

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a public hearing on Thursday, April 3, 2014 at 6:30 p.m. on the second floor in the City Council Chambers at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following appeal:

1. New Business

A. Conditional Use Appeal:

40 Maplewood Street, Gilead Raviv, lessee, Tax Map 437, Block A, Lot 009, R-5 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-410(c) to establish a home occupation to use his kitchen to prepare pastries to be delivered to local food establishments or customers. Representing the appeal is the lessee, Gilead Raviv.

2. Adjournment



CITY OF PORTLAND
ZONING BOARD OF APPEALS
Conditional Use Appeal Application

Applicant Information:

Gilead Raviv
NAME
Vegan World Foods
BUSINESS NAME
40 Maplewood St., Apt. front
ADDRESS
Portland, ME 04103
207-253-5353
TELEPHONE #
Lessee
APPLICANT'S RIGHT, TITLE OR INTEREST
(eg; owner, purchaser, etc)
Three Family
CURRENT ZONING DESIGNATION

Subject Property Information

40⁴² Maplewood St.
PROPERTY ADDRESS
437-A-9 (437A009001)
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (if different)
Robert H. Johnson
NAME
40 Maplewood St.
ADDRESS
Portland, ME 04103

CONDITIONAL USE AUTHORIZED BY
SECTION 14 - 410 8 14-474

EXISTING USE OF PROPERTY:

Three Family residence:
Owner Occupied 1st floor
2 @partments on 2nd floor

**TYPE OF CONDITIONAL USE
PROPOSED:**

Home Occupation:
Food Processor in
Apt.(front) Kitchen

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:

1. *There are unique or distinctive characteristics or effects associated with the proposed conditional use;*
2. *There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area; and*
3. *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 described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.


SIGNATURE OF APPLICANT

3/12/14
DATE

Gilead Raviv
40 Maplewood Street
Portland, ME 04103
March 12, 2014

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

Dear Zoning Board of Appeals:

I am requesting a conditional use permit to allow me the use of my residence at 40 Maplewood Street Apt. front for a home occupation. I intend to use my kitchen, approximately 15% of the time, to prepare pastries – specifically a vegan baklava – to be sold at local food establishments or delivered to customers. This home occupation is intended to only be part time, to supplement my full time income/occupation. My kitchen was licensed by the State of Maine as a home food processor on Monday March 3, 2014. The following is an explanation of how my home occupation, although not listed in paragraph (b) of Section 14-410 of the Portland Zoning Ordinance, is similar to and no more objectionable than those home occupations listed; also it is not in the list of the home occupations that cannot be included.

- a. My home occupation will occupy the kitchen which is approximately 198 square feet (15%) of the floor area of the residence
- b. No goods will be stored, displayed or be visible from outside the residence for my home occupation
- c. Storage of the material necessary to perform my occupation are minimal and included in the 198 square feet of floor space mentioned above
- d. There will be no external signage related to my home occupation
- e. No exterior or interior alterations to the residence are necessary for my home occupation
- f. I will not be meeting clients or customers at the residence, so no additional parking is necessary for my home occupation
- g. No objectionable effects (offensive noises, vibrations, smoke, dust or particulate matter, odorous matter, heat, humidity or glare) will result from my home occupation
- h. I will not require the service of any employees for my home occupation
- i. I will not be meeting clients or customers at the residence, so no additional traffic will be generated by my home occupation
- j. No vehicles, other than my existing small automobile, will be stored or are necessary for my home occupation

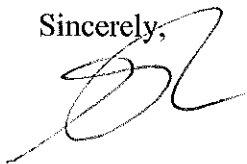
Zoning Board of Appeals

March 12, 2014

Page 2

My home occupation is a secondary and incidental use of my residence. The external activity level and impact is so limited and negligible and in keeping with the residential character of the neighborhood. Attached is the Conditional Use Appeal Application , Plot Plan, Floor plans, Copy of the tax map, Photos of the property, Lease confirmation, Signature of Lessee on Application, letter from the owner giving me permission to represent the property.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gilead Raviv', written over the word 'Sincerely,'.

Gilead Raviv

Enclosure

Gilead Raviv
40 Maplewood Street
Portland, ME 04103
March 17, 2014

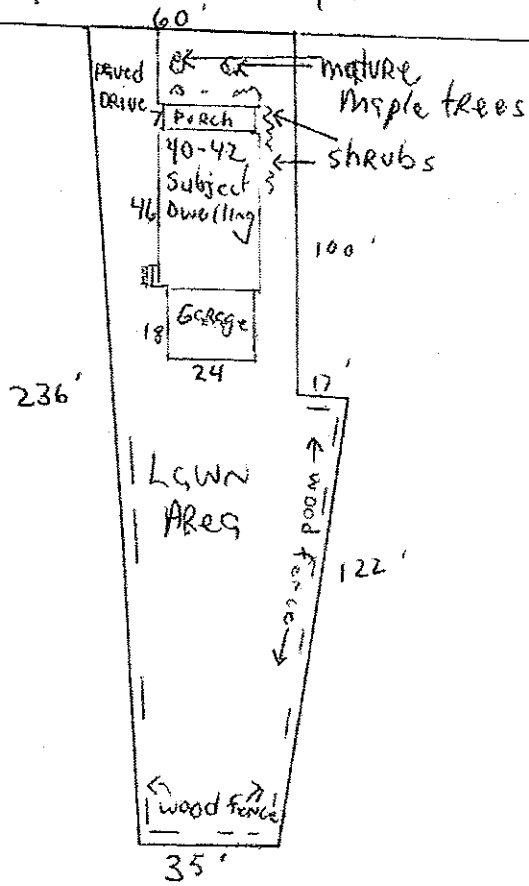
Zoning Board of Appeals
City of Portland
389 Congress Street
Portland, ME 04101

Addendum to cover letter submitted 3/12:

Because we have met the intent of the zoning ordinance previously cited for an allowable legal home occupation as defined by the zoning ordinance and as stated in our cover letter in terms of: space requirement (part of existing kitchen), storage of materials (none outside kitchen or visible to the public), structural alterations needed (none), clients at house (none), extra parking (none), automobiles or traffic (none), objectionable effects (none), employees needed (none), then I believe we have not violated any and all the standards the ZBA must consider for approval:

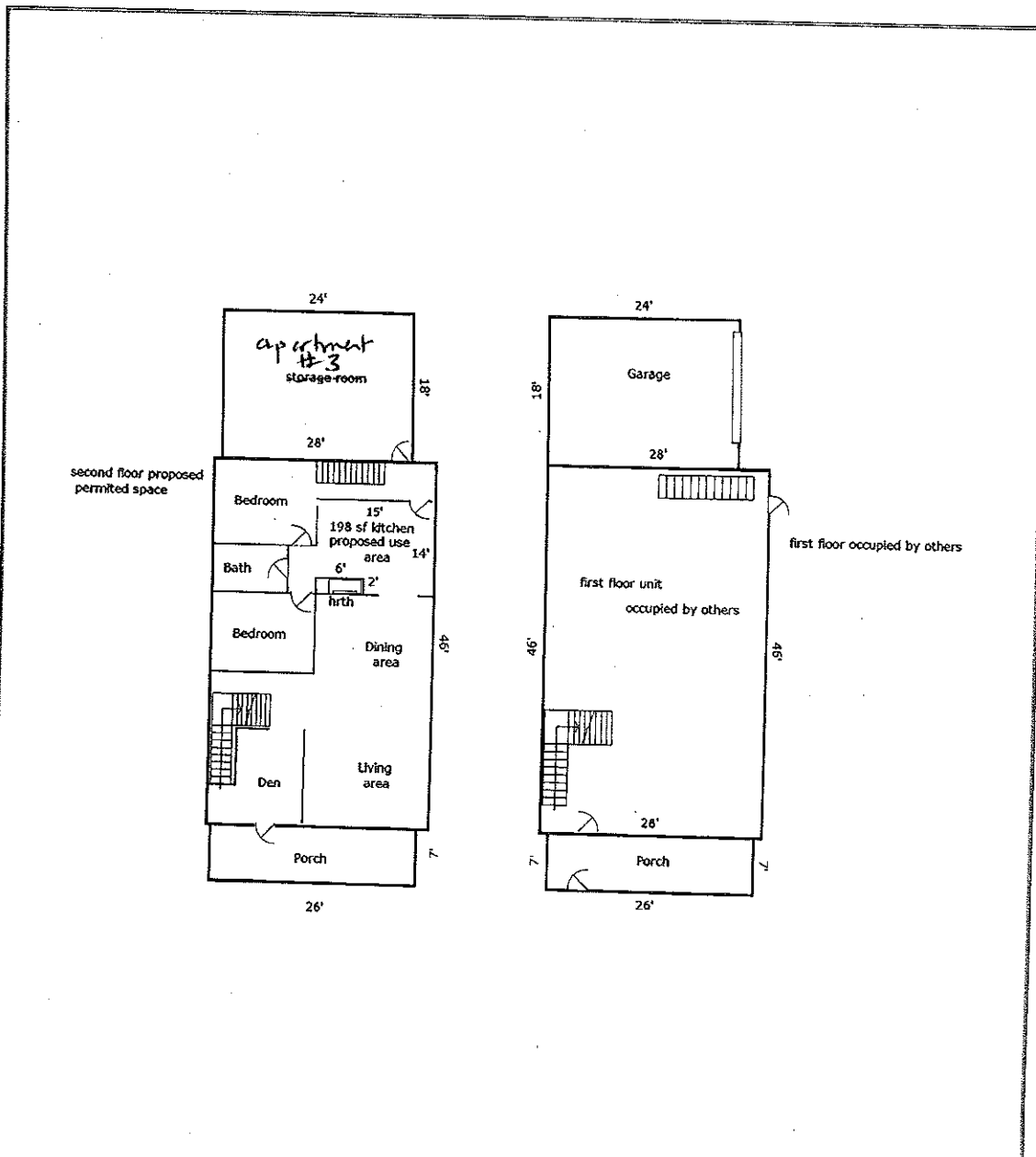
1. There are no unique or distinctive characteristics or effects associated with the proposed conditional use.
2. There will be no adverse impact on the health, safety or welfare of the public or the surrounding area
3. There is no substantial difference in the impact which would normally occur from such a use in our zone.

Maplewood st - paved road



Building Sketch

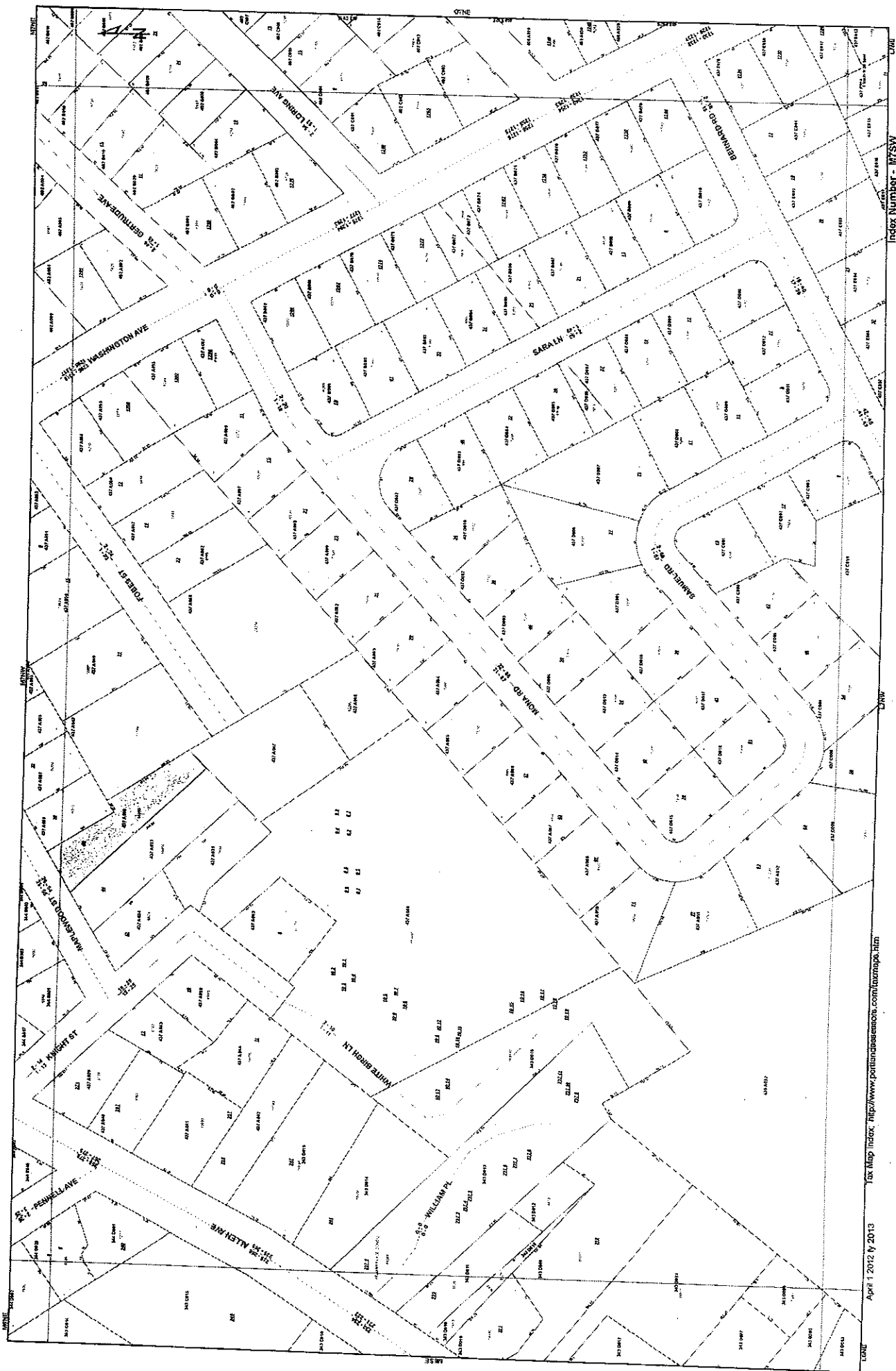
Borrower	Gil Raviv				
Property Address	40-42 Maplewood Street				
City	Portland	County	Portland	State	ME Zip Code 04103
Lender/Client	Gil Raviv				



TOTAL Sketch by a la mode, inc.

Area Calculations Summary

Living Area		Calculation Details
First Floor	1288 Sq ft	
storage Room	432 Sq ft	$28 \times 18 = 1288$
Second Floor	1288 Sq ft	$24 \times 18 = 432$
Total Living Area (Rounded):	3008 Sq ft	$46 \times 28 = 1288$
Non-Living Area		
2 Car Attached	432 Sq ft	
Closed Porch	182 Sq ft	$24 \times 18 = 432$
Closed Porch	182 Sq ft	$7 \times 26 = 182$
		$26 \times 7 = 182$

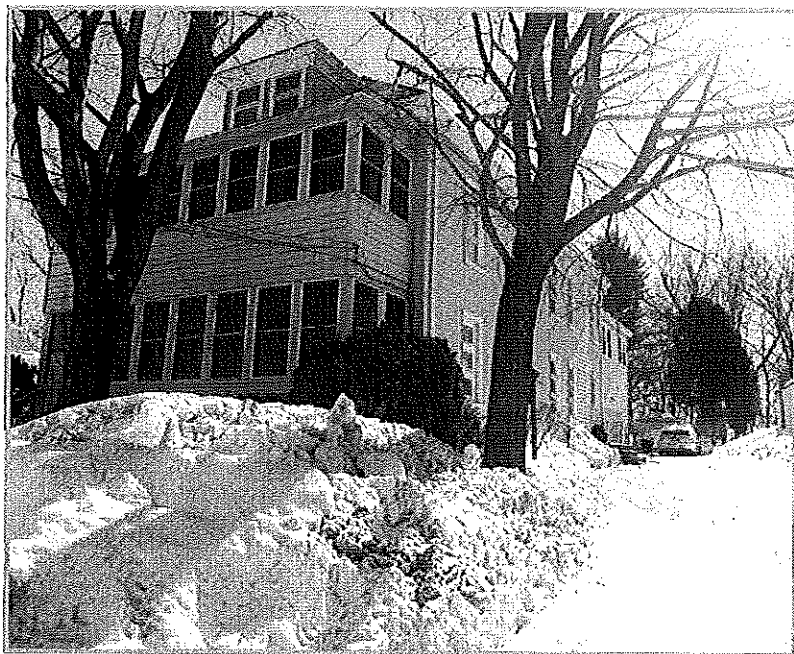


Index Number - M7534

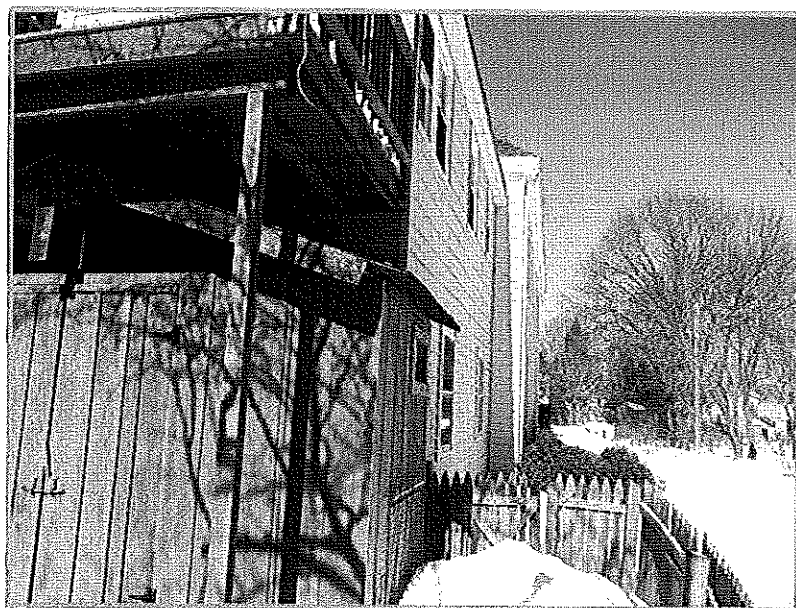
April 1 2012 to 2013 Tax Map Index: <http://www.portlandoregon.com/taxmap/him>

Subject Photo Page

Borrower	Gil Raviv				
Property Address	40-42 Maplewood Street				
City	Portland	County	Portland	State	ME Zip Code 04103
Lender/Client	Gil Raviv				



Subject Front



Subject Rear/Side



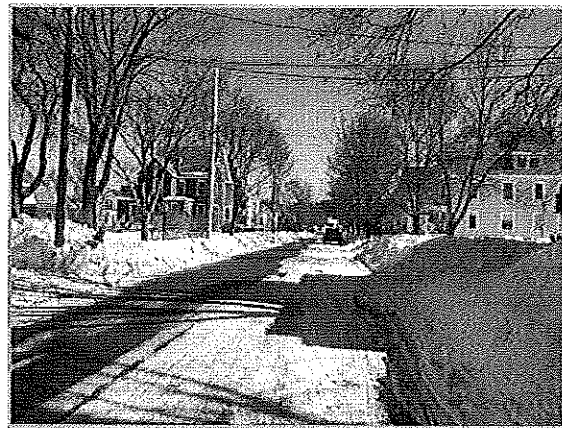
Subject Street

Additional Photos

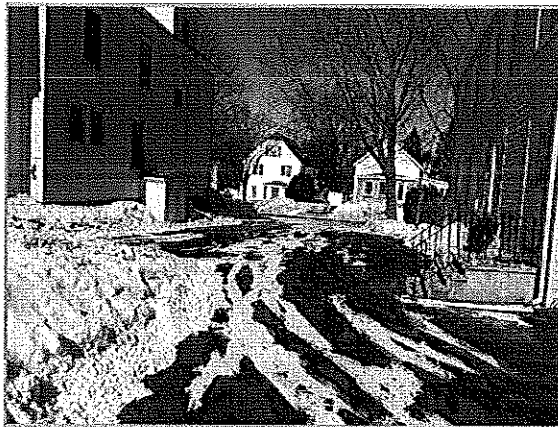
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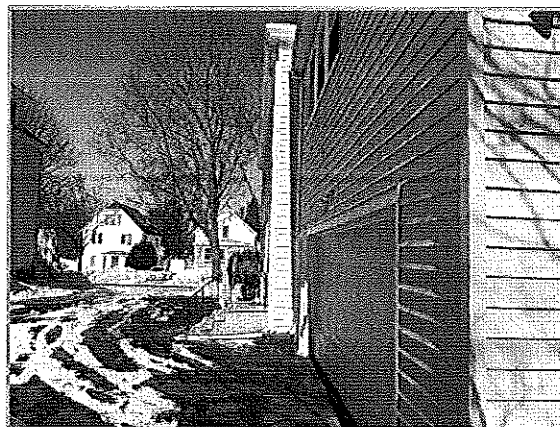
Additional Front/East Side



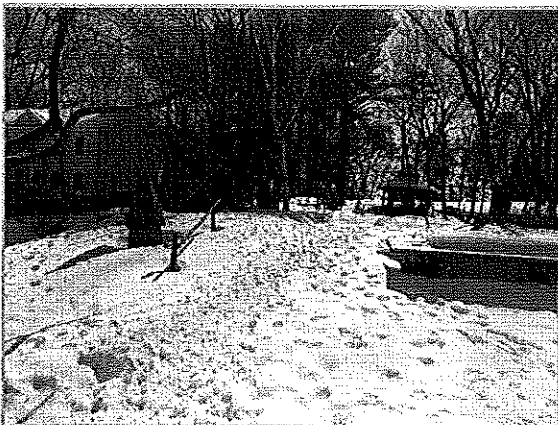
Opposite Street View



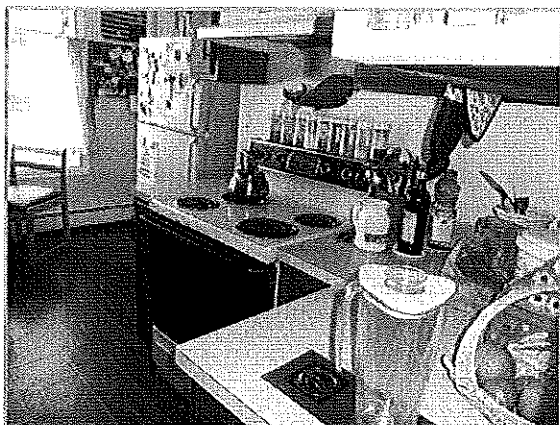
East Side/Driveway View



Additional East Side/Rear View



Rear yard View



Kitchen/Proposed Use area

Robert H. Johnson
40-42 Maplewood St.
Portland, ME 04103
March 12, 2014

Zoning Board of Appeals
City of Portland
389 Congress St.
Portland, Maine 04101

Dear Zoning Board of Appeals:

I am the Owner of 40-42 Maplewood Street Portland, Maine 04103. I have a tenant at will agreement with my tenants Gilead Raviv and Janice Raviv.

Sincerely,

R H Johnson

Robert H. Johnson

Robert H. Johnson
40-42 Maplewood St.
Portland, ME 04103
March 12, 2014

Zoning Board of Appeals
City of Portland
389 Congress St.
Portland, Maine 04101

Dear Zoning Board of Appeals:

I am the Owner of 40-42 Maplewood Street Portland, Maine 04103. I give permission for my tenants Gilead Raviv and Janice Raviv (Vegan World Foods) to represent the property in order to obtain a Conditional Use Permit.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert H. Johnson", with a long horizontal flourish extending to the right.

Robert H. Johnson