



CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Joseph Zamboni, Chair
Todd Morse, Secretary
Dan Black
Laura Burden
Robert Keefe, Jr.
Thomas Loureiro
Andrew Weaver

ZONING BOARD OF APPEALS DECISION FROM MAY 2, 2024

To: City Clerk
From: Ann Machado, Zoning Administrator
Date: May 3, 2024
RE: Actions taken by the Zoning Board of Appeals on May 2, 2024 at a remote Zoom Webinar meeting

Attendance: Joseph Zamboni (Chair), Todd Morse (Secretary- New Business), Dan Black (Acting Secretary for Old Business)), Thomas Loureiro, Robert Keefe Jr, Laura Burden and Andrew Weaver present. Todd Morse recused himself from the three 14 Orchard appeals

1. Old Business

A. Interpretation Appeal (ZBA-002802-2024) 14 Orchard St, Family Crisis Services, Inc., owner, Tax Map 061, Block E, Lot 018; R-4 Residential Zone: The applicant is challenging the Zoning Administrator's interpretation of Chapter 14 article 6.6.2(A)(3) regarding the requirement of property owners to "occupy" a property in order to construct an accessory dwelling unit. Representing the appeal is Attorney Gordon Smith. Appeal was tabled at 3/21/24 meeting due to an issue with noticing. The Board heard the appeal on April 25, 2024 and tabled it to the May 2, 2024 meeting in order to deliberate and take a final vote on the Findings of Fact. **The Board voted 4-2 (Loureiro & Keefe) to grant the Interpretation Appeal, overturning the Zoning Administrator's interpretation.**

B. Practical Difficulty Appeal (ZBA-002773-2024) 14 Orchard Street, Family Crisis Services, Inc. owners, Tax Map 061, Block E, Lot 006, R-4 Residential Zone: The applicant is seeking a Practical Difficulty Variance to reduce minimum

required side setback of 10 feet (Article 7, Table 7-A) to 7.5 feet in order to convert an accessory detached garage to a detached single family home.

Representing the owner is Attorney Gordon Smith. Appeal was tabled at 3/21/24 meeting due to an issue with noticing. The Board heard the appeal at the April 25, 2024 meeting and tabled it to the May 2, 2024 meeting in order to deliberate and take a final vote on the Findings of Fact. **The Board voted 6-0 to table the appeal to a future date to be agreed upon by all parties.**

C. Interpretation Appeal (ZBA-002854-2024) 14 Orchard St, Family Crisis Services, Inc., owner, Tax Map 061, Block E, Lot 018; R-4 Residential Zone: An abutter is challenging the Zoning Administrator's Interpretation that Through These Doors' current use as a handicapped family unit is permitted. Representing the abutter is attorney Robert Papazian. The Board heard the appeal at the April 25, 2024 meeting and tabled it to the May 2, 2024 meeting in order to deliberate and take a final vote on the Findings of Fact. **The Board voted 6-0 to deny the appeal upholding the the advisory opinion of the Zoning Administrator that the use of the property is a handicapped family unit.**

2. New Business

A. Interpretation Appeal (ZBA-002889-2024) 62 Luke St, Karen McDonough & Steven McDonough, owners, Tax Map 339, Block G, Lot 011; R-3 Residential Zone: The owners are challenging the zoning administration's determination that they are not meeting the criteria of section 6.4.1(B)(2) due to the fact they did not own the property as of November 19, 1984. Representing the appeal are the owners. **The Board voted 7-0 to deny the appeal and uphold the Zoning Administration's determination.**

3. Adjournment (Meeting started at 6:00 pm) and adjourned at 7:48 pm.

cc: Danielle West, City Manager
Kevin Kraft, Acting Director Planning & Urban Development
Mayor and City Councilors
Planning Board Members