

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

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

ZONING BOARD OF APPEALS DECISIONS FROM OCTOBER 6, 2016

To: City Clerk
From: Christina Stacey, Zoning Specialist
Date: October 11, 2016
RE: Action taken by the Zoning Board of Appeals on October 6, 2016

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

1. Old Business:

A. Interpretation Appeal:

31 Hersey Street, Stephen E. Mardigan, owner, Tax Map 129, Block F, Lot 014, R-3 Residential Zone: The applicant is challenging the Zoning Administrator's determination in an e-mail dated July 12, 2016 that the two assessing properties at 31 Hersey Street and 34 Vannah Avenue are considered one lot for zoning purposes and that 31 Hersey Street may not be developed separately [section 14-47 and section 14-433(a)(1)]. Representing the appeal is the landowner and Archie Giobbi, the landowner's real estate agent. The appeal was tabled by the board on August 4, 2016 at the request of the applicant. ***The applicant withdrew the appeal prior to the meeting.***

2. New Business:

A. Disability Appeal:

328 Island Avenue, Peaks Island, Sandra K. Radis, owner, Tax Map 087, Block R, Lot 002, IR-2 Island Residential Zone: The applicant is seeking a disability variance under section 14-145.11(c) for wooden boardwalks that provide access to both this property and the abutting property at 334 Island Avenue. The appellant is requesting a front setback of zero feet instead of the required twenty-five foot front yard setback [section 14-145.11(c)(1)], a rear setback of zero feet instead of the required twenty-five foot rear yard setback [section 14-145.11(c)(2)] and a side setback of two feet instead of the required twenty foot side setback [section 14-145.11(c)(3)]. Representing the appeal is Brenda M. Buchanan, Esq. and the owner. ***The Board of Appeals voted 4-0 to grant the Disability Variance appeal to install the boardwalks with a front setback of 0 feet, a rear setback of 0 feet, and a side setback of 2 feet.***

B. Disability Appeal:

334 Island Avenue, Peaks Island, Charles D. Radis, owner, Tax Map 087, Block R, Lot 003, IR-2 Island Residential Zone: The applicant is seeking a disability variance under section 14-145.11(c) for wooden boardwalks that provide access to both this property and the abutting

property at 328 Island Avenue. The appellant is requesting a front setback of zero feet instead of the required twenty-five foot front yard setback [section 14-145.11(c)(1)] and a side setback of thirteen feet, eight inches instead of the required twenty foot side setback [section 14-145.11(c)(3)]. Representing the appeal is Brenda M. Buchanan, Esq. and the owner. ***The Board of Appeals voted 4-0 to grant the Disability Variance appeal to install the boardwalks with a front setback of 0 feet and a side setback of 13 feet, 8 inches.***

C. Conditional Use Appeal:

76 Frances Street, Michael and Molly Collin, owners, Tax Map 187, Block E, Lot 018, R-3 Residential Zone: The applicants are seeking a Conditional Use Appeal under section 14-88(a)(2) to create an accessory dwelling unit as part of an addition to their existing single-family home. Representing the appeal are the owners. ***The Board of Appeals voted 4-0 to grant the Conditional Use Appeal to add an accessory dwelling unit as part of an addition to the existing single-family home.***

3. Adjournment (meeting started at 6:33 p.m.; adjourned at 7:03 p.m.)

Enclosures:

1. DVD of 6/6/16 Meeting

cc: Jon Jennings, City Manager;
Michael Russell, Director Permitting & Inspections
Jeff Levine, Director Planning & Urban Development
Tuck O'Brien, City Planning Director
Mary Davis, Housing and Neighborhood Services Division