

1105-1149 Brighton Avenue
City Hosp. Housing Assco.
Space & Bulk

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



1105-1149 Brighton Avenue

EUGENE S. MARTIN
Chairman

MERRILL S. SELTZER
Secretary

JACQUELINE COHEN
TIMOTHY E. FLAHERTY
THOMAS I. MURPHY
PAULETTE P. PARKER
MICHAEL E. WESTORT

September 19, 1984

City Hospital Housing Assoc.
1 Canal Plaza
Portland, ME 04101

Gentlemen:

As you know, at its meeting of September 13, 1984, the Board of Appeals voted to permit change of use of the hospital to a 100 unit elderly congregate housing facility with 60 off-street parking spaces rather than the required 100 spaces. A copy of the Board's decision is enclosed for your information.

You may now come in to this office to continue the permit process by paying for the change of use permit itself.

Sincerely,

Kathleen A. Taylor
Secretary

enclosure
cc: Dorbury Inc.

9/13/84

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

SPACE AND BULK VARIANCE APPEAL

I. Findings of Fact

A. Applicant City Hospital Housing Associates

B. Property Location 1105-1149 Brighton Avenue

C. Applicant's Interest in Property:

- Owner
- Tenant
- Other _____

D. Property Owner City Hospital Housing Assoc.

E. Owner's Address One Canal Plaza, P.O. Box 387 DTS Portland 04112

F. Zone (Circle One):

R-1 R-2 R-3 R-5 (R-6) R-4

R-P B-1 B-2 B-3 A-B

I-P I-1 I-2 I-2b I-3 I-3b I-4

RPZ W-1

G. Site Plan Approval required _____

H. Present Use of Property hospital

I. Section(s) to Which Variance Related 14-332.1

J. Reasons Why Permit Cannot be Issued insufficient off-street parking spaces - 60 - 100 required

K. Requested Variance Would Permit change of use from hospital to 100 unit elderly congregate housing facility with 60 off-street parking spaces rather than the 100 spaces required by 14-332.1

L. Notice Sent to _____ Adjacent Property Owners

II. Appearances

A. Those Advocating Variance

B. Those Opposing Variance

C. J. MILLIKEN

(Attachments, As Necessary)

III. Exhibits (Any documents, photos, plans, further findings of fact, etc. presented to the Board as part of its records)

MAPS + PLANS

IV. Reasons for Decisions - Undue Hardship (The following checklist relates with the Board of Appeals hardship definitions for Space and Bulk variances as contained in Section 602.24C 3.b.(1) (a) through (e)

A. The parcel is exceptional due to physical characteristics or topographic features which amount to more than a mere inconvenience

- 5 (X) Yes/Agreement with statement
() No/Disagreement with statement

Reasons P

B. If yes, the unique physical conditions: (Check One)
Sec. 602.24C 3.b.(1) (b)

- 5 (X) Existed at the time of the enactment of the provision from which a variance is sought; or
() Were caused by natural forces; or
() Were the result of governmental action

C. Pertinent ordinance provision deprives owner of substantial use or enjoyment of property in the manner commonly enjoyed by owners of property subject to the same provisions (Sec. 602.24C 3.b. (1) (c))

Yes/Agreement with statement

No/Disagreement with statement

Reasons _____

D. As evidenced by affirmative answers to either IV. A. or IV. C. above, the variance will not create a special privilege for the applicant. Sec. 602.24C 3.b. (1) (d)

Yes/Agreement with statement

No/Disagreement with statement

Reasons _____

E. The variance will not adversely affect neighborhood property in the same zone and will not be detrimental to the general public health and safety Sec. 602.24C 3.b. (1) (e)

Yes/Agreement with statement

No/Disagreement with statement

Reasons _____

V. Specific Relief Granted

After a public hearing held on 9/13/84, the Board of Appeals finds that: (Check One)

Approval - All of the conditions required by Sec. 602.24C 3.b.(i) exist with respect to this property, as evidenced by affirmative responses to all statements set forth in IV. A. through IV. E above, and that a space and bulk variance be granted in this case.

Conditions of Approval (If any) _____

() Disapproval - All conditions required by Sec.602.24C 3.b. (1) do not exist with respect to this property, as evidenced by one or more negative responses to statements set forth in IV. A. through IV. E. above, and that a space and bulk variance should not be granted in this case.

VI. Signatures of Board

Ernest S. Martin Chairman
Marcell A. Wilson
Michael E. Leighton
Loulette F. Anderson
Ernest S. Martin



THE MATTHEW I AND EVELYN A
BARRON CENTER
CITY OF PORTLAND

ANTHONY L. FORGIONE
HOSPITAL ADMINISTRATOR

September 13, 1984

Board of Appeals
Portland City Hall
389 Congress St.
Portland, Me.

RE: City Hospital/Congregate Housing Project

Dear Chairman Martin and Board Members:

This letter is to communicate my support to waive the parking requirement for the above project. I have worked closely with Housing Resources Corp. on this project over the last six months. I am convinced that the number of parking spaces to be provided by HRC will be more than adequate for the congregate project.

Thank you for consideration of this letter.

Sincerely,

A.L. Forgione
Administrator

ALF/mob

cc: Joe Wishcamper, HRC
Stephen Honey, City Manager
Ralph Farris, Dir. Plant & Eng.
File



THE MATTHEW I AND EVELYN A
BARRON CENTER
CITY OF PORTLAND

ANTHONY L FORGIONE
HOSPITAL ADMINISTRATOR

September 13, 1984

Board of Appeals
Portland City Hall
389 Congress St.
Portland, Me.

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File

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



1105-1149 Brighton Avenue

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Chairman

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Secretary

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TIMOTHY E. FLAHERTY
THOMAS J. MURPHY
PAULETTE P. PARKER
MICHAEL E. WESTOFT

August 27, 1984

City Hospital Housing Assoc.
1 Canal Plaza
Portland, ME 04101

cc: Donbury Inc.
33 Baxter Boulevard
Portland, ME 04101

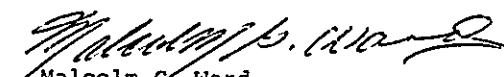
Gentlemen:

Building permit and certificate of occupancy to change the use of the hospital at the above-named location to a 100 unit elderly congregate housing facility are not issuable under the Zoning Ordinance because 60 off-street parking spaces will be provided rather than the 100 spaces required by Section 14-332.1 of the Ordinance applying to the R-6 Residential Zone in which this property is located.

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, Room 315, City Hall, to file the appeal on forms which are available here.

A fee of \$50 for a Space & Bulk Appeal shall be paid at this office at the time the appeal is filed. If fee has been paid and appeal filed prior to this letter, then consider this letter as a matter of formality. Section 14-473.

Sincerely,


Malcolm G. Ward
Zoning Enforcement Officer

MGW/kat

Applicant: CITY HOSPITAL HOUSING ASSOC.
Address: 1105-1149 BRIGHTON AVE. Date: 10/27/84
Assessors No.: 269-B-PART OF 4!

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone Location -

Interior or corner lot -

Use - CHANGE OF USE FROM HOSP. TO
100 UNITS CONGREGATE
FAMILY HOUSING

Sewage Disposal -

Rear Yards -

Side Yards -

Front Yards -

Projections -

Height -

Lot Area -

Building Area -

Area per Family -

Width of Lot -

Lot Frontage -

~~141-3334!~~ Off-street Parking - 60 SHOWN 100 REQ.

Loading Bays -

Site Plan -

Shoreland Zoning -

Flood Plains -

One Canal Plaza
Post Office Box 387
Portland, Maine 04112
Telephone 207-46989

 **Housing
Resources
Corporation**

August 23, 1984

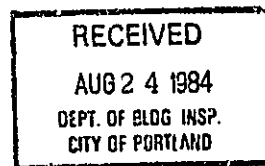
Zoning Board of Appeals
Room 209
City Hall
389 Congress Street
Portland, ME 04101

Dear Persons:

City Hospital Housing Associates has been working very closely with the City of Portland to convert the former Portland City Hospital into 100 units of congregate elderly housing. We are enclosing the following information on the reuse of the hospital for your review under the current Portland Zoning Ordinance. We believe that we are required to obtain a variance based on our meeting with Alex Jaegerman of the Planning Department. The ordinance requires one parking space per unit in the R-6 zone. We are herein requesting a variance to allow us to provide 60 spaces for 100 units based on the proposed occupancy as elderly housing.

We have outlined the following for your review:

1. Description of Use
2. Architectural Program
3. A parking analysis for elderly housing
4. Summary & Conclusion
5. Site Plan
6. Building Photos



1. Description of Use

We propose to rehabilitate and reuse the Portland City Hospital as a congregate housing development for the elderly and handicapped.

The Building will contain the following facilities:

1. 100 units of housing, consisting of 18 efficiency units, 62 one-bedrooms and 20 two-bedroom units.
2. A congregate service kitchen and dining facility which will serve as a community and recreation center for the elderly.
3. Several community sitting rooms.
4. A small office to service only this project for rental purposes.

The new use for the Portland City Hospital is designed for the area's elderly population who want independent living but who need Section 8 assistance and congregate services. One-third of the tenants will be eligible for the congregate services of approximately 30 units. Because of the congregate features of the development, these housing units will reach and serve principally the frail elderly. There is a program of cooperation being established with the Barron Center whereby the independent elderly from the Barron Center will have the opportunity to move into the Portland City Hospital housing and vice versa. The overall goal is to keep the tenants as actively independent as possible. Part of the service package will be to provide transportation for the needy tenants.

2. Architectural Program

The existing structure has been well respected with regards to the exterior. It is our prime objective to revitalize the building without disturbing its original character. The interior of the building will be modified to accommodate individual independent apartments. The interior will be completely modernized and updated to reflect a residential atmosphere.

We are also working very diligently to preserve the site plan around Portland City Hospital. As shown on the attached plan you will see that the site has many existing beautiful landscaping arrangements. It is our intention not to disturb any more of the open space than is necessary. We have designed the parking areas incorporating this open space concept as well as providing parking which is convenient for tenants. Furthermore, by reducing the number of parking spaces and eliminating those that are not reasonably necessary the applicant will be able to landscape a greater portion of the site.

Please note on the site plan that we have relocated the main entrance. Formerly the entrance to the hospital was facing Brighton Avenue. That entrance was not accessible to handicapped people. The main entrance has been relocated from the Brighton Avenue side of the building to the Holm Avenue side of the building within a large courtyard. Here we are creating a drop-off for the tenants and a patio area off the dining room for the enjoyment of the tenants. This new entrance offers easy access to parking and an opportunity for a new building identification. The benefit to the building is that the main portico at the front will be preserved.

3. Parking Analysis for Elderly Housing

Based on our previous experience with elderly housing we are requesting a variance for parking. The National and State

Statistics for required parking for elderly housing is 1 space for every 4 units or 25%. At the North School we requested and were granted a variance based on providing 18 spaces for 60 units. This is greater than 25% and has met the need. In this request we are proposing to provide 60 spaces for 100 units which is 60% and significantly greater than our prior request which was granted. This project will serve the same type of frail elderly population as the North School. A very low percentage of the North School tenants own cars because of health and income.

In addition to the above information the proposed housing is located directly across the street from a full service shopping center. It is also served by the metro, a public bus service. In addition to the metro bus the applicant will be providing transportation to those who need physical assistance with their transportation.

Precedents have been established for granting the proposed parking variance requested because several other elderly projects in Portland have received similar variances and have demonstrated successful experiences with respect to the variances provided. As the table below shows we are proposing a much higher percentage of parking than other elderly housing complexes in Portland:

ZONE	PROJECT	NO. UNITS	NO. PARKING SPACES	PARKING RATIO
R-6	Franklin Towers	200	50	.25
R-6	100 State Street	166	16	.10
B-3 R-6	Longfellow Commons	48	12	.25
R-6	Danforth Heights	150	38	.25
R-6 B-2	North School	60	18	.30

4. Summary & Conclusion

- 1) The percentage of tenants owning cars will be very low due to health and income.
- 2) The site should be preserved in as much natural landscaping as possible.
- 3) The precedent has been established in the City of Portland for reducing the parking required for elderly housing.

- 4) The amenities needed by the tenants are available directly across the street.
- 5) The site is served by public transportation.

The applicant has taken a very conservative approach in providing a significant number of parking spaces based on all other elderly housing experience in our portfolio, statewide and nationally. All Barron Center parking will be totally separate from the proposed reuse of the Portland City Hospital. In addition to the present adequate parking which the Barron Center has we are working with the Barron Center to create approximately 10 spaces for visitor parking which is convenient to their front entrance.

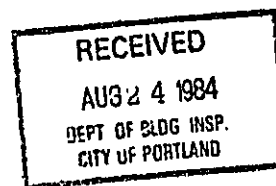
We would like to thank you in advance for your consideration of this request.

Sincerely,

CITY HOSPITAL HOUSING ASSOCIATES

BY: Cynthia Jan Milliken
Cynthia Jan Milliken
City Hospital Development Corporation
Its General Partner

CJMT/sbl



REUSE OF PORTLAND CITY HOSPITAL

Sec. 14-473(c)(2)a Space and Bulk Variances (other than for Dwelling Unit Conversions):

- (a) The subject lot or parcel is exceptional as compared to other lots or parcels subject to the same provision by reason of unique physical condition, including irregularity, narrowness, shallowness, or substandard or marginal size; exceptional topographical features; and other extraordinary physical conditions peculiar to and inherent in the lot or parcel in question, which amount to more than a mere inconvenience to the owner.

True. The size of the parcel and the irregular configuration and topography does not allow for 100 parking spaces to be provided.

- (b) The aforesaid unique physical condition existed at the time of the enactment of the provision from which a variance is sought or were created by natural forces or were the result of governmental action.

True.

- (c) The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the lot or parcel in question of substantial use and enjoyment of this property in the manner commonly enjoyed by owners of other lots or parcels subject to the same provisions.

True. The reuse of the building requires 100 units to be built. Without the variance, the parking requirement will not allow 100 units.

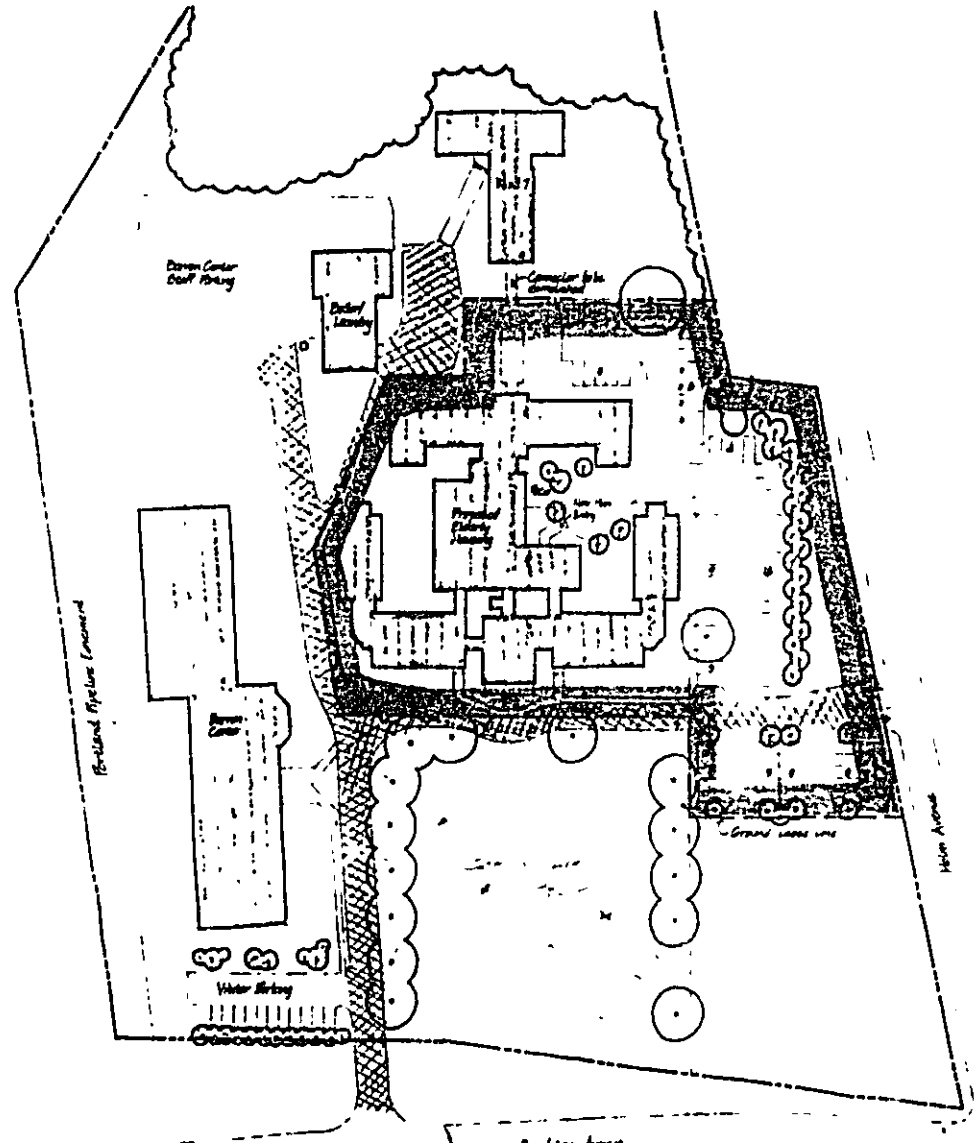
- (d) The hardship is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots or parcels subject to the same provision.

True. There is substantial precedent for reducing the parking requirement for elderly housing in Portland.

- (e) Property in the same zone or neighborhood will not be adversely affected by the granting of the variance and the granting of the variance will not create conditions which would be detrimental to the public health or safety.

True. The area is rather isolated, being abutted by the Barron Center.

Appendix A



RECEIVED
 AUG 24 1984
 DEPT. OF PUBLIC WORKS
 CITY OF CHICAGO

□ Cars on Area
 ▨ Access Drives

Proposed Site Plan

Damen Avenue

Dist. (City Hall)

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS



1105-1149 Brighton Avenue

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MICHAEL E. WESTORT

All persons interested either for or against this Space & Bulk Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday, September 13, 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 property as required by Ordinance.

City Hospital Housing Associates, owner of property at 1105-1149 Brighton Avenue, under the provisions of Section 14-473 of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit change of use of the hospital at this location to a 100 unit elderly, congregate housing facility with 60 off-street parking spaces rather than the 100 spaces required by Section 14-332.1 of the Ordinance applying to the R-6 Residential Zone in which this property is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 14-473 of the Zoning Ordinance have been met.

Merrill S. Seltzer
Secretary

8/31/84
kat

RECEIVED
AUG 24 1984
DEPT. OF BLDG REG.
CITY OF PORTLAND

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS


SPACE AND BULK VARIANCE (OTHER THAN FOR DWELLING UNIT CONVERSIONS)

City Hospital
Housing Associates, owner of property at 1105-1149 Brighton Avenue

under the provisions of Section 14-473(c) of the Zoning Ordinance of the City
of Portland, hereby respectfully petitions the Board of Appeals to permit:
Change of use from hospital to 100 unit elderly congregate
housing facility with
60 off-street parking spaces rather than the 100 spaces
required by Section 14-332.1 of the Ordinance applying to
the R-6 Residential Zone in which this property is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of
Appeals finds that the conditions imposed by Section 14-473 (c)(1) of
the Zoning Ordinance have been met. (See reverse side hereof for said
conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If
Site Plan approval is required a preliminary or final site plan is attach-
ed hereto as Exhibit A.


APPELLANT

Sec. 14-473 (c)(2) Space and Bulk Variances/other than for Dwelling Unit
Conversions:

(a) The subject lot or parcel is exceptional as compared to other lots or parcels subject to the same provision by reason of unique physical condition, including irregularity, narrowness, shallowness, or substandard or marginal size; exceptional topographical features; and other extraordinary physical conditions peculiar to and inherent in the lot or parcel in question, which amount to more than a mere inconvenience to the owner.

(b) The aforesaid unique physical condition existed at the time of the enactment of the provision from which a variance is sought or were created by natural forces or were the result of governmental action.

(c) The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the lot or parcel in question of substantial use and enjoyment of this property in the manner commonly enjoyed by owners of other lots or parcels subject to the same provision.

(d) The hardship is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots or parcels subject to the same provision.

(e) Property in the same zone or neighborhood will not be adversely affected by the granting of the variance and the granting of the variance will not create conditions which would be detrimental to the public health or safety.

1105-1149 Brighton Ave
269-B part of 41

265-B-1 John J. Lane, c/o NET Properties, 535 Boylston Street, Boston,
MA 02116
-2 Adam Frank Inc., 1150 Brighton Ave., Portland 04102

269-B-2 Ole & Beverly M. Berg, 50 Holm Ave, Portland, 04102
-3 "
-4 Paul R. & Dorothy C. Holmes, 66 Holm Ave., 04102
-5 "
-6 "
-7 "
-8 "
-11 Meredith A. Jordan, 74 Holm Ave., 04102
-14 "
-15 Pauline Head, 88 Holm Avenue 04102
-16 "
-17 "
-18 "
-19 Joseph H. & Eleanor Hopkins, 92 Holm Ave. 04102
-20 Donna M. Pio, 96 Holm Ave. 04102
-21 Frances R. & Paul William, 100 Holm Ave 04102