

1. Agenda

Documents: [6-16-16 AGENDA.PDF](#)

2. 591-593 Washington Avenue

- 2.I. Application

Documents: [ZBA APPLICATION - 593 WASHINGTON AVE.PDF](#)

- 2.II. Zoning Map

Documents: [ZONING MAP.PDF](#)

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

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

APPEAL AGENDA

The Board of Appeals will hold a Public Hearing on Thursday, June 16, 2016, 6:30 p.m., Room 209, 2nd Floor, City Hall, 389 Congress Street, Portland, Maine, to hear the following appeal:

1. New Business:

A. Conditional Use Appeal:

591-593 Washington Avenue, Michael Pare, owner, Tax Map 428, Block B, Lot 014, R-5 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-118(a)(5)(a) to add one dwelling unit to his existing two- family home. Representing the appeal is the owner.

2. Adjournment

CITY OF PORTLAND ZONING BOARD OF APPEALS
Conditional Use Appeal Application

Applicant Information:

NAME Michael Pare

BUSINESS NAME

BUSINESS ADDRESS

BUSINESS TELEPHONE & E-MAIL

Property Owner

APPLICANT'S RIGHT/TITLE/INTEREST

R-5
CURRENT ZONING DESIGNATION

Subject Property Information:

591-593 Washington Ave
PROPERTY ADDRESS

428 B014
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER (If Different)

ADDRESS (If Different) _____

(207) 735-8374 - mpare1987@gmail.com
PHONE # AND E-MAIL

CONDITIONAL USE AUTHORIZED BY
SECTION 14- 118(a)(5)

EXISTING USE OF THE PROPERTY:

Multi-Family home w/ 2 3BR IBA Residences

TYPE OF CONDITIONAL USE PROPOSED:

convert attic into an additional 1BR 1BA apartment

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 Pace
SIGNATURE OF APPLICANT

5/13/2016
DATE

389 Congress Street * Portland Maine 04101-3509 * Phone: (207) 874-8703 * Fax: (207) 874-8716
<http://www.portlandmaine.gov/planning/buildinsp.asp> * E-Mail: buildinginspections@portlandmaine.gov

Michael Pare
593 Washington Ave
Portland, ME 04103
mpare1987@gmail.com
(207)735-8374

To: Zoning Board of Appeals

This is an appeal to convert the attic of my multi-family (2 unit) home into a third unit under the conditional use described by 14-118(a)(5) of the City of Portland Maine's code of ordinances. A summary of the standards of that conditional use and how my project meets them follows.

14-118(a)(5) standards

Use of space existing as of September 3, 2008 to accommodate additional dwelling units...

The building and all space in question has existed since the building's construction in 1900.

(a) This section shall under no conditions permit more than four dwelling units on a lot and shall not allow more than two additional dwelling units on a lot above what would otherwise be permitted.

The proposed attic renovation would constitute the third dwelling unit on the lot.

(b). Any units created under this section may not be sold as condominium units or otherwise separated from the ownership of at least one of the pre-existing units on the site

I will maintain sole ownership of the property. The proposed third dwelling unit would serve as a 1 bedroom apartment.

(c) Any units created under this section must be affordable to households earning up to 80% of AMI and are subject to income verification as further outlined in implementing regulations.

I have spoken to Tyler Norod in the housing division about this stipulation and he verified that the maximum rent I would be able to charge per month (as of this writing) would be \$1012.5 minus any related utility allowances.

(d) The additional units shall have a minimum floor area of four hundred (400) square feet and may not involve removing more than ten percent of the gross floor area of an existing dwelling unit into a new dwelling unit. 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 and may include the attic if such space is habitable.

As the enclosed floor plan will show, the proposed space will have in excess of 500 sq feet of area with 100% of floor to ceiling height above adjoining ground level. No floor area will be removed from existing dwelling units.

(e) Modifications to existing structures shall be minimal, and be limited to new doors, windows and other openings; parking shall be provided as required by Division 20 of this article

Modifying the first floor rear entry and adding railings to stairways are the only planned modifications to existing structures.

(g) There shall be no open, outside stairways or fire escapes above the ground floor

There are and will be no open outside stairways or fire escapes above the ground floor.

(h) The project shall be subject to Article V for site plan review and approval and the following additional standards:

i. Any additions or exterior alterations such as façade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the single family appearance of the building

The only exterior alterations I hope to make are to install a heat pump on the back side of the house. I will comply with all site review standards.

ii. The scale and surface area of parking, driveways and paved areas shall be arranged and landscaped properly to screen vehicles from adjacent properties and streets.

I have an existing driveway, adjoining Washington Street, with a garage bay that will serve as parking for the proposed unit. This driveway and portion of the garage are currently unused and will not detract from the 4 existing parking spots in the driveway adjoining Presumpscot street for the 2 existing units.

A summary of how this proposal meets conditional use standards described by the appeal application follows:

Conditional Use Standards

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

The currently unused driveway adjoining Washington Avenue with garage entry will serve as parking for the proposed unit.

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

The property will be insulated and use existing sewage and trash disposal systems.

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.

As the proposed unit is a 1 bedroom and I am using existing parking and existing unused space in the house, there will be minimal effect on all of the above.

Supporting documents are enclosed.

Thank you,
Michael Pare

Plot Plan (3)

THIS IS NOT A BOUNDARY SURVEY

This copyrighted document expires 10-05-12. Reproduction and/or dissemination after this date is unauthorized.
MORTGAGE INSPECTION OF: DEED BOOK 15835 PAGE 280 COUNTY Cumberland
PLAN BOOK --- PAGE --- LOT ---

ADDRESS: 593 Washington Avenue, Portland, Maine

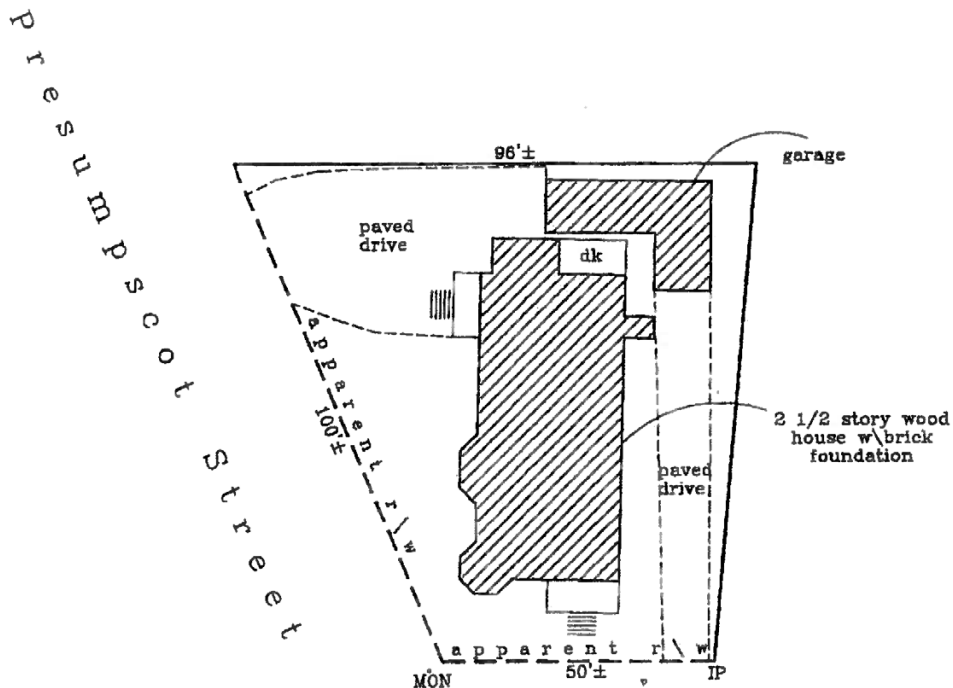
Job Number: 752-75-R

Inspection Date: 7-05-12

Scale: 1" = 30'

Buyer: MECAP LLC

Seller: Gregory P. O'Donnell, Sr.



Washington Avenue

I HEREBY CERTIFY TO: Terry N. Snow, P.A.; the Lender

and First American Title Ins. Co.

Monuments found did not conflict with the deed description.

The dwelling setbacks do not violate town zoning requirements.

As delineated on the Federal Emergency Management Agency Community Panel 230051-0007 C:

The structure does not fall within the special flood hazard zone.

The land does not fall within the special flood hazard zone.

A wetlands study has not been performed.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

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Livingston - Hughes

Professional Land Surveyors & Foresters

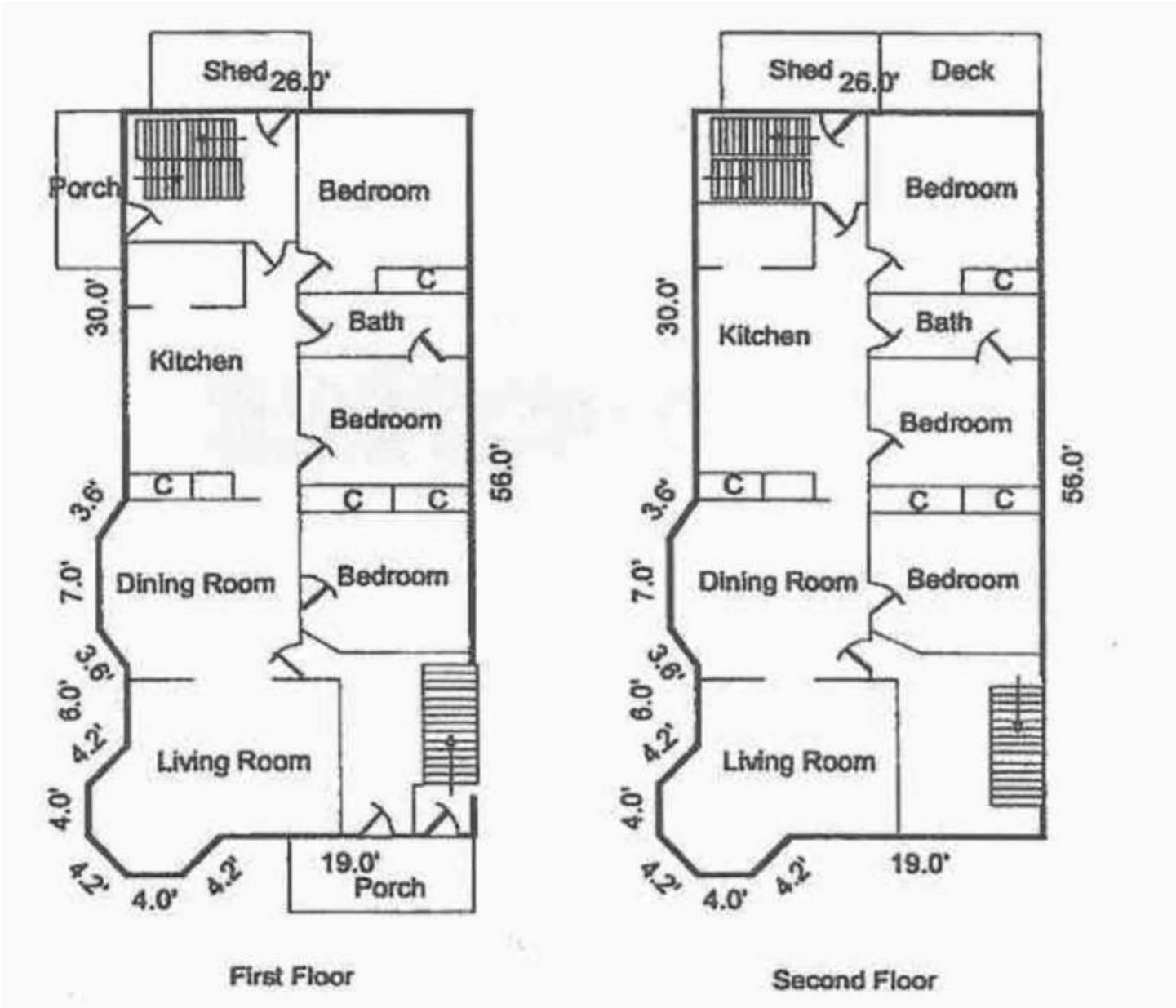
88 Guinea Road

Kennebunkport - Maine 04046

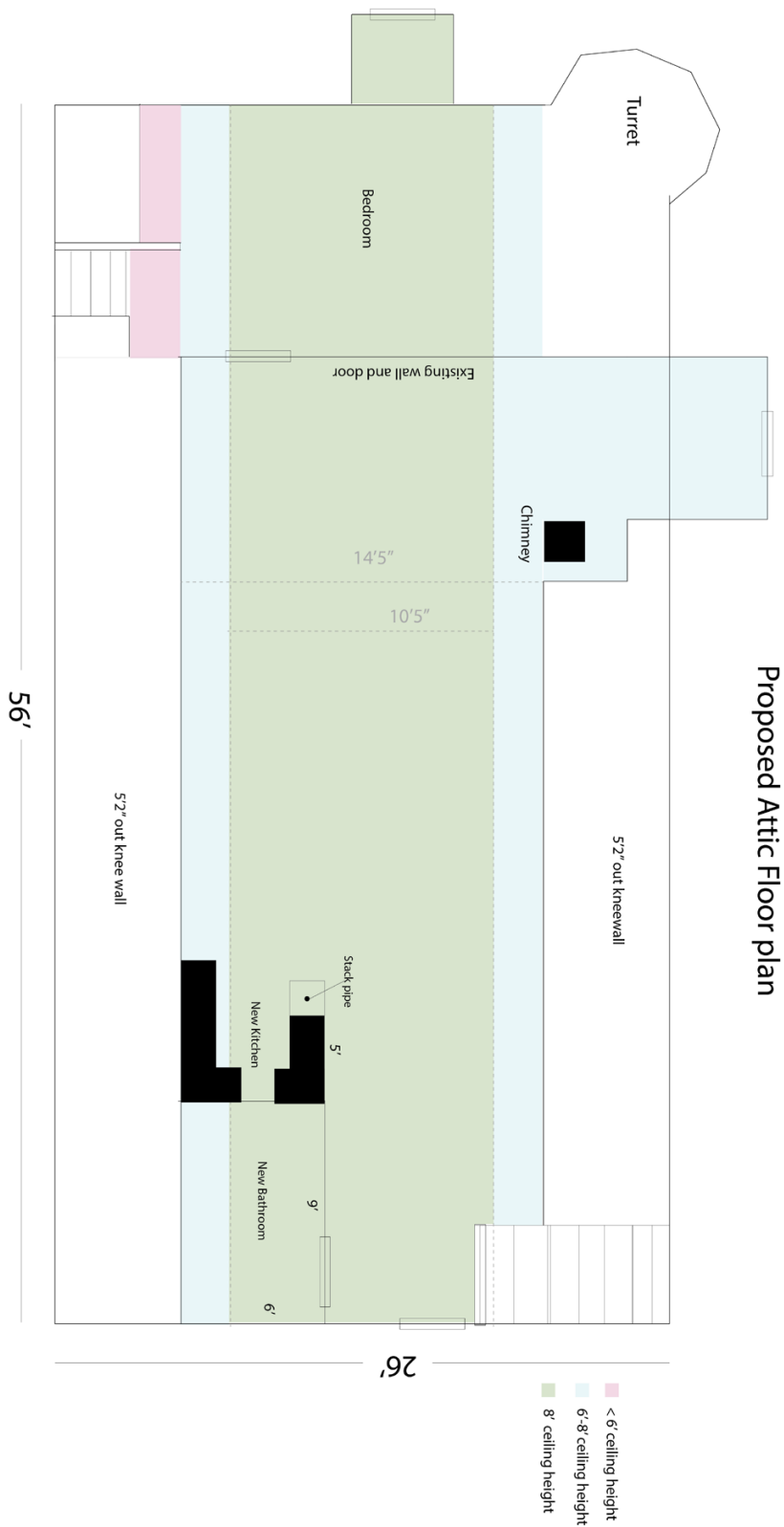
207-967-9761 phone 207-967-4831 fax

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY

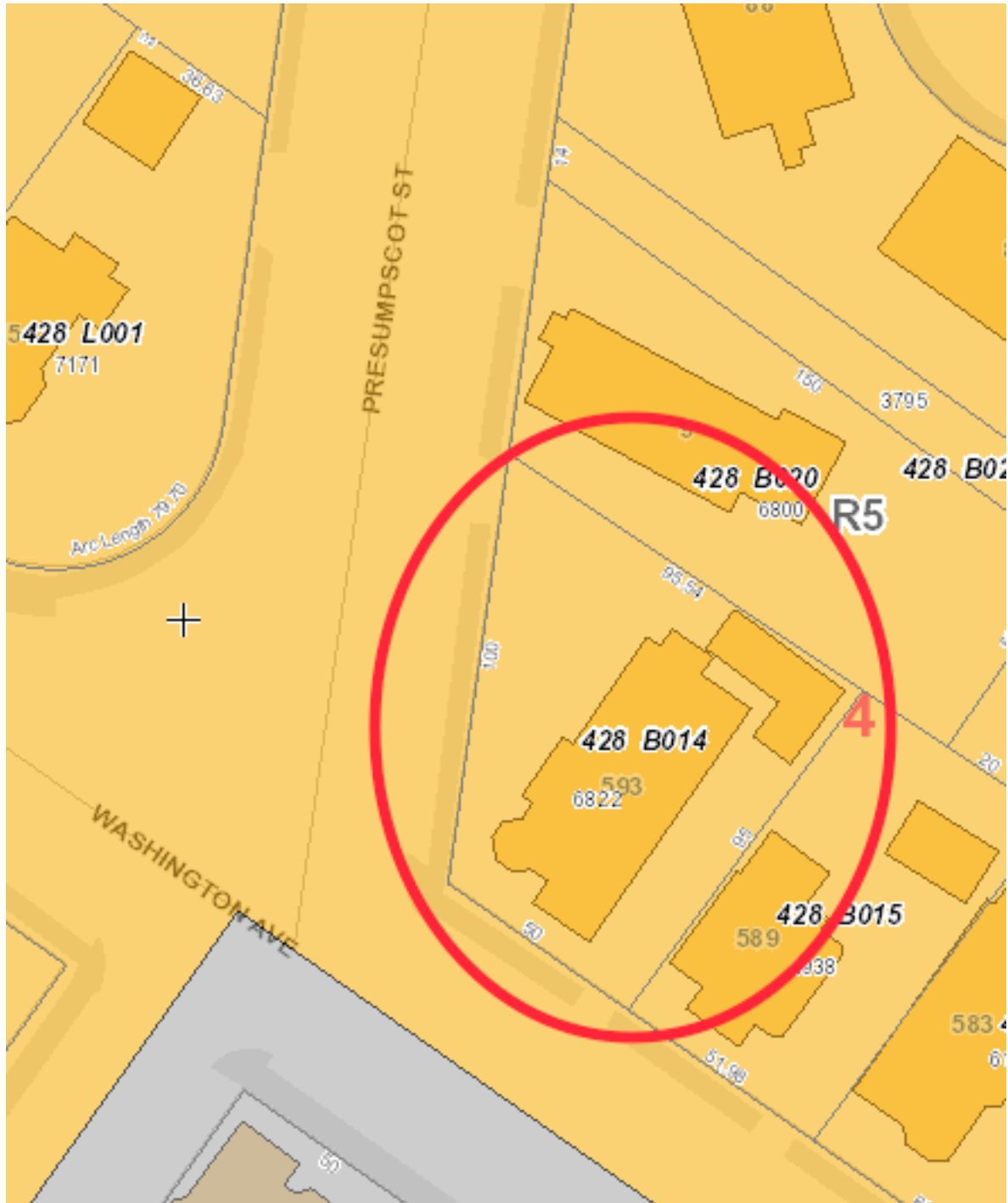
Existing Floor Plan (4)



Proposed Attic Floor Plan (4)



Tax Map With Property Highlighted (5)



Photos of Property (6)



View from end of presumpscot st driveway showing detached garage and primary entrance for existing units.



View from end of presumpscot st driveway showing entire presumpscot st facing side of the house

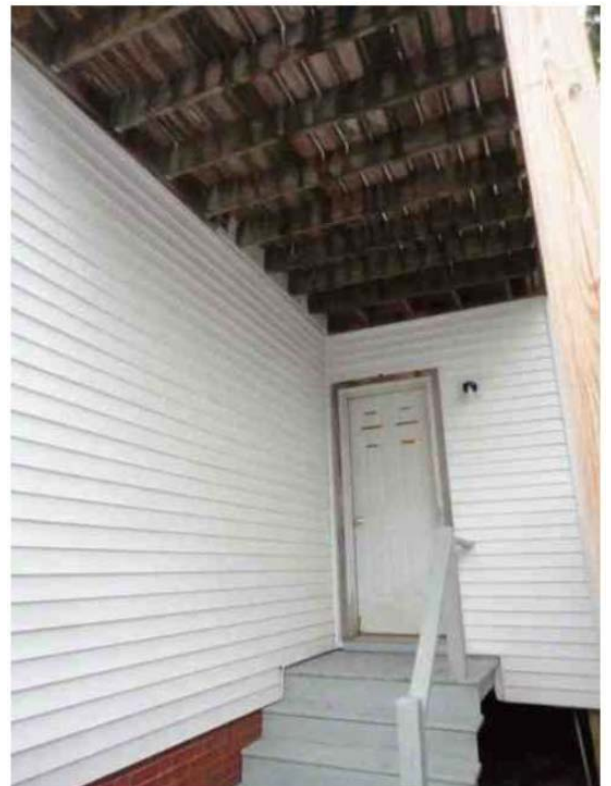


View from across Washington Ave showing entire washington Ave facing side of the house



View from across washington Ave showing rear side of the house.

View from beneath second floor deck showing rear entry to attic and first floor unit.



Property Deed (7)

DOC :63365 BK:32770 PG:328

MAINE REAL ESTATE TAX-Paid

Warranty Deed (Maine Statutory Short Form)

DLN: 1001540005517

KNOW ALL PERSONS BY THESE PRESENTS THAT, **Maine Investment Properties, LLC**, a Maine Limited Liability Company, with a mailing address of 268 Oakwood Drive, Yarmouth, Maine 04096, for valuable consideration paid, by **Michael W. Pare**, with a mailing address of 139 Neil Street #10, Portland, Maine 04102, the receipt and sufficiency whereof is hereby acknowledged, does hereby GIVE, GRANT, BARGAIN, SELL AND CONVEY, unto the said **Michael W. Pare**, his heirs and assigns, with **WARRANTY COVENANTS**, a certain lot or parcel of real property situated in the City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

PROPERTY DESCRIBED IN "EXHIBIT A" ATTACHED HERETO AND MADE A PART HEREOF

Meaning and intending to convey the premises conveyed to Maine Investment Properties, LLC by virtue of a deed from MECAP, LLC, dated August 17, 2012 and recorded in Book 29849 Page 208 with the Cumberland County Registry of Deeds.

The premises are conveyed together with and subject to any and all easements or appurtenances of record, insofar as the same are in force and applicable.

Witness my hand and seal this 23rd day of October, 2015.

Maine Investment Properties, LLC

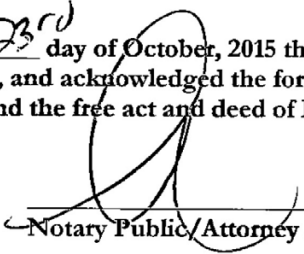
WITNESS


By: Timothy J. McGonagle
Its: Manager

STATE OF MAINE
COUNTY OF CUMBERLAND

Personally appeared before me on this 23rd day of October, 2015 the above named Timothy J. McGonagle, in said capacity, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of Maine Investment Properties, LLC.

Jessica L. Howard
State of Maine
Notary Public
Commission Expires:
June 8, 2022



Notary Public/Attorney At Law

Print Name

Property Deed (7)

DOC :63365 BK:32770 PG:329
RECEIVED - RECORDED REGISTER OF DEEDS
12/03/2015, 09:39:22A
CUMBERLAND COUNTY, NANCY A. LANE

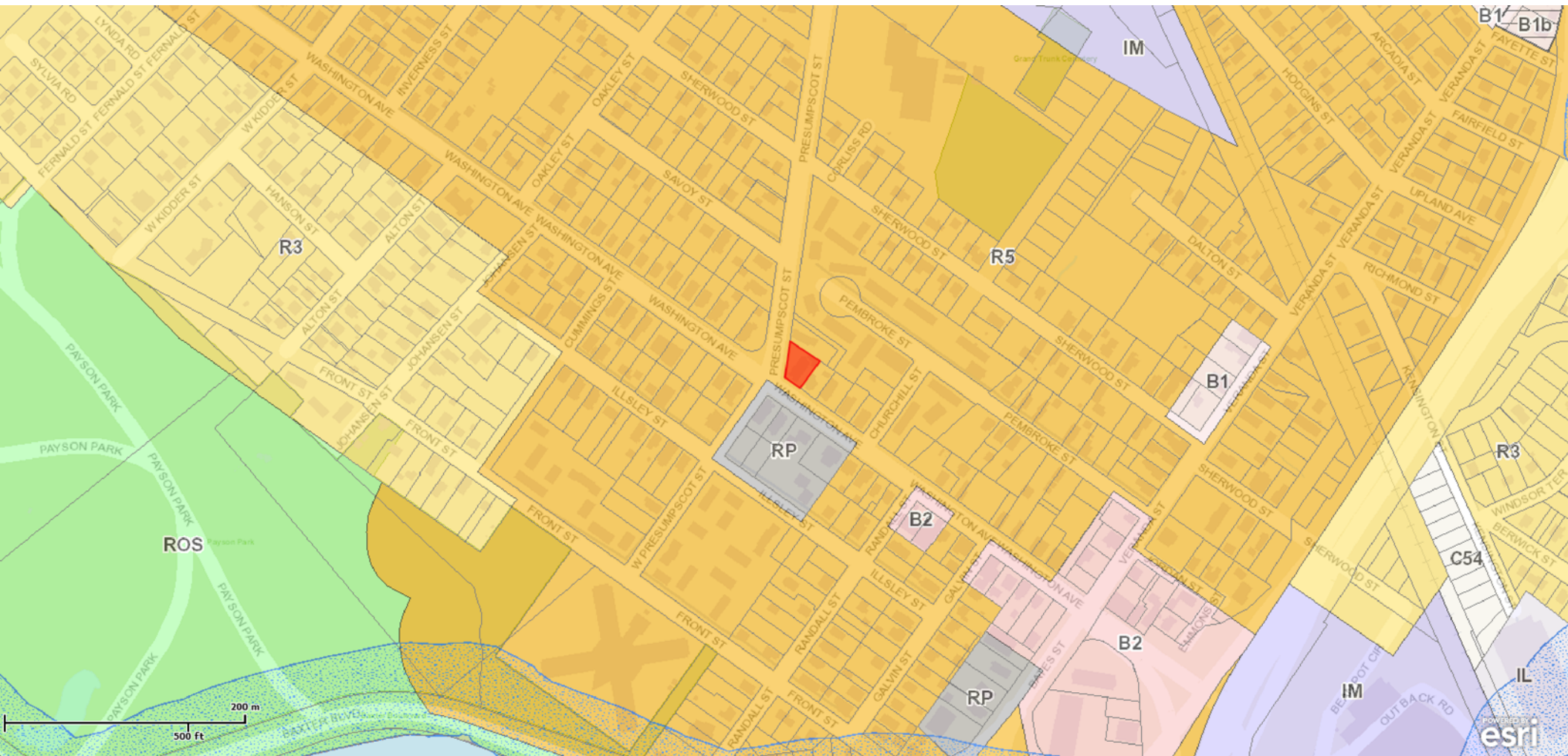
EXHIBIT A

A certain lot or parcel of land with the buildings and improvements thereon, situated at East Deering, so-called, in the City of Portland, County of Cumberland and State of Maine, on the Easterly side of Presumpscot Street, bounded and described as follows, viz:

Beginning at the actual corner made by the intersection of the Easterly side of Presumpscot Street and the Northerly side line of Washington Avenue; thence Northerly along said side line of Presumpscot Street one hundred (100) feet to a point; thence Southeasterly ninety-five and fifty-four one-hundredths (95.54) feet to an iron post set in the ground; thence southwesterly at nearly a right angle to a point in the said side line of Washington Avenue, fifty (50) feet distant from said actual corner of Presumpscot Street and Washington Avenue; thence Northwesterly along the said Northerly side line of Washington Avenue fifty (50) feet to said corner and the point of beginning.

593 Washington Ave.

Conditional Use Appeal



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