

1. Agenda

Documents: [07-16-15 AGENDA.PDF](#)

2. 30-36 Wingate Drive; Conditional Use Appeal

Documents: [36 WINGATE DR - ZBA APPLICATION.PDF](#)

CITY OF PORTLAND, MAINE ZONING BOARD OF APPEALS

APPEAL AGENDA

The Board of Appeals will hold a Public Hearing on Thursday, July 16, 2015, at 6:30 p.m. on the Second Floor in Room 209, Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following appeal:

- 1. New Business:**
 - A. Conditional Use Appeal:**
30-36 Wingate Drive, Michael & Susan Russo, owners, Tax Map 183A, Block C, Lot 004, R-3 Residential Zone: The applicants are seeking a Conditional Use Appeal under Section 14-88(a)(2) to add an accessory dwelling unit within the existing footprint of their single family home. Representing the appeal are the owners.
- 2. Other Business:**
Discussion of possible revisions to Article VI of the Ordinance relating to composition of the Board and duties
- 3. Adjournment**



Jeff Levine, AICP, Director
Planning & Urban Development Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND ZONING BOARD OF APPEALS

Conditional Use Appeal Application

Applicant Information:

Michael A + Susan E. Russo
NAME

BUSINESS NAME

BUSINESS ADDRESS

BUSINESS TELEPHONE & E-MAIL

OWNER
APPLICANT'S RIGHT/TITLE/INTEREST

R-3
CURRENT ZONING DESIGNATION

EXISTING USE OF THE PROPERTY:

Single family dwelling

TYPE OF CONDITIONAL USE PROPOSED:

Accessory unit within existing dwelling

Subject Property Information:

36 Wingate Dr.
PROPERTY ADDRESS

183A-C-4
CHART/BLOCK/LOT (CBL)

Same as applicant
PROPERTY OWNER (If Different)

ADDRESS (If Different)

Mike 838-0800

Sue 671-0908

PHONE # AND E-MAIL

m.russo22@yahoo.com

srusso@yahoo.com

Accessory Unit
CONDITIONAL USE AUTHORIZED BY

SECTION 14- 88(a)
d(a)

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. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the 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.

Michael A + Susan E. Russo

SIGNATURE OF APPLICANT

DATE

6/18/15

June 18, 2014

Department of Planning & Urban Development
Zoning Board of Appeals
389 Congress Street, Room 315
Portland, ME 04101

Re: Conditional Use Appeal for property located at 36 Wingate Drive (183A-C-4)

Dear Members of the Zoning Board of Appeals,

Please find enclosed an application and supporting documentation for a Residential Conditional Use for an Accessory Unit within the existing dwelling located at 36 Wingate Dr. We are the current owners of the property and are requesting approval as part of a current purchase and sales agreement for the property. If approved the purchaser's parents would occupy this space. The area functioned as living quarters for our mother prior to her death in 2013 and has since served as a home office.

This request satisfies the city requirements as follows:

Section 14-88

2(a) The accessory unit shall be no more than 30% of the gross floor area of the principal building and shall have a minimum floor area of 400 SF. The proposed accessory contains 568 SF. Total above grade living area is 2,888SF ($568/2888 = 19.6\%$). There is an attached 2 car garage (664SF) which if calculated as part of building area ($568/3552$) would reduce the gross floor area to 16%.

- (b) The area is on ground level with both a private entrance and access to the main living area
- (c) Additions were completed in 2005. No additional exterior work is proposed.
- (d) Lot size is 20,278SF +/- well above the 6,500 SF minimum.
- (g) Dwelling unit is not reduced to less than 1,000SF.
- (h) There is ample parking consisting of a 2 car garage as well as 3-5 open spaces in the driveway.
- (i) i. No additions will be constructed
ii. Drive is paved and lot is landscaped
- (j) The dwelling is currently owner occupied and the new owner intends to occupy the principal Portion of the dwelling and one set of parents will occupy the accessory unit.

Standards:

1. There would be no more traffic than is currently associated with the residential use of the property. There is adequate parking that is similar to properties in the neighborhood.
2. The proposed use will not create unsanitary or harmful conditions.
3. No additional exterior construction is proposed. Site is fully landscaped.

As further support for this application we note that a similar Conditional Use for an accessory unit was granted in our immediate neighborhood on March 5, 2013 for property located at 74 Phipps Rd (183A-B-7).

We appreciate your time and consideration of this application. Please feel free to contact either of us should you have any questions.

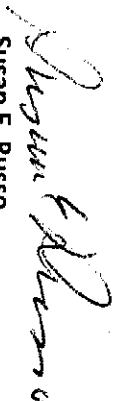
Respectfully,



Michael A. Russo

Cell: 838-0080

m.russo22@yahoo.com



Susan E. Russo

Cell: 671-0908

srusso@yahoo.com

MARK
MUELLER
ARCHITECTS

A.I.A.

100 Commercial Street
Suite 205
Portland, Maine 0410
Phone/Fax 207.774.9057
Email: MMArch@gwi.net

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MARK MUELLER ARCHITECTS

Russo Residence

36 Wingate Drive
Portland, Maine

FLOOR PLANS/PLOT PLAN

REVISIONS

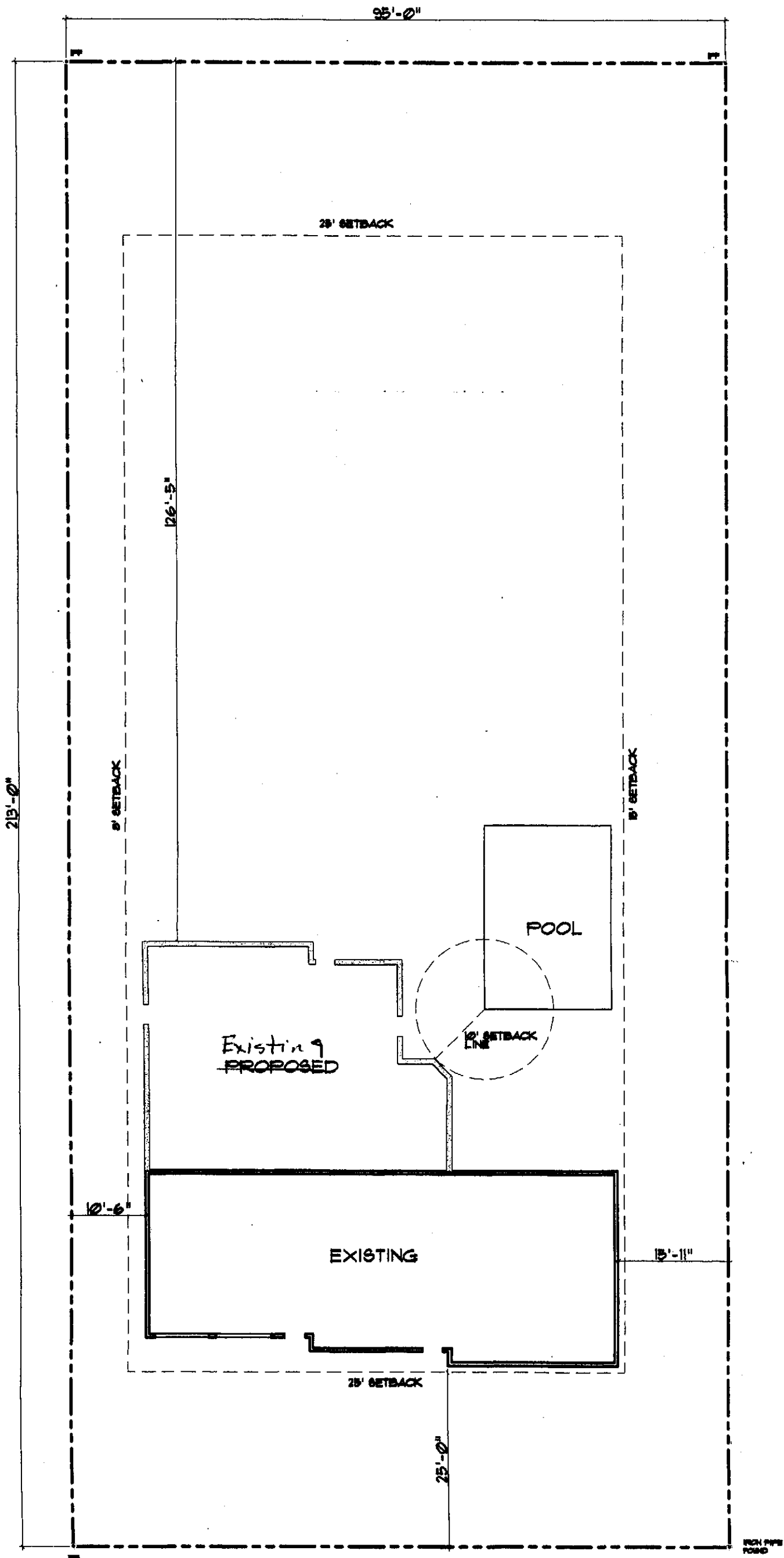
DATE

AUGUST 03, 2004

PROJECT

RUSSO

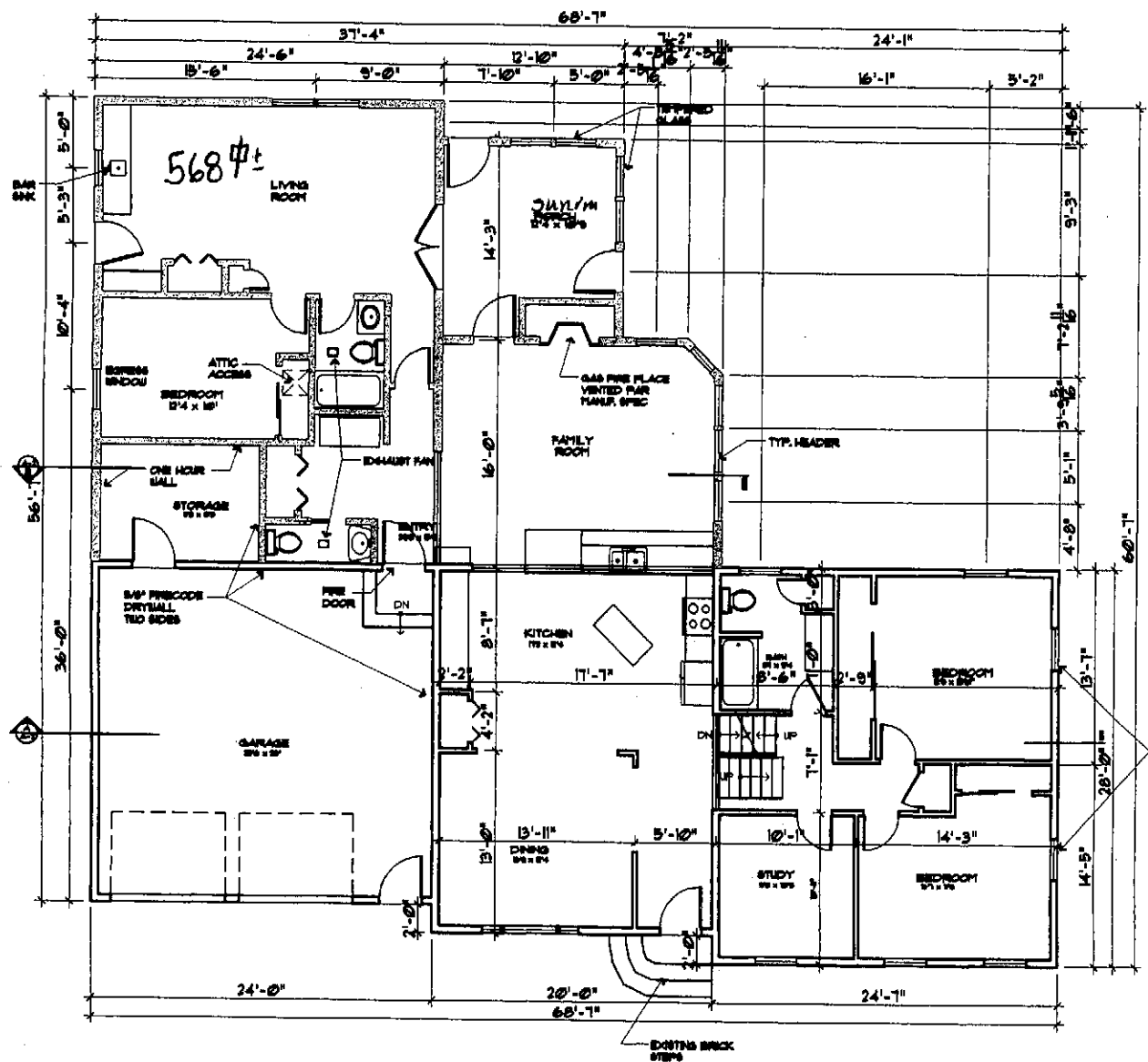
DRAWN BY



PLOT PLAN

SCALE: 1/16"=1'-0"

SCALE: 1/8" = 1'-0"



FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



April 1 2012 fy 2013

Tax Map Index: <http://www.portlandessessors.com/taxmaps.htm>

Index Number - 1356

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That I, Anna E. Russo, of 36 Wingate Drive, Portland, Maine 04103 in consideration of One Dollar (\$1.00) and other valuable consideration paid by Michael A. Russo and Susan E. Russo, the receipt whereof I do hereby acknowledge, do hereby give grant, bargain, sell and convey unto the said Michael A. Russo and Susan E. Russo, their heirs and assigns forever as joint tenants and not tenants in common with WARRANTY covenants that certain lot or parcel of land, together with any improvements and buildings thereon, situated in the Portland, Cumberland, and State of Maine, described as follows:

A certain lot or parcel of land situated in the City of Portland, County of Cumberland and State of Maine and being lot #36 as shown on a Plan of Wadsworth Heights, Section B, in Portland, Maine for Frank Morris, Builder, by Robert P. Titcomb, Inc., Land Surveyors, said plan being recorded in the Cumberland County Registry of Deeds in Plan Book 124, Page 65.

Together with an easement for ingress and egress over the streets and ways shown on said plan.

Said premises are subject to utility easements of record.

TO HAVE AND TO HOLD the aforegranted and bargained premises with all the privileges and appurtenances thereof to the said Michael A. Russo and Susan E. Russo, their heirs and assigns, to them and their use and behoof forever.

IN WITNESS WHEREOF, I, Anna E. Russo have hereunto set my hand and seal this 6 day of October 2004, in the year of our Lord Two Thousand and Four.

Kathleen M. McBreaity
WITNESS

Anna E. Russo
Anna E. Russo

STATE OF MAINE
Cumberland, SS.

October 6, 2004

Personally appeared the above named, Anna E. Russo, and acknowledged the above instrument to be his/her free act and deed.

Before Me,

Kathleen M. McBreaity
Notary Public/Attorney at Law

My Commission Expires:

Received
Recorded Register of Deeds
Oct 07, 2004 10:32:15A
Cumberland County
John B. Brien

DS
TDS

DS
SJR

NR SR



Addendum 1 to AgreementAddendum to contract dated June 3, 2015between Michael A. Russo, Susan E. Russo (hereinafter "Seller")and Timothy D. Smith, Sandra J. Banks (hereinafter "Buyer")property 36 Wingate Drive, Portland,

The following items shall be completed prior to closing:

1. Seller to finish master bathroom and master closet in a style similar to other finishes used in the home. Buyers shall have an opportunity to review finishes and give final approval prior to installation.
2. Seller to take out tub in the in-law bath and replace it with a shower.
3. Seller to install decking on the flat portion of the roof outside of the master bedroom. Buyers shall have an opportunity to review said deck and give final approval prior to installation.
4. Seller to apply for and receive the proper approvals from the City of Portland Code Office for the in-law apartment prior to closing.
5. Seller to pay Buyer's Agent, Nancy J. Field, a 3% commission on the purchase price of the property at closing.
6. Seller shall complete a Seller's Disclosure within 4 business days from the effective date of this contract.
7. Items 1 and 3 of this Addendum shall be satisfied by both parties within 10 days of the Effective Date of this Agreement.

MS
SR

Parties acknowledge Agency's advice to seek legal, tax and other professional advice as necessary in connection with sale/purchase of property.

DocuSigned by:

Timothy D. Smith

06/03/2015
Date

Buyer ID: 84F128C4EE...

Timothy D. Smith

DocuSigned by:

Sandra J. Banks

06/03/2015
Date

Buyer ID: 8D61850F4F0...

Sandra J. Banks

Michael A. Russo 6/3/15
Seller Date
Michael A. Russo

Susan E. Russo 6/3/15
Seller Date
Susan E. Russo

















