



Planning and Development Department
Zoning Board of Appeals
Conditional Use Appeal Application

Applicant Information:

Michael + Janice Ferrante
Name

Business Name

43 Alice Court

Address

Portland, Maine

207-878-2220

Telephone

Fax

Applicant's Right, Title or Interest in Subject Property:

OWNER

(e.g. owner, purchaser, etc.):

Current Zoning Designation: R-2

Existing Use of Property:

RESIDENCE

MAR 24 2009

Subject Property Information:

43 Alice Court
ADU Portland, Me

Property Address

3864-B-016

Assessor's Reference (Chart-Block-Lot)

Property Owner (if different):

Name

Address

Telephone

Fax

Conditional Use Authorized by Section 14 - 78(a)(2)

Type of Conditional Use Proposed:

Single Family
with income ADU

Standards:

Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the board determines that:

- (a) There are unique or distinctive characteristics or effects associated with the proposed conditional use;
- (b) There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and
- (c) Such impact differs substantially from the impact which would normally occur from such a use in that zone.

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 certified that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

Michael + Janice Ferrante
Signature of Applicant

3-23-09
Date

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA DECISION

The Board of Appeals will hold a public hearing on Thursday, April 16, 2009 at 6:30 p.m. on the second floor, Room 209, City Hall, 389 Congress Street, Portland, Maine to hear the following appeals:

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: April 21, 2009

RE: Action taken by the Zoning Board of Appeals on April 16, 2009.

The meeting was called to order at 6:30pm.

Roll call as follows: Members Present: Sara Moppin, Gordon Smith (Secretary), Deborah Rutter, William Getz and Philip Saucier (chair).

Members Absent: Peter Coyne and Jill Hunter.

1. New Business:

A. Conditional Use Appeal:

43 Alice Court, Michael and Janice Ferrante, owners, Tax Map 386A, Block B, Lot 016, R-2 Zone: The appellants are seeking a Conditional Use Appeal under section 14-78(a)(2) to add an accessory dwelling unit to their single family dwelling. Representing the appeal are the owners. **The Board voted 4-0 to grant the Conditional Use Appeal.**

B. Practical Difficulty Variance Appeal:

122 Pine Street, Edward and Karen Rea, owners, Tax Map 062, Block B, Lot 008, R-6 Residential Zone:

The appellants would like to enclose the existing 14'x 3'10" porch and stairs and to build a 5'6"x 3'10" deck to connect the enclosed porch to the rear deck. The appellants need a variance to keep the 170 square foot rear deck that was built without a permit. The appellants are requesting a variance for the side setback on a side street from a required 10' to 5' [section 14-139(1)(d)(4)]. The appellants are also seeking a variance for the maximum allowable lot coverage of 50% [section 14-139(1)(e)]. The lot is 2600 square feet. The footprint of the building with the 5'6" x 3'10" deck extension and the 170 square foot rear deck is 1416.75 square feet which covers 54.49% of the lot. Representing the appeal are the owners. **The Board voted 5-0 to grant the Practical Difficulty Appeal.**

2. Other Business: None

3. Adjournment: 7:47pm

Enclosure:

Agenda of April 16, 2009

Original Zoning Board Decision

one audio tape and one dvd

CC: Joseph Gray, City Manager

Penny St. Louis Littell, Director, Planning & Urban Development

Alex Jaegerman, Planning Department

T.J. Martzial, Housing & Neighborhood Services

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-chair
Deborah Rutter
Jill E. Hunter
Gordan Smith-secretary
William Getz
Sara Moppin

April 21, 2009

Janice & Michael Ferrante
43 Alice Court
Portland, Maine 04103

RE: 43 Alice Court
CBL: 386A B016
ZONE: R2

Dear Mr. & Mrs. Ferrente:

As you know, at the April 16, 2009 meeting, the Zoning Board voted 4-0 (with one member recused) to grant your Conditional Use Appeal.

Enclosed please find the billing for the Zoning Board Appeals legal ad and abutter's notification and also a copy of the board's decision. You are required to submit a Change of Use permit for the accessory dwelling unit for your single family dwelling. Enclosed is an application for your change of use. You have six months from the date of this letter, referenced under section 14-474 (f) to apply for the change of use, or your Zoning Board approval will expire.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin
Office Assistant

CC: file

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Application No: 0000-1499	Applicant: Ferrante Michael J & Janice
Project Name: 43 Alice Ct	Location: 43 ALICE CT
CBL: 386A B016001	Application Type: Conditional Use Appeal
Invoice Date: 03/25/2009	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$100.00		\$100.00		\$0.00	On Receipt

Previous Balance

\$0.00

Fee Description	Qty	Fee/Deposit Charge
Legal Advertisements	1	\$46.00
Notices	25	\$18.75
Appeal Fee	1	\$100.00
		<u>\$164.75</u>
Total Current Fees:		+ \$164.75
Total Current Payments:		- \$100.00
Amount Due Now:		<u>\$64.75</u>

Bill to: Ferrante Michael J &
43 Alice Ct
Portland , ME 04103

CBL 386A B016001
Application No: 0000-1499
Invoice Date: 03/25/2009
Invoice No: 34067
Total Amt Due: \$0.00
Payment Amount: \$100.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA DECISION

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1. New Business:

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2. Other Business: None

3. Adjournment: 7:47pm

Enclosure:

Agenda of April 16, 2009

Original Zoning Board Decision

one audio tape and one dvd

CC: Joseph Gray, City Manager

Penny St. Louis Littell, Director, Planning & Urban Development

Alex Jaegerman, Planning Department

T.J. Martzial, Housing & Neighborhood Services

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Present - Sara Mappin, Gordon Smith (Sec.), Deborah Rutter, William Getz
Phil Savvier (Chair)

Absent - Peter Coyne, Jill Hunter

APPEAL AGENDA

Start 6:35

The Board of Appeals will hold a public hearing on Thursday, April 16, 2009 at 6:30 p.m. on the second floor in room 209 at the Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

1. New Business:

A. Conditional Use Appeal:

Granted
4-0
1-0
43 Alice Court, Michael and Janice Ferrante, owners, Tax Map 386A, Block B, Lot 016,
R-2 Zone: The appellants are seeking a Conditional Use Appeal under section 14-78(a)(2) to add an accessory dwelling unit to their single family dwelling. Representing the appeal are the owners.

B. Practical Difficulty Variance Appeal:

Granted
5-0
122 Pine Street, Edward and Karen Rea, owners, Tax Map 062, Block B, Lot 008, R-6
Residential Zone: The appellants would like to enclose the existing 14'x 3'10" porch and stairs and to build a 5'6"x 3'10" deck to connect the enclosed porch to the rear deck. The appellants need a variance to keep the 170 square foot rear deck that was built without a permit. The appellants are requesting a variance for the side setback on a side street from a required 10' to 5' [section 14-139(1)(d)(4)]. The appellants are also seeking a variance for the maximum allowable lot coverage of 50% [section 14-139(1)(e)]. The lot is 2600 square feet. The footprint of the building with the 5'6" x 3'10" deck extension and the 170 square foot rear deck is 1416.75 square feet which covers 54.49% of the lot. Representing the appeal are the owners.

2. Other Business:

3. Adjournment:

7:47

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

R-2 Residential Zone Accessory Dwelling Unit

Conditional Use Appeal

DECISION

Date of public hearing: April 16, 2009

Name and address of applicant: Michael & Janice Ferrante
43 Alice Court
Portland, ME 04103

Location of property under appeal: 43 Alice Court

For the Record:

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

Michael ferrante - Applicant

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

Findings of Fact and Conclusions of Law:

Applicants reside at 43 Alice Court. They are requesting to add an accessory dwelling unit to their residence to be occupied by elderly family members. According to the application, the main residence is 2100 sq. ft. and the proposed accessory unit is 620 sq. ft. The lot area is 25,000 sq. ft. There are no open outside stairways or fire escapes above the ground floor.

A. Conditional Use Standards pursuant to Portland City Code §14-78(a)(2):

1. The accessory dwelling unit is within the building and clearly subordinate to the principal dwelling and is for the benefit of older or handicapped homeowners or tenants.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

Per plans + photos

2. The accessory unit shall be no more than thirty (30) percent of the gross floor area of principal building and shall have a minimum floor area four hundred (400) square feet; gross floor area shall exclude any floor area that has less than two-thirds of its floor-to ceiling height above the average adjoining ground level; gross floor area may include attic space if such space shall be included as habitable space within either dwelling unit.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

- Accessory unit is 620 sq. ft.
- Principal Dwelling is 2100 sq. ft.

3. Lot area shall be eight thousand (8,000) square feet for single-family dwellings in existence as of May 1, 1984, and lot area shall be ten thousand (10,000) square feet for single-family dwellings constructed after May 1, 1984.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

lot is 25,000 sq ft.

4. There shall be no open outside stairways or fire escapes above the ground floor.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

Applicant says not applicable

5. Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designed to be compatible with the architectural style and to maintain the single-family appearance of the dwelling.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

N/A

6. 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 ☒ Not Satisfied ☐

Reason and supporting facts:

Driveway is paved, 90-foot long; adequate
pkg.; Standard Residential Parking

7. Either the accessory unit or principal unit shall be occupied by the lot owner, except for bona fide temporary absences.

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

Applicant resides in principal dwelling,
for testimony.

8. Parking shall be provided as required by division 20 of this article: 1 off-street parking space per new unit (14-332(a)(2)).

Satisfied ☒ Not Satisfied ☐

Reason and supporting facts:

- Driveway is sufficient for pkg.

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

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

Yes ____

No ☒

Reason and supporting facts:

Blends in w/ neighborhood

2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.

Yes ____

No ☒

Reason and supporting facts:

none, per application + test map

3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Yes ____

No ☒

Reason and supporting facts:

Same as any other accessory unit

Conclusion: (check one)

☒ Option 1: The Board finds that all of the standards (1 through 8) described in section A above have been satisfied and that not all of the conditions (1 through 3) described in section B above are present, and therefore GRANTS the application.


☐ Option 2: The Board finds that all of the standards (1 through 8) described in section A above have been satisfied, and that while not all of the conditions (1 through 3) described in section B above are present, 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 8) described in section A above have been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

Please note that, pursuant to Portland City Code 14-88(a)(2)(g), if approved the project shall be subject to article V (site plan) of this chapter for site plan review and approval and the following additional standards:

1. Any additions or exterior alterations such as facade materials, building form and roof pitch shall be designed to be compatible with the architectural style of the building; and
2. 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.

Dated: 4.16.09



Board Chair

City of Portland
Zoning Board of Appeals

March 23, 2009

RE: ADU 43 ALICE COURT PORTLAND, MAINE 04103 ZONING R2

Dear Zoning Board

Taking care of our elderly parents has become a major concern for our Family. Adding an Accessory Dwelling Unit will assist my husband and I to be able to watch over and care for my Mother at age 91 soon to be 92 on 7/9/2009. It will enable my husband and I to help her with everyday concerns including meals, finances and companionship. With the cost of assisted living being out of her reach and distant has helped us discover the accessory unit and its capabilities it has to offer. For my Mother to be with Family members on a daily basis, she will continue to strengthen and be at home. Being able to assist her with Doctor visits, grocery shopping, prescriptions and every day finances will enable her to live a better life in her senior years. It also allows her Family to alleviate the stresses of the unknowns and the managing of her living arrangements.

Please accept our application for an ADU at 43 Alice Court, Portland, Maine 04103 zoning R2.

Please feel free to contact us at anytime or please stop by to check out our ADU.
Thanking you in advance for your cooperation in this matter.

Sincerely,

Mr. and Mrs. Michael Ferrante
43 Alice Court
Portland, Maine 04103

Home# 878-2220
Cell# 756-3591

ACCESSORY DWELLING UNIT @ 43 ALICE COURT, PORTLAND, MAINE

AMENDMENT TO COVER LETTER

1. The ADU shall be no more than 30% of gross floor plan and min of 400 sq. ft.
The main house at 43 Alice Court is 2100 sq ft, the ADU is 620 sq ft plus there is an 800 sq ft finished basement.
2. Lot size is 25,000 sq ft
3. There are no open outside stairways or fire escapes above ground.
4. The design is compatible with the style of building and reserves single-family appearance.
5. The owner occupies 43 Alice Court.
6. Driveway is paved and yard landscaped.
7. Parking is plenty and driveway is 90 feet

- a. There are no unique or distinctive effects other than at this time my 91 year-old Mother lives in this area. *in law apt - no different than other*
- b. No adverse impact to public, etc. *because Private Property, Single*
- c. No different in this zone - *1-2 people in unit* *Contained Home w/ unit*

LOT 17

TOPOGRAPHY & BOUNDARY:
TITCOMB ASSOCIATES
133 GRAY ROAD
FALMOUTH, MAINE

Appendix "B"

LOAM & SEED
ALL FILL AREAS

EDGE OF
FOUNDATION

LOT 16

DETENTION ROAD EASEMENT
CITY OF PORTLAND

Falmouth
Portland

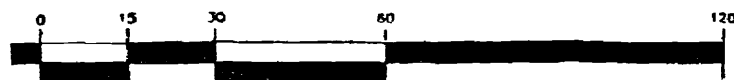
LOT 15

20' DRAINAGE EASEMENT
CITY OF PORTLAND

BIT. DRIVEWAY

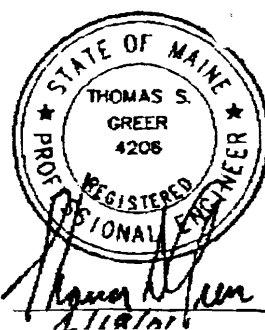
CONNECT UTILITIES TO
EXISTING STUBS

GRAPHIC SCALE



(IN FEET)

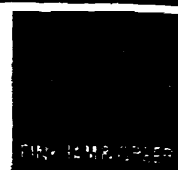
1 inch = 30 ft.



SITE PLAN LOT 16

AUBURN PINES
ALICE COURT

SCALE: 1"=30'
DATE: APRIL 17, 2001
DESIGN BY: TSG
PROJECT: 00124



CONSULTING ENGINEERS, INC.
FALMOUTH, MAINE

0

FEB-13-2001 11:47

DEWOLFE COMPANY
30 JCE16

207 774 1116 P.04/05

1ENT
LAND

S39°27'07"E
147.83'

DETENTION POND
TO THE CITY OF FOR

LOT #15
56,520 sq.ft.
1.30 acres

LOT #17
24,117 sq.ft.
0.55 acres

LOT #
20,553 sq.ft.
0.47 acres

LOT #18
17,655 sq.ft.
0.41 acres

LOT #20
31,445 sq.ft.
0.72 acres

LOT #19

62.19'
171.17'
313.54'

N83°50'53"E
136.31'
51.54'

L29

L30

L26

C17

C16

C15

C14

C13

R65'

C21

C22

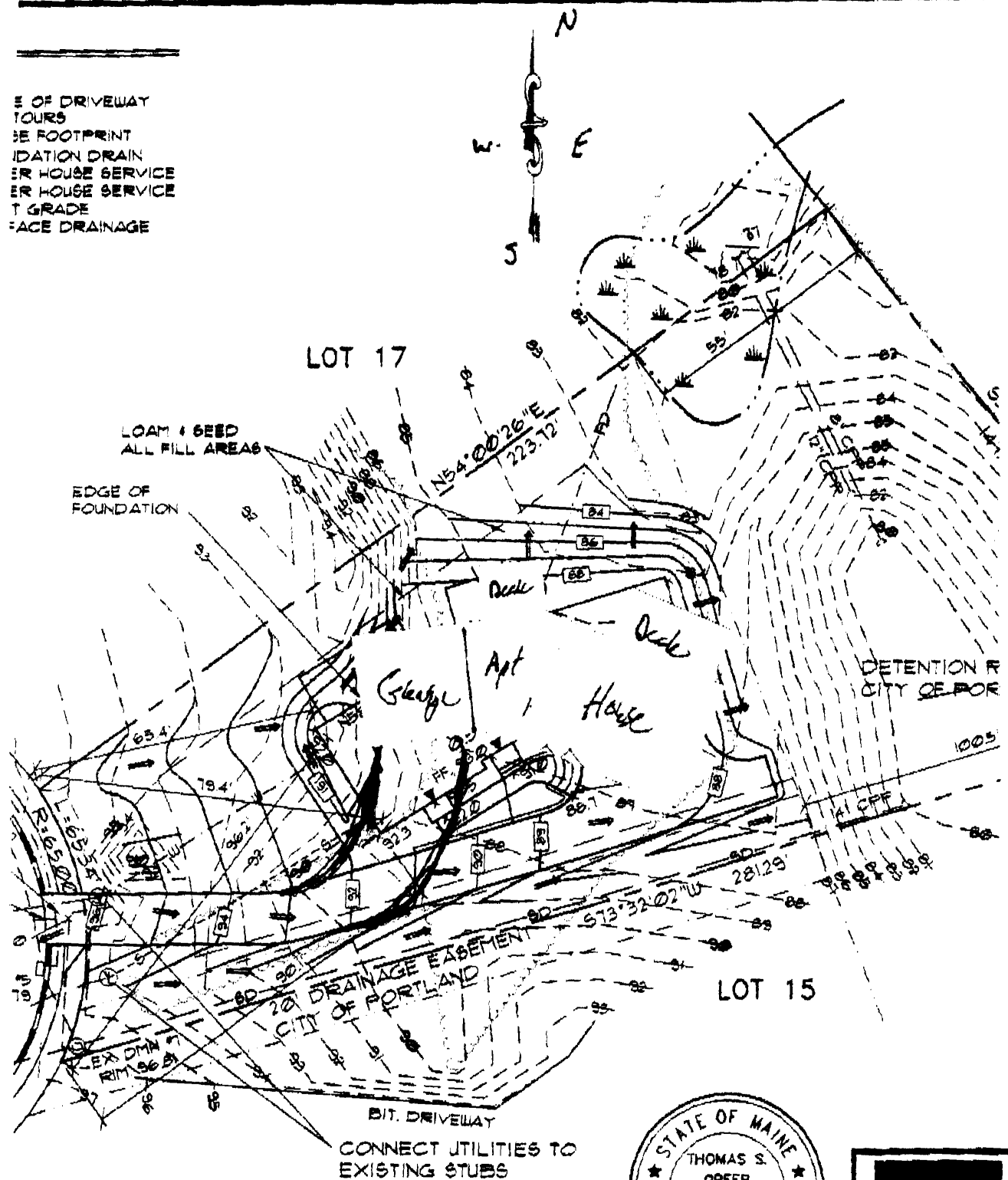
C20

C19

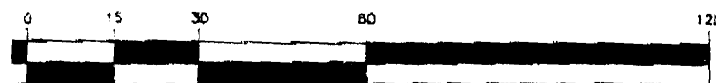
C18

L24

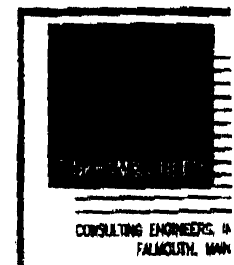
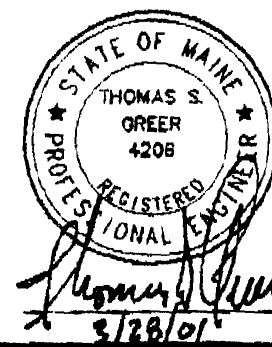
E OF DRIVEWAY
TOURS
SE FOOTPRINT
IDATION DRAIN
ER HOUSE SERVICE
ER HOUSE SERVICE
T GRADE
FACE DRAINAGE

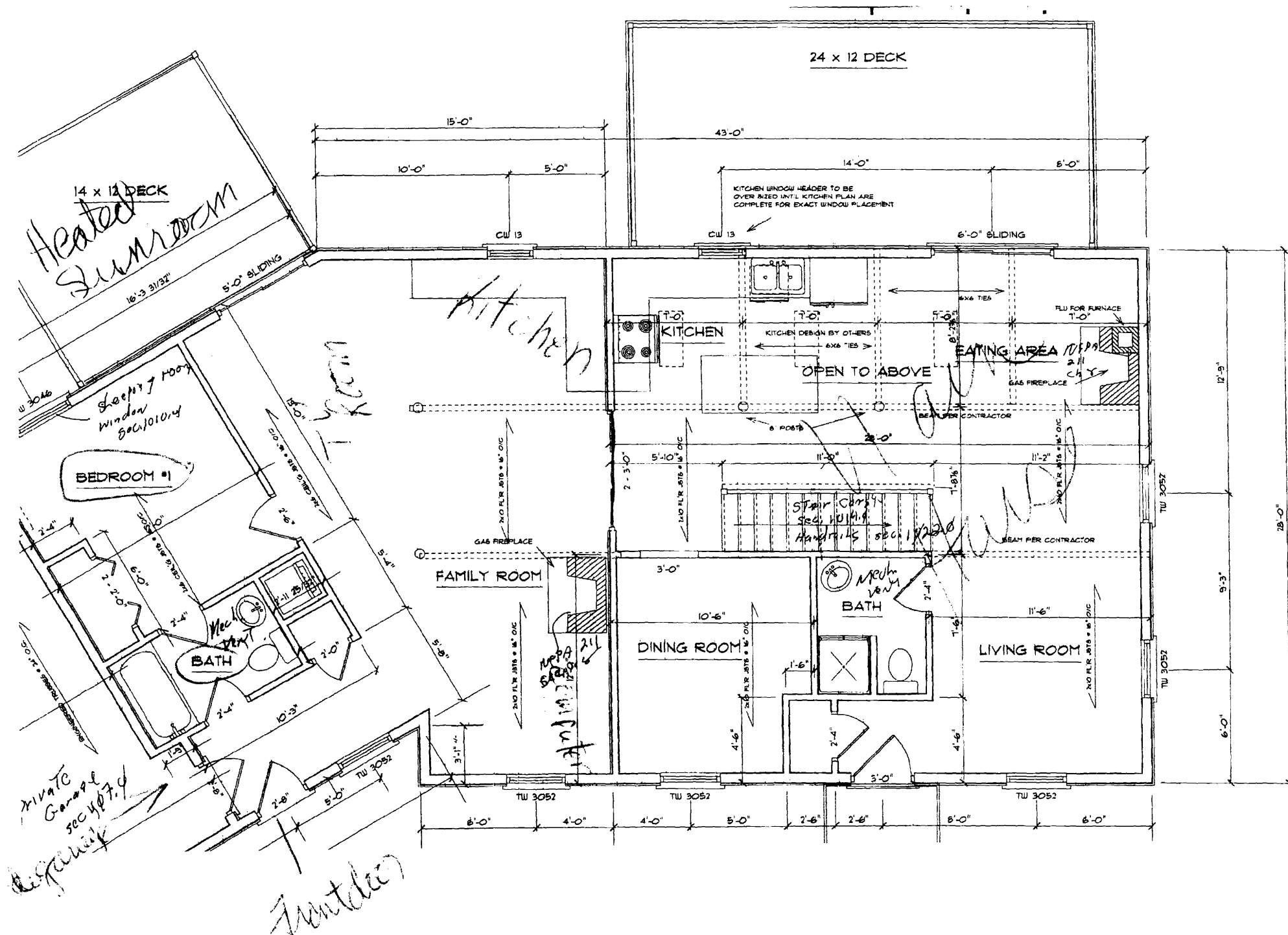


GRAPHIC SCALE



(IN FEET)
1 inch = 30 ft.

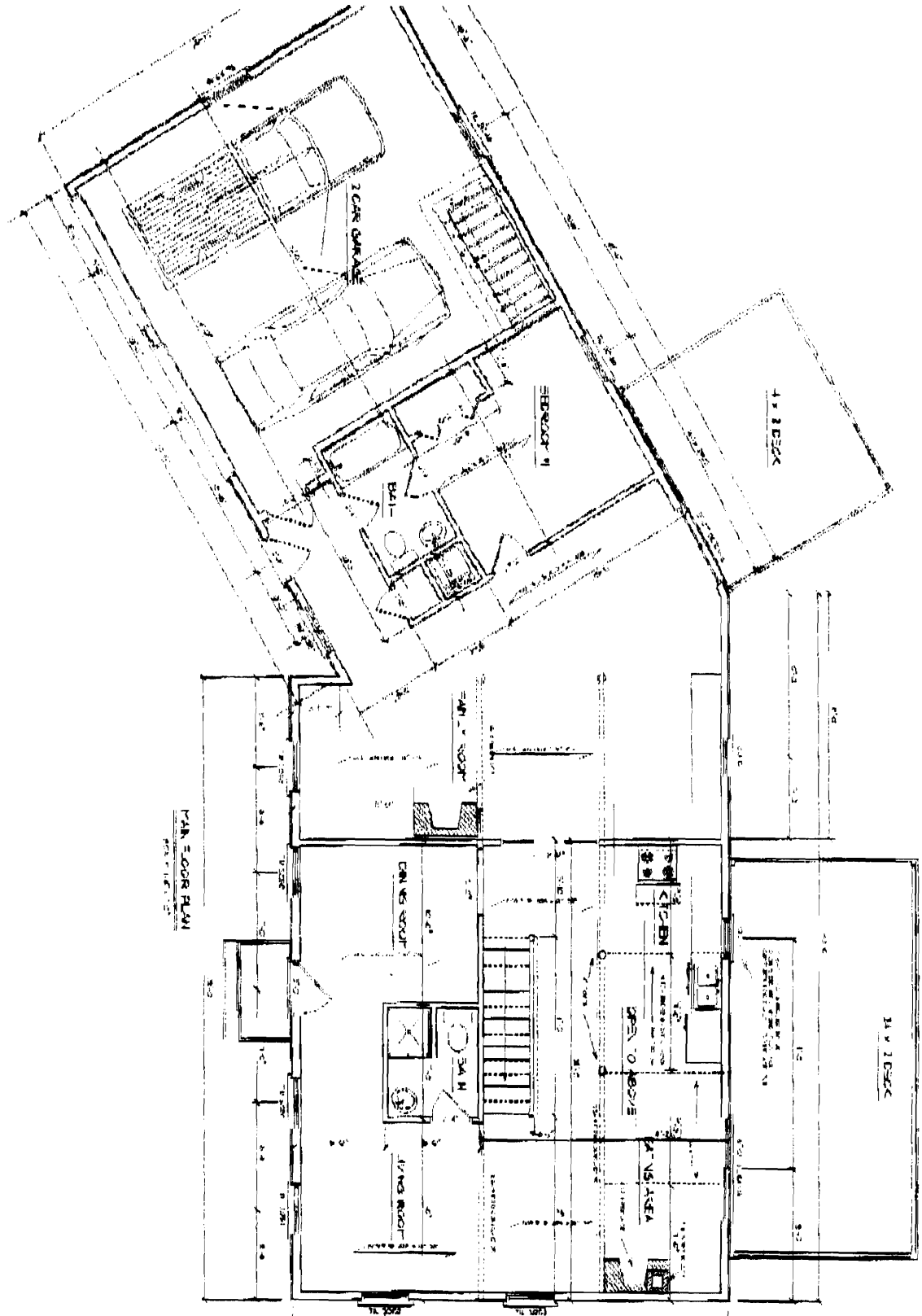




Peter Palanza

207-767-2625

04/27/2001 10:47:21 AM P.1



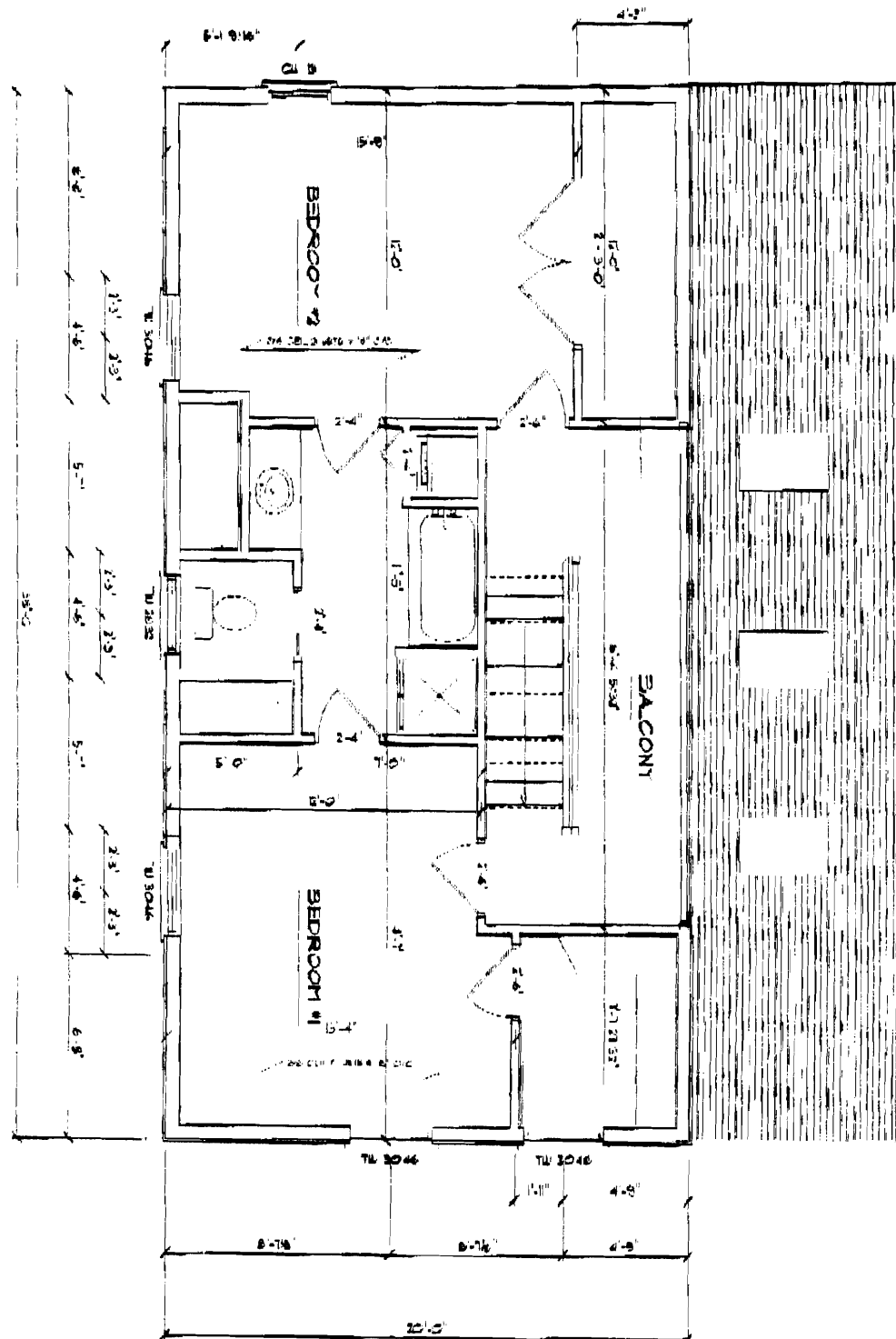
Appends 2

Peter Palanza

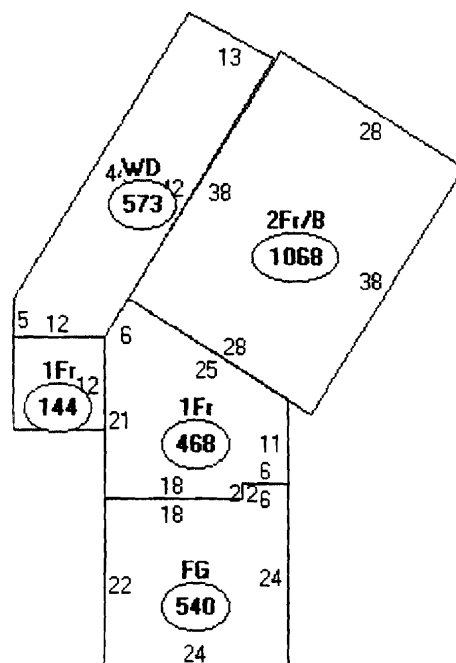
207-767-2625

05/01/2001 08:02:48 AM P.1

SECOND FLOOR PLAN
SCALE 1/4" = 1'-0"

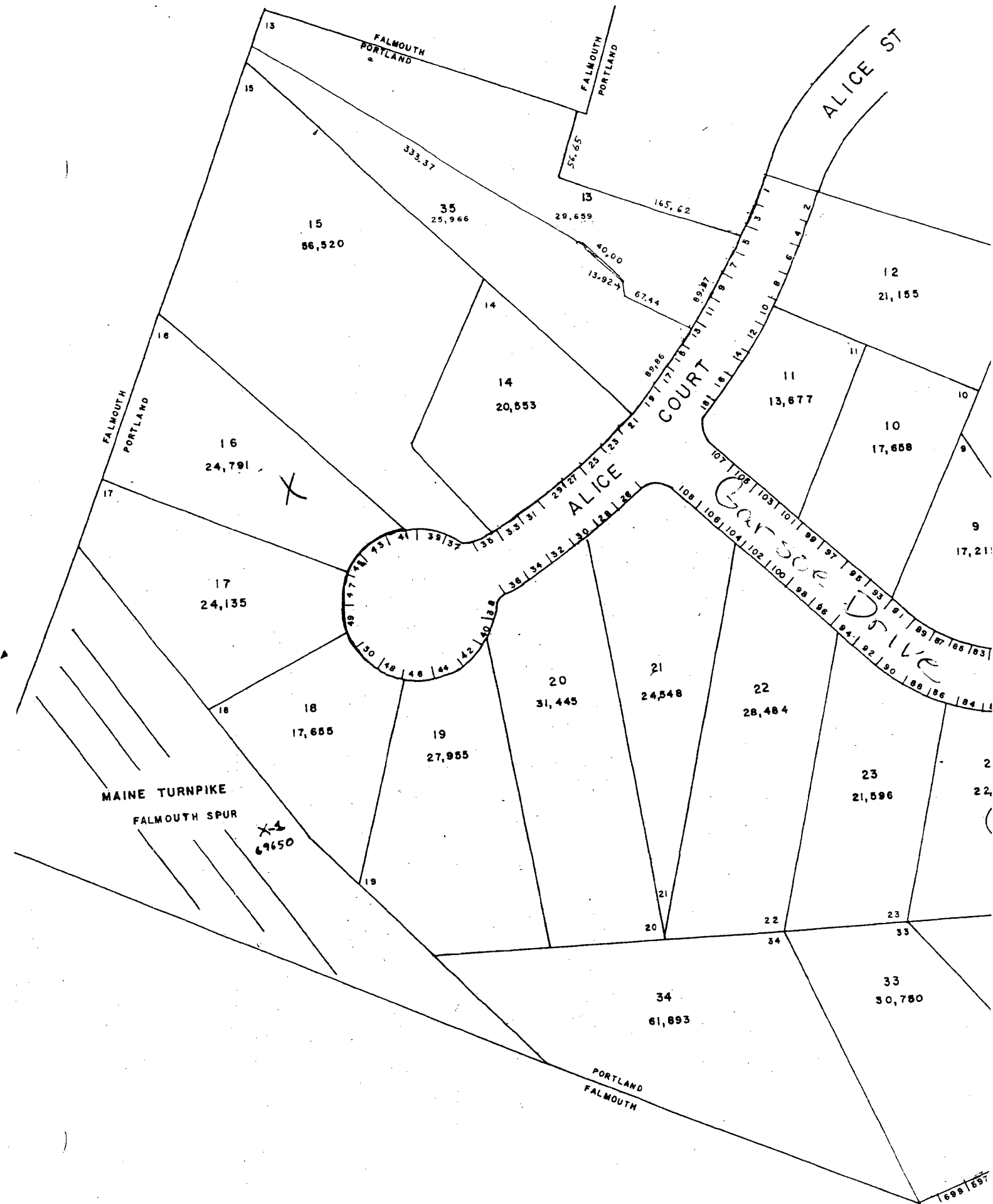


Appendix B



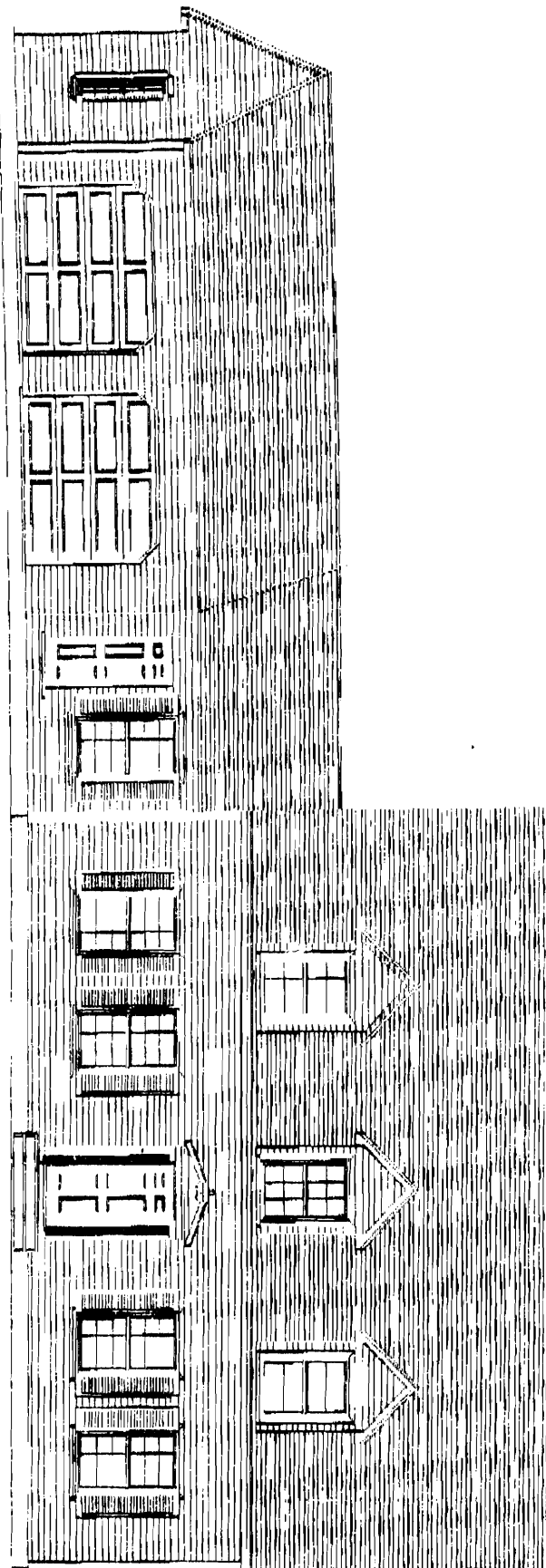
Descriptor/Area

A: 2Fr/B
1068 sqft
B: 1Fr
468 sqft
C: FG
540 sqft
D: 1Fr
144 sqft
E: WD
573 sqft





FRONT BEATON



Appendix "B"