

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 JULY 18, 2019

To: City Clerk

From: Christina Stacey, Zoning Specialist

Date: July 22, 2019

RE: Actions taken by the Zoning Board of Appeals on July 18, 2019 in Room 209, Portland City Hall

Attendance: Eric Larsson (chair), Donna Katsiaficas (secretary), Kent Avery (recused from 66 State Street appeal), Robert Bartels, Nicole Gray, and Joseph Zamboni present; Benjamin McCall absent.

1. Old Business:

A. 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 is Audra Wrigley of Bild Architecture, on behalf of the owner. At the June 6, 2019 meeting, the Board voted 5-0 to table the appeal until the June 20, 2019 meeting, to give the applicant time to submit revised plans. At that meeting, the appeal was tabled again until the July 18, 2019 meeting, due to a lack of quorum. ***The Board voted 6-0 to grant the Conditional Use Appeal to expand the existing nursery school, for a period of 24 months.***

2. New Business:

A. Practical Difficulty Variance Appeal:

66 State Street, DC 66 State LLC, owner, Tax Map 044, Block H, Lot 001, R-6 Residential Zone: The applicant is seeking a Practical Difficulty Variance to reduce the minimum landscaped open space requirement from the required 20% down to 11.2% (2,627 square feet) [Section 14-139(a)], for the purpose of redeveloping the site, including the renovation of the existing three-story building to create 38 lodging house units and to construct a new four-story building to create 30 dwelling units. Representing the appeal are Michael Tadema-Wielandt, P.E. of Terradyn Consultants, LLC and Laura Reading of Developers Collaborative, on behalf of the owner. ***The Board voted 5-0 (Avery recused) to table the appeal to the August 1, 2019 meeting.***

B. Interpretation Appeal:

14 Orkney Street, Mark Brooks, owner, Tax Map 132, Block E, Lot 007; R-5 Residential Zone: The applicant is appealing the Zoning Administrator's interpretation that Section 14-433(b) would not allow a reduction in the rear setback requirement for the proposed construction of a 20-foot by 30-foot detached garage at his existing two-family residence. Representing the appeal is Mark Bower, Esq., on behalf of the owner. ***The Board voted 4-2 (Avery and Gray opposed) to sustain the appeal and find the interpretation of the Zoning Administrator in error.***

C. Conditional Use Appeal:

1415 Congress Street, TSOTS, LLC, owner, Tax Map 194, Block C, Lot 026, R-5 and R-3 Residential Zones: The applicant is 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 building, which the City denied on the basis that the dwelling unit was established after 2004 and therefore is not a dwelling unit that existed on April 1, 1995, as required to qualify for legalization under Section 14-391(c)(1). The applicants are filing a conditional use appeal of the City's denial under the provisions of Section 14-391(f). Representing the appeal is Thomas Jewell, Esq. on behalf of the owner. ***The Board voted 6-0 to deny the appeal, finding that the applicant did not show that it is eligible for relief under Section 14-391.***

D. Conditional Use Appeal:

1415 Congress Street, TSOTS, LLC, owner, Tax Map 194, Block C, Lot 026, R-5 and R-3 Residential Zones: The applicant is seeking a Conditional Use approval under Section 14-118(a)(5) for an existing third dwelling unit in this legal two-family dwelling. The applicant has submitted this appeal to be heard in the event that their Conditional Use appeal under Section 14-391 is denied. Representing the appeal is Thomas Jewell, Esq. on behalf of the owner. ***The Board voted 6-0 to grant the Conditional Use approval for the existing third dwelling unit in this legal two-family dwelling. The approval was granted for a period of 24 months.***

2. Adjournment (meeting started at 6:30 PM, adjourned at 9:17 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