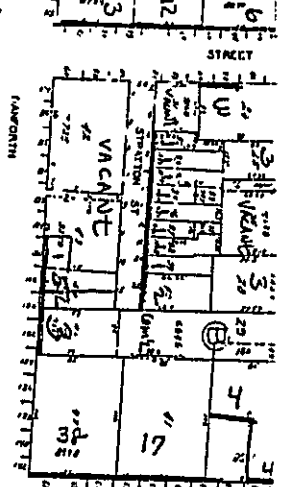
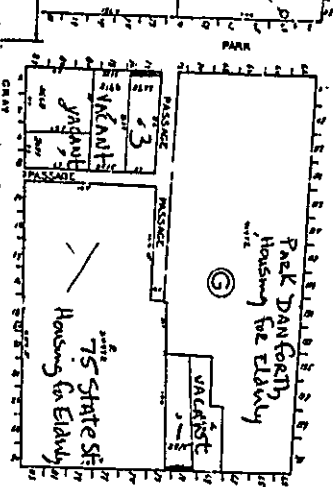
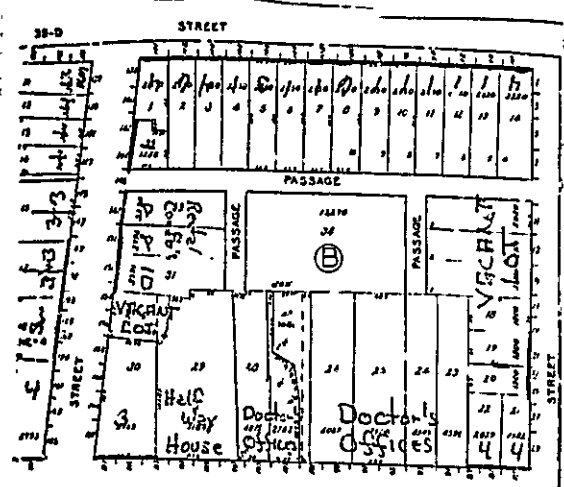
Warren J. Turner
Zoning Enforcement Inspector

/el

Enclosure: Copy of Decision

cc: Merrill Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr., Director of Planning and Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief of Inspection Services
Kathleen Taylor, Code Enforcement Officer.

16th State Street



66 State Str.
Jan 15, 1987



CITY OF PORTLAND

VARIANCE APPEAL

DECISION

For the Record

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

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

Findings of Fact

1. The variance requested is/is not (circle one) prohibited under Section 14-473(c)(3), for the following reason(s): _____

2. The variance requested does/does not (circle one) meet all special standards, conditions or requirements, if any, applicable thereto, for the following reason(s): _____

- 3-A. The land in question can/cannot (circle one) yield a reasonable return unless the variance is granted: _____

- 3-B. The need for a variance is/is not (circle one) due to the unique circumstances of the property and is/is not (circle one) due to the general conditions in the neighborhood: _____

3-C. Granting of the variance will/will not (circle one) alter the essential character of the locality: _____

3-D. The hardship is/is not (circle one) the result of action taken by the applicant or a prior owner: _____

Conclusion *

After public hearing on _____, 19____, and for reasons above-stated, the accompanying application is hereby (check one)

_____ granted.

_____ granted subject to the following condition(s):

_____ denied.

Dated: _____, 19____

Secretary of the Board

* The application may be granted or granted subject to conditions only if the finding for #1 above is in the negative AND the finding for #2 above is in the affirmative AND the findings for #'s 3-A through 3-D above are as follows:

- 3-A: in the negative;
- 3-B: 1st one in the affirmative,
2nd one in the negative
- 3-C: in the negative
- 3-D: in the negative

The Board voted to table this variance indefinitely.



CITY OF PORTLAND

CONDITIONAL USE APPEAL

APPLICATION

Applicant's name and address: Roman Catholic Bishop of Portland,
510 Ocean Avenue, Portland, Maine

Applicant's interest in property (e.g., owner, purchaser, etc.):
Owner

Owner's name and address (if different): _____

Address of property (or Assessor's chart, block and lot number):
66 State Street
163 Danforth Street, bounded by State, Danforth, Gray and Winter Streets,
Portland, Maine

Zone: R-6 Present use: _____

Type of conditional use proposed: Professional Office Building

Conditional use authorized by: Section 14-137(3)b

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as above-described, and certifies that all information herein supplied by him is true and correct to the best of his knowledge and belief.

Roman Catholic Bishop of Portland

Dated: November 26, 1986

By: Robert C. Robinson
Signature of Applicant
Robert C. Robinson, Attorney for
Roman Catholic Bishop of Portland

13
Mr. John C. Knox
Zoning Board of Appeals
City Hall
389 Congress St.
Portland, Maine 04101

January 13, 1987

Dear Mr. Knox,

I'm writing in response
to notice regarding variance
in use of school at 66 State St.

Since I will not be present
at the meeting I'd like to express
my opinion. I would like to
see the change of use be granted.

I'm sure the buildings
would be upgraded and
therefore add to the overall
appearance of the neighborhood
as well as the buildings being
utilized.

Sincerely,

Abelyle M. Curran
18¹⁷ Danforth St.
Portland, Maine 04102

Applicant: *Roman Catholic
Bishop of Portland*
Address: *66 State Street*
Assessors No.: *44-11-1*

Date: *Jan 15, 1987*

*Former St. Dominic's
School*

CHECK LIST AGAINST ZONING ORDINANCE

Date -
Zone Location - *R-6*
Interior or corner lot - *Corner lot*
Use - *Change from Private School (Parochial) to
Offices*
Sewage Disposal -
Rear Yards -
Side Yards -
Front Yards -
Projections -
Height -
Lot Area - *14,476 sq ft*
Building Area -
Area per Family -
Width of Lot - *100'*
Lot Frontage -
Off-street Parking -
Loading Bays -
Site Plan -
Shoreland Zoning -
Flood Plains -

*Now Exempt, but
if leased - portion
would become taxable*

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



66 State Street

MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

ROBERT J. GAUDREAU
THOMAS F. JEWELL
DAVID L. SILVERMAIL
MICHAEL E. WESTPORT
CHRISTOPHER DINAH

Mr. Robert C. Robinson, Attorney
12 Portland Pier
Portland, Maine 04101

Dear Mr. Robinson:

As Attorney for the Roman Catholic Bishop of Portland, you are hereby notified that we acknowledge receipt of a conditional use appeal and a request for parking variance for office uses at the former St. Dominic's School building at 66 State Street.

Accompanying data in the form of a site plan is also here in this office. We will need a cover letter outlining what the office uses are to be and other data to support this appeal. If you have any additional details to furnish the Board of Appeals, we should have this additional data on or before December 29th in order to insure its inclusion on the January 15th agenda for the Board of Appeals.

Sincerely,

Warren J. Turner
Zoning Enforcement Inspector

cc: P. Samuel Hoffses, Chief, Inspection Services
Merlin Leary, Code Enforcement Officer
Merrill Seltzer, Chairman, Board of Appeals
Joseph E. Gray, Jr. Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

JOHN C. KNOX
Secretary

ROBERT J. GAUDREAU
THOMAS F. JEWELL
DAVID L. SILVERNAIL
MICHAEL E. WESTOFT
CHRISTOPHER DINAN

66 State Street

All persons interested either for or against the following appeals: Conditional Use Appeal, and Space & Bulk Variance, will be heard at a public hearing in Room 209, City Hall, Portland, Maine, on Thursday evening, January 15, 1986 at 7:00 P.M. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question, as required by the Ordinance.

Mr. Robert C. Robinson, attorney for the Roman Catholic Bishop of Portland, owners of the property at 66 State Street, corner of Danforth Street, under the provisions of Sections 14-474 and 14-473 of the Zoning Ordinance of the City of Portland hereby respectfully petition the Board of Appeals as follows:

1. To permit the change of use of the school at the above location to offices, not allowable in the R-6 Residential Zone in which this property is located unless authorized by the Board of Appeals under the provisions of Section 14-131.8.c. (Section 14-474 - Conditional Use Appeal).
2. To obtain waiver for 4 parking spaces. Twenty seven parking spaces are provided and the Zoning Ordinance requires thirty one spaces under the provisions of 14-332.10.

LEGAL BASIS OF APPEALS: Such permits may be granted only if the Board of Appeals finds that the conditions imposed by Sections 14-473 and 14-474 of the Zoning Ordinance have been met.

John C. Knox
Secretary

/e1
12/5/86

66 State Street



CITY OF PORTLAND

REQUEST FOR VARIANCE APPEAL

Applicant's name and address: Roman Catholic Bishop of Portland
510 Ocean Ave Portland Maine

Applicant's interest in property (e.g., owner, purchaser, etc.):
Owner

Owner's name and address (if different): _____

Address of property (or Assessor's chart, block and lot number):
66 State Street
163 DuRoi St, bounded by State, DuRoi, Gray and Winder Streets

Zone: 5-1c

Present use: Vacant a-block
Change of use (if applicable) professional offices

Variance from: Section 14- 333-D

Relief requested from Board:

27 Parking Spaces provided
31 " " required
Request for variance to waive 4 parking spaces

NOTE: IF site plan approval is required, attach preliminary or final site plan.

The undersigned hereby requests a variance as above-described, and certifies that all information herein supplied by him is true and correct to the best of his knowledge and belief.

Dated: 11-26, 1986

Roman Catholic Bishop of Portland
by Robert O. Robinson
Signature of Applicant
Attorney for Roman Catholic Bishop of Portland

(See other side for variance standards.)

UNDUE HARDSHIP REQUIRED; DEFINED.

A variance may be granted by the Board of Appeals only where strict application of the ordinance or a provision thereof to the petitioner and his property would cause undue hardship. The words "undue hardship" as used in this subsection mean:

- A. That the land in question cannot yield a reasonable return unless a variance is granted;
- B. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- C. That the granting of a variance will not alter the essential character of the locality; and
- D. That the hardship is not the result of action taken by the applicant or a prior owner.

PORTLAND CODE

66. *State Street*

- c. Chancellery.
- d. Nursery school, kindergarten, and family day care facilities or home babysitting services not permitted as a home occupation under section 14-410.
- e. Off-street parking for passenger cars for uses permitted in the R-6 zone. (Ord. No. 538-84, 5-7-84; Ord. No. 267-84, § 2, 12-17-84; Ord. No. 76-85, § 8, 7-1-85)

Sec. 14-138. Prohibited uses.

Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited. (Ord. No. 538-84, 5-7-84)

Sec. 14-139. Dimensional requirements.

In addition to the provisions of division 25 ("Space and Bulk Regulations and Exceptions") of this article, lots in the R-6 zone shall meet or exceed the following minimum requirements:

(1) Minimum lot size:

- a. Residential: Forty-five hundred (4,500) square feet, except as provided for lots of record in section 14-433 ("Lots of Record") of this article.
- b. Sheltered care group home: Forty-five hundred (4,500) square feet for first ten (10) residents plus three hundred fifty (350) square feet for each additional resident.
- c. Long-term and extended care facilities: Ten thousand (10,000) square feet for the first nine (9) residents plus seven hundred fifty (750) square feet for each additional resident, up to a total of two (2) acres.
- d. Intermediate care facility: Eight thousand (8,000) square feet for the first twenty-five (25) residents plus three hundred fifty (350) square feet for each additional resident.
- e. School: Thirty thousand (30,000) square feet.
- f. Church or place of worship: Seventy-five hundred (7,500) square feet for a seating capacity of fifty (50) plus one thousand (1,000) square feet for each additional increment of fifteen (15) seats or major fraction thereof within the principal place of assembly for worship.
- g. Fraternal organization: Ten thousand (10,000) square feet.
- h. Municipal use: Forty-five hundred (4,500) square feet.
- i. Hospital: Two (2) acres.
- j. All other uses: Forty-five hundred (4,500) square feet.

Provided that for uses specified in section 14-139(1)c. through i. above, no minimum lot area shall be required in the following cases:

- i. Uses existing on June 1, 1983;
- ii. Expansion onto land abutting the lot on which the principal use is located;
- iii. Expansion onto land other than the lot on which the principal use is located to the extent that such expansion consists of the reuse of surface parking

- i. In the case of expansion onto land of existing such uses other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential areas; and
- ii. The proposed use will not cause significant displacement or conversion of residential uses existing as of June 1, 1983, or thereafter; and
- iii. In the case of a use or use expansion which constitutes a combination of the above-listed uses with capacity for concurrent operations, the applicable minimum lot sizes shall be cumulative.

(3) *Other:*

- a. Utility substations, such as water and sewage pumping stations and standpipes, electric power substations, transformer stations, and telephone electronic equipment enclosures and other similar structures, provided that such uses are suitably screened and landscaped so as to ensure compatibility with the surrounding neighborhood;
- b. Professional offices of a member of a recognized profession maintained for the conduct of that profession. Professional office uses exclude personal services, retail services, and veterinarians.

The illustrative examples that follow indicate the type of professional offices permitted: health care practitioner, attorney, social worker, engineer, architect, accountant, real estate agent, insurance agent.

Professional office uses shall meet the following standards in addition to provisions of section 14-474, except that subsections i., ii., iii. and iv. of this Section 14-137(3)b. shall not apply to the use of any building not designed or constructed for residential use, which was not in actual use as a residence on April 18, 1984, or thereafter.

- i. A professional office shall not be located within five hundred (500) feet of another as measured along the street line to the respective property lines.
- ii. A building with one (1) or more professional offices shall have at least fifty (50) percent of the total floor area of the building devoted to residential uses.
- iii. The total number of individuals working in a building of professional offices shall not exceed the equivalent of four (4) full-time employees.
- iv. Any additions or exterior alterations shall be compatible with the architecture of the building and maintain the residential appearance of the building. Construction of a new building shall be compatible with the architectural character of the surrounding area.
- v. The scale and surface area of parking driveways, and paved areas shall be arranged and landscaped to be compatible in size and scale with neighboring properties in the area and to properly screen vehicles from adjacent properties and streets.
- vi. On-site parking shall be required as specified in division 20 ("Off-Street Parking") of this article, for the combined uses of the site.

TERRIEN ARCHITECTS
 5 Moulton Street
 P.O. Box 565
 PORTLAND, MAINE 04112

re: *State Street*

LETTER OF TRANSMITTAL

(207) 774-6016

DATE <i>11/20/86</i>	JOB NO <i>1.00</i>
ATTENTION <i>CAROL BRUSS</i>	
RE <i>ST. DOMINIC'S</i>	

TO *BRIDE, EPSTEIN, & PALONE*

WE ARE SENDING YOU Attached Under separate cover via _____ the following items.

- Shop drawings Prints Plans Samples Specifications
 Copy of letter Change order

COPIES	DATE	NO.	DESCRIPTION
<i>10</i>	<i>11/24</i>		<i>Set of parking & office plans</i>

THESE ARE TRANSMITTED as checked below

- For approval Approved as submitted Resubmit _____ copies for approval
 For your use Approved as noted Submit _____ copies for distribution
 As requested Returned for corrections Return _____ corrected prints
 For review and comment _____
 FOR BIDS DUE _____ 19____ PRINTS RETURNED AFTER LOAN TO US

REMARKS

#1 shows possible parking
#2A " parking per city standards

COPY TO _____

SIGNED: *R.R.*

If enclosures are not as noted, kindly notify us at once.



CITY OF PORTLAND

REQUEST FOR
VARIANCE APPEAL

Applicant's name and address: Roman Catholic Bishop of Portland
510 Ocean Ave Portland Maine

Applicant's interest in property (e.g., owner, purchaser, etc.):

Owner

Owner's name and address (if different):

Address of property (or Assessor's chart, block and lot number):

66 State Street
163 Danforth St. bounded by State, Danforth, Gray and Winter Street

Zone: 5-6

Present use: Vacant school
Change of use
(if applicable) professional offices

Variance from: Section 14- ~~333-D~~

Relief requested from Board:

27 Parking spaces provided

31 " " required

Request for variance to waive 4 parking spaces

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby requests a variance as above-described, and certifies that all information herein supplied by him is true and correct to the best of his knowledge and belief.

Dated: 11-26, 1986

Roman Catholic Bishop of Portland
by Robert D. Robinson
Signature of Applicant
Attorney for Roman Catholic Bishop
of Portland

(See other side for variance standards.)

UNDUE HARDSHIP REQUIRED; DEFINED.

A variance may be granted by the Board of Appeals only where strict application of the ordinance or a provision thereof to the petitioner and his property would cause undue hardship. The words "undue hardship" as used in this subsection mean:

- A. That the land in question cannot yield a reasonable return unless a variance is granted;
- B. That the need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- C. That the granting of variance will not alter the essential character of the locality; and
- D. That the hardship is not the result of action taken by the applicant or a prior owner.

T E R R I E N
A R C H I T E C T S

5 Moulton Street
PO Box 565
Portland, Maine
04112

207 774-6016

66 State Street

14 January 1987

Portland City Hall
Zoning Board of Appeals
Attn: Mr. Merrill S. Seltzer, Chairman
389 Congress Street
Portland, Maine 04101

Dear Mr. Seltzer,

I write to you to correct what may be a misunderstanding in the application being made for a change to office use for the St. Dominic's Parish School, and therefore we no longer expect to occupy the building.

Though Terrien Architects prepared preliminary drawings, entered into negotiations with the church hierarchy to lease the building and understands that our lease proposal was originally acceptable, written confirmation has not been forthcoming. We have been told that the church is instead considering relocating some of its own office uses presently located elsewhere.

Sincerely,

George B. Terrien
George B. Terrien *dgj*

GBT/dgj

cc: Ms. Carole Ross - Bride, Epstein and Malone