

-223 Western Promenade  
Pamela Gleichman Inoip

**CITY OF PORTLAND, MAINE**  
ZONING BOARD OF APPEALS



215-221 Western Promenade  
Corner of 201-209 Pine St.

EUGENE S. MARTIN  
Chairman

MERRILL S. SELTZER  
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MICHAEL E. WESTCOTT

August 6, 1984

Pamela W. Gleichman  
223 Western Promenade  
Portland, ME 04102

Dear Ms. Gleichman:

As you know, at its meeting of August 2, 1984, the Board of Appeals voted to uphold the decision of the Building Inspector in denying the change of use of the existing detached garage at the above-referenced location.

A copy of the Board's decision is enclosed for your information.

Sincerely,

Malcolm G. Ward  
Zoning Enforcement Officer

/kat  
Enclosure  
cc: Roland Morrison

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

8/2/84

INTERPRETATION APPEAL

Findings of Fact

The applicant is Pamela W. Gleichman and he is interested in the property located at 215-221 Western Promenade as owner. The owner of the property is same and his address is 223 Western Promenade. The property is located in a R-4 Zone. The present use of the property is carriage house.

The applicant respectfully petitions the Board of Appeals to review the decision of the Building Inspection Services Department under the provision of Section 14-472 of the Ordinance to permit

change of use of the existing detached garage (carriage house) to an apartment on the upper levels and a one-car garage on the first floor.

Further Findings of Fact

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Appearances

The names and addresses of those appearing in support of the Application are: PAMELA GLEICHMAN CHRIS COGSALL, LAWYER

\_\_\_\_\_  
\_\_\_\_\_

and the names and addresses of those appearing in opposition to the application are: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Exhibits

The documentary evidence presented to the Board, including, but not by way of limitation, plans, specification, photographs, etc. consisted of the following: MAPS + DRAWINGS

\_\_\_\_\_

REASONS FOR DECISIONS

A DETACHED GARAGE CAN NOT BE  
CONSIDERED AS PRINCIPAL USE ON THIS  
FRONT LOT WITH EXISTING BUILDING ON  
THE REAR LOT. THIS SEC. 14102 DOES NOT  
PERMIT THE CASE ASKED FOR.

SECTION 14101 DOES NOT ALLOW AN ADDITIONAL  
PRINCIPAL BUILDING ON THIS LOT.  
SPECIFIC RELIEF GRANTED

After public hearing held on 8/2/54, the Board of  
Appeals find that the action of the Building Inspector should be approved  
denied because he has ~~not~~ correctly interpreted the provisions of the  
Zoning Ordinance of the City of Portland.

It is therefore determined that a variance from the provisions  
of the Zoning Ordinance should NOT be granted in this case.

APPROVAL

Eugene Martin

DENIED

Marion J. Lester

Thomas Murphy

Irma L. St. John

Franklin S. Fisher

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MICHAEL E. WESTORT

215-221 Western Promenade  
corner of 201-209 Pine St.

May 29, 1984

Pamela W. Gleichman  
223 Western Promenade  
Portland, ME 04102

cc: Roland Morrison  
Chute Road  
So. Windham, ME 04082

Dear Ms. Gleichman:

You have petitioned the Board of Appeals to reverse the decision of the Building Inspector of the City of Portland in denying the following building permit: To change the use of the existing detached garage to an apartment on the upper levels and one-car garage on the first floor.

We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office in Room 315, City Hall, to file the appeal on forms which are available here.

A fee of \$50.00 for an Interpretation Appeal shall be paid at this office at the time the appeal is filed. If fee has been paid and appeal filed, then consider this letter as a matter of formality. Section 14-472

Sincerely,

Malcolm G. Ward  
Zoning Enforcement Officer

MGW/kat

Applicant: *PAMELA W. GLEICHMAN* Date: *5/29/84*  
Address: *215 - 251 WESTERN PROM. COR. 201 - 209*  
Assessors No.: *63 - E - 5* *NINE ST.*

CHECK LIST AGAINST ZONING ORDINANCE

Date - *EXISTING*

Zone Location - *R-4*

Interior or corner lot -

Use - *CHANGE OF USE CARRIAGE HOUSE TO SINGLE FAMILY & CARRIAGE*

Sewage Disposal -

Rear Yards -

Side Yards -

Front Yards -

Projections -

Height -

Lot Area - *14500 sq*

Building Area -

Area per Family -

Width of Lot -

Lot Frontage -

Off-street Parking -

Loading Bays -

~~Site Plan -~~

~~Shoreland Zoning -~~

~~Flood Plains -~~

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ZONING BOARD OF APPEALS



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MICHAEL E. WESTFORD

RE: 223 Western Promenade

April 13, 1984

Mrs. Pamela Gleichman  
223 Western Promenade  
Portland, ME 04102

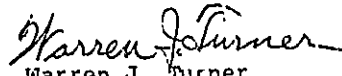
Dear Mrs. Gleichman:

The City's Corporation Counsel has advised that the appropriate appeal for you to apply for is an interpretation appeal instead of a use variance.

Your appeal should be changed to an interpretation appeal by initiating a letter to the Board of Appeals. The Chairman is Mr. Eugene S. Martin, and you may send it to City of Portland, 389 Congress Street, Room 315, Portland, ME 04101.

"Such a use is not expressly allowed nor expressly prohibited. Therefore, the Board must decide if it is the same as other permitted uses or similar and no more objectionable than other permitted uses," according to Mr. David Lourie.

Sincerely,

  
Warren J. Turner  
Zoning Specialist

WJT/kat

cc: Eugene S. Martin, Chairman, Board of Appeals  
David Lourie, Corporation Counsel  
Joseph E. Gray, Jr, Director, Planning/Urban Development  
Alexander Jaegerman, Chief Planner  
P. Samuel Hoffses, Chief of Inspection Services

CITY OF PORTLAND, MAINE  
MEMORANDUM

TO: David Lourie, Corporation Counsel  
FROM: Warren J. Turner, Zoning Specialist *Warren J. Turner*  
SUBJECT: Request for Use Variance for Garage Apartment in R-4  
Residence Zone

DATE: 4/10/84

Because the R-4 Residence Zone is a single family zone, we cannot issue a building permit or change of use until the Board of Appeals grants a use variance for Mrs. Pamela Gleichman at 223 Western Promenade.

Such a variance would enable her to convert her carriage house (2 story brick) to a garage apartment. It is my belief that this could not be considered a conditional use because it is not part of the principal building. The garage has its own independent heating system, but I do not interpret the accessory structure as coming within the provisions of the Ordinance Sections 14-101(2) and 14-101(4)c.

Please advise if the conditional use variance provision, as set forth in Section 14-101(4)c. can be utilized to establish a second apartment in an accessory building, or if the use variance is the only recourse.

WJT/kat

*Interpretational appeal - not variance.  
Not expressly allowed nor expressly prohibited.  
Therefore Bd. must decide if it is the  
same as other permitted uses or similar  
and no more objectionable than other permitted  
uses. - Dal 4-11-84*



# GLEICHMAN & COMPANY, Inc.

45 CASCO STREET, SUITE 100 • PORTLAND, ME 04101 • PHONE: (207) 772-3399

June 29, 1984

Warren Turner, Zoning Specialist  
City Hall  
389 Congress Street  
Portland, Maine 04101

Dear Mr. Turner:

I would like my Carriage House Appeal removed from  
the July 12 agenda and added to the August 2 agenda.

Thank you.

Sincerely,

  
Pamela Gleichman

APPLICATION FOR PERMIT

B.O.C.A. USE GROUP .....

B.O.C.A. TYPE OF CONSTRUCTION .....

ZONING LOCATION: PORTLAND, MAINE March 19, 1984

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION: 223 Western Prom.

1. Owner's name and address: Pam Gleichman - same

2. Lessee's name and address

3. Contractor's name and address: Roland Morrison - Chute Rd. So. Windham, 12082

Proposed use of building: garage & apt.

Last use: garage

Material: No. stories: Heat: Style of roof: Roofing:

Other buildings on same lot

Estimated contractual cost \$: 12,000

FIELD INSPECTOR - Mr. [Name] @ 775-5451

Appeal Fees: \$0.00

Base Fee: \$70.00

Late Fee of use: \$25.00

TOTAL: \$95.00

This application is preliminary to get settled the question of zoning appeal. In the event the applicant is successful in obtaining a zoning appeal, the applicant shall be responsible for the cost of the appeal.

(change of use from garage - (1 car) to apt on upper level of garage and back area of garage, and 1 car garage as per plans. 1 sheet of plans.

Stamp of Special Conditions

send permit to # 3 04082

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

DETAILS OF NEW WORK

Is any plumbing involved in this work? Yes

Is connection to be made to public sewer? existing

Has septic tank notice been sent? Form notice sent?

Height average grade to top of plate

Size, front depth

Material of foundation

Kind of roof

No. of chimneys

Framing Lumber - Kind

Size Girder

Studs (outside walls and carrying partitions) 2x4-16" O. C.

Joists and rafters

On centers

Maximum span

If one story building with masonry walls, thickness of walls?

IF A GARAGE

No. cars now accommodated on same lot

Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVALS BY: BUILDING INSPECTION - PLAN EXAMINER

ZONING: BUILDING CODE:

Fire Dept.

Health Dept.

Others

MISCELLANEOUS

Will work require disturbing of any tree on a public street? NO

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining to are observed? YES

Signature of Applicant: Roland Morrison

Type Name of Above: Roland Morrison

Phone #

Other and Address

FIELD INSPECTOR'S COPY

APPLICANT'S COPY

OFFICE FILE COPY

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

APPLICATION FOR AN INTERPRETATION APPEAL

Pamela W. Gleichman, Owner of property at 223 Western Prom

Under the provisions of Section 14-472 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to reverse the action of the Building Inspector of the City of Portland in denying the following building permit.

To change the use of the existing detached garage to an apartment on the upper levels and a one-car garage on the first floor.

LEGAL BASIS OF APPEAL: The Board of Appeals may reverse said action of the Building Inspector only if it finds that said action is based on an erroneous interpretation of said Ordinance.

  
APPELLANT

**CITY OF PORTLAND, MAINE**  
ZONING BOARD OF APPEALS



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THOMAS J. MURPHY  
PAULETTE P. PARIER  
MICHAEL E. WASTORT

All persons interested either for or against this Interpretation Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday, August 2, 1984 at 3:30 p.m. This notice of required public hearing has been sent to the owners of property directly abutting and directly across a street or alley from the subject property as required by Ordinance.

Pamela W. Gleichmar, owner of property at 215-221 Western Promenade, corner of 201-209 Pine Street, under the provisions of Section 14-472 of the Zoning Ordinance of the City of Portland hereby respectfully petitions the Board of Appeals to reverse the action of the Building Inspector of the City of Portland in denying the following building permit: To change the use of the existing detached garage to an apartment on the upper floors and one-car garage on the first floor.

**LEGAL BASIS OF APPEAL:** The Board of Appeals may reverse said action of the Building Inspector only if it finds that said action is based on an erroneous interpretation of said Ordinance.

Merrill S. Seltzer  
Secretary

/kat

215-221 Western Promenade  
#63-E-5  
Abutters

63-E-4      Maine Medical Center, 22 Bramhall, Portland 04103  
-6          Helen Gribizis, 134 Noyes Street, Portland 04103

69-B-1      Pam Gleichman - applicant  
-12         Sally Silverman, 196 Pine Street, Portland, 04102

Pamela W. Gleichman  
223 Western Prom  
Portland, Maine 04102

May 9, 1984

Mr. Malcolm Ward  
Building Inspector and  
Zoning Board of Appeals Members  
City Hall  
Portland, Maine 04102

Dear Mr. Ward and Members of the Zoning Board of Appeals;

I am applying to the Board for an "interpretation appeal" with regard to my desire to use a portion of my carriage house as an apartment. Although one apartment is allowed in our zone, the ordinance makes reference to the one apartment being within the primary structure. "The use is not expressly allowed nor expressly prohibited," according to Corporation Counsel David Lourie. Since the Board must decide if my proposed use "is the same as other permitted uses or similar and no more objectionable than other permitted uses", I am providing you the following information:

- a) The design and construction will be compatible with the design and construction of my house. The apartment will be luxurious both in space and quality.
- b) There will be no changes to the exterior of the carriage house. The garage area will still be used as a garage. A separate entrance to the building is located on the west side of the building. The carriage house currently has a basement and a first and second floor. There are two staircases to the basement and one to the second floor. The carriage house has a furnace, water, sewer, and intercom which is connected to the main house. The building is constructed of brick and granite and has a slate roof. It is in excellent condition.

page 2

May 9, 1984

Mr. Martin and Members of the Zoning Board of Appeals

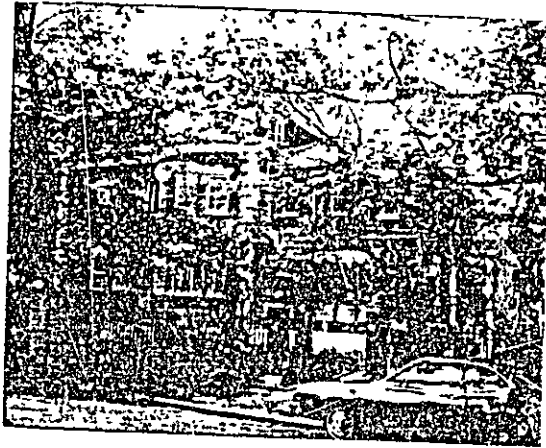
- c) The house is in impeccable condition as well as being historically significant. I feel that a second apartment within the main building would distract from the character of the building and would not add to its long term value financially or aesthetically. The intent of the ordinance is to limit development. I believe that construction of a second apartment in the carriage house is consistent with the intent of the ordinance. Further, I believe that the use of the carriage house in this manner is appropriate with historical uses of such carriage houses. It was common to have guest quarters located in and above carriage houses at that time.

Although my situation was not considered in drafting the ordinance I believe that I meet the intent of the ordinance. I believe that my use is the same as the permitted use and is no more objectionable than the permissible use. Thank you for your consideration.

Sincerely,

  
Pamela W. Gleichman

PHOTOGRAPHS



HENNESSY ASSOCIATES