

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Kent Avery, Chair
Donna Katsiaficas, Secretary
Chip Gavin
William Getz
Eric Larsson

ZONING BOARD OF APPEALS DECISIONS FROM JANUARY 21, 2016

To: City Clerk
From: Christina Stacey, Zoning Specialist
Date: January 25, 2016
RE: Action taken by the Zoning Board of Appeals on January 21, 2016

Attendance: Kent Avery (chair), Donna Katsiaficas (secretary), Chip Gavin, William Getz and Eric Larsson present.

1. New Business:

A. Conditional Use Appeal:

44 Mayo Street (81 East Oxford Street), Bayside Anchor Apartments, LP, owner, Tax Map 022, Block I, Lot 001, R-7 Compact Urban Residential Overlay Zone: The applicant is seeking a Conditional Use Appeal under section 14-137(c)(4) to operate a Head Start nursery school within a new apartment building at this site. Representing the appeal is Mark Adelson of the Portland Housing Development Corporation/Bayside Anchor Apartments, LP and Patrick Carroll of Carroll Associates Landscape Architects. ***The Board of Appeals voted 5-0 to grant the Conditional Use Appeal for a period of 18 months to operate a nursery school in the apartment building.***

B. Conditional Use Appeal:

970 Forest Avenue, North Deering Children's Academy, lessee, Tax Map 143, Block B, Lot 001, R-P Residence-Professional Zone: The applicant is seeking a Conditional Use Appeal under section 14-147.5(e) to operate a licensed child care center for up to 80 children at an existing commercial building, which was most recently used for medical offices. Representing the appeal is Gina Kostopoulos of the North Deering Children's Academy. ***The Board of Appeals voted 5-0 to grant the Conditional Use Appeal to operate a licensed child care center for up to 80 children in the existing commercial building.***

2. Old Business:

A. Interpretation Appeal:

50 Industrial Way, Allagash Brewing Company, lessee, Tax Map 326, Block B, Lot 008, I-M Industrial Zone: The applicant is challenging the Zoning Administrator's determination in a letter dated November 3, 2015 that selling pre-packaged food is not an incidental accessory use to a brewery and therefore cannot be allowed under the zoning ordinance (section 14-247). Representing the appeal is Gordon R. Smith, Esq. and Jill Perry from Allagash Brewing. ***The Board of Appeals voted 5-0 to grant a motion by the Department of Planning and Urban Development to continue the appeal to the February 4, 2016 meeting.***

B. Conditional Use Appeal:

1877 Congress St, Verizon Wireless, buyer, Tax Map 217, Block A, Lot 010, R-2 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-78(c)(1) to construct a thirty foot by fifty five foot telephone equipment shelter and pad-mounted generator, transformer, and HVAC unit. The shelter and associated equipment will be accessed by a new twelve foot wide gravel driveway and parking area. Representing the appeal is the buyer and Kelly B. Boden, Esq. ***The Board of Appeals voted 5-0 to grant a motion by the applicant to continue the appeal to the February 4, 2016 meeting.***

3. Adjourned (meeting started at 6:32 p.m.; adjourned at 7:25 p.m.)

cc: Jon Jennings, City Manager;
Jeff Levine, AICP, Director Planning & Urban Development
Tuck O'Brien, City Planning Director
Tammy Munson, Director of Inspection Services
Mary Davis, Housing and Neighborhood Services Division