

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Eric Larsson, Chair
Donna Katsiaficas, Secretary
Kent Avery
Robert Bartels
Nicole Gray
Benjamin McCall
Joseph Zamboni

ZONING BOARD OF APPEALS DECISIONS FROM JUNE 6, 2019

To: City Clerk

From: Christina Stacey, Zoning Specialist

Date: June 10, 2019

RE: Action taken by the Zoning Board of Appeals on June 6, 2019 in Room 209, Portland City Hall

Attendance: Eric Larsson (chair), Donna Katsiaficas (secretary), Kent Avery, Nicole Gray, Benjamin McCall (recused from 721 Stevens Avenue appeal), and Joseph Zamboni present; Robert Bartels absent.

1. New Business:

A. Hardship Variance Appeal:

0 Eastern Promenade, The Trust for the Preservation of Maine Industrial History & Technology d/b/a Maine Narrow Gauge Railroad Co., lessee, Tax Map 005, Block E, Lot 005 and Tax Map 006, Block B, Lot 002, R-OS Recreation and Open Space Zone and Shoreland Overlay Zone: The applicant is seeking a Hardship Variance to reduce the Shoreland Zone setback from 75 feet to 0 feet [Section 14-449(a)(1)], for the purpose of constructing a 6,600-square-foot accessory structure for storage. The property is currently used as a railroad. Representing the appeal is Mark Johnson of SMRT Architects and Engineers, on behalf of the lessee. ***The Board voted 6-0 to grant the Hardship Variance to reduce the Shoreland Zone setback from 75 feet to 0 feet.***

B. Conditional Use Appeal:

81 Gray Street, Matthew Lemon and Nicholas Urbanek, owners, Tax Map 057, Block D, Lot 035, R-6 Residential Zone: The applicants are seeking a Conditional Use Appeal for the legalization of a non-conforming dwelling unit. The existing building is legally a two-family dwelling. The applicants applied for a legalization permit for a third dwelling unit in the attic, which the Zoning Administrator denied on the basis that the dwelling unit does not currently exist and therefore cannot qualify for legalization under Section 14-391. The Zoning Administrator also found that the applicants did not present competent evidence of the unit existing on April 1, 1995, as required under Section 14-391(c)(1). The applicants are filing a conditional use appeal of the Zoning Administrator's denial under the provisions of Section 14-391(f). Representing the appeal are the owners. ***The Board voted 6-0 to grant the Conditional Use approval for the legalization of the non-conforming dwelling unit and overturn the Zoning Administrator's denial. The Conditional Use approval was granted for a period of 24 months.***

C. Conditional Use Appeal:

721 Stevens Avenue, The Children's Center, owner, Tax Map 146, Block A, Lot 003, R-5 Residential Zone: The applicant is seeking a Conditional Use approval under Section 14-118(c)(3) to expand the existing nursery school. The expansion would include construction of a new addition. Representing the appeal are Audra Wrigley of Bild Architecture, on behalf of the owner. ***The Board voted 5-0 (McCall recused) to table the appeal to the June 20, 2019 meeting, to give the applicant time to submit revised plans.***

2. Adjournment (meeting started at 6:30 PM, adjourned at 7:58 PM)

Archived audio of meetings can be heard at http://townhallstreams.com/towns/portland_maine

cc: Jon Jennings, City Manager
Jeff Levine, Director Planning & Urban Development
Christine Grimando, Acting City Planning Director
Mary Davis, Housing and Neighborhood Services Division
Victoria Volent, Housing and Neighborhood Services Division