

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 FEBRUARY 4, 2016

To: City Clerk
From: Christina Stacey, Zoning Specialist
Date: February 5, 2016
RE: Action taken by the Zoning Board of Appeals on February 4, 2016

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

1. 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). A motion to continue the appeal until the next meeting was requested by the Planning and Urban Development Department at the January 21, 2016 meeting and was granted by the board. Representing the appeal is Gordon R. Smith, Esq. and Jill Perry from Allagash Brewing. ***The appeal was withdrawn by the applicant prior to the meeting.***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. A motion to continue the appeal until the next meeting was requested by the applicant at the January 21, 2016 meeting and was granted by the board. Representing the appeal is the buyer and Kelly B. Boden, Esq. ***The Board of Appeals voted 3-1 to approve the Conditional Use appeal to construct the shelter and associated equipment; however, pursuant to the City Code §14-548, the concurring vote of at least four members shall be necessary to grant any request or application or to sustain any appeal, and therefore it was denied.***

3. Adjourned (meeting started at 6:31 p.m.; adjourned at 9:38 p.m.)

Enclosures:

1. DVD of 2-4-16 Meeting

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