

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Donna Katsiaficas, Chair
Joseph Zamboni, Secretary
Kent Avery
Robert Bartels
Jared Falcon
Eric Larsson
Benjamin McCall

ZONING BOARD OF APPEALS DECISIONS FROM NOVEMBER 19, 2020

To: City Clerk
From: Ann Machado, Zoning Administrator
Date: November 23, 2020
RE: Actions taken by the Zoning Board of Appeals on November 19, 2020 at a remote Zoom Webinar meeting

Attendance: Donna Katsiaficas (Chair), Robert Bartels, Jared Falcon, Eric Larsson (Acting Secretary), Kent Avery and Benjamin McCall present. Joseph Zamboni absent.

1. Old Business

A. Hardship Variance Appeal (ZBA-001253-2020):

513 Washington Avenue, East Deering Properties, LLC d/b/a Portland Motor Sales, owner, Tax Map 429, Block C, Lot 004, B-2 Community Business Zone: The applicant is seeking a Hardship Variance to waive the conditional use standard requiring a 5-foot wide landscaped buffer along street frontages [Section 14-183(a)(3)(a)]. The property is currently used as an auto repair garage and used auto dealership. The appeal was tabled by the Board at both the September 3, 2020 and October 15, 2020 meetings at the request of the applicant. Representing the appeal is John Gove, a member of the LLC, Steve Blake of BH2M Engineers, and Richard Bryant of Van Meer and Belanger, PA. **The applicant withdrew the application prior to the meeting.**

B. Conditional Use Appeal (CU-001310-2020):

301 Forest Avenue, Higher Concept Holdings, LLC, lessee, William C. Rowell Limited Family Partnership, owner, Tax Map 112, Block F, Lot 004, B-2b Community Business Zone: The applicant is seeking Conditional Use approval under Section 14-182 to operate a marijuana retail store within the leased unit. The last approved use of the unit was non-marijuana retail. At the October 15, 2020 meeting, the Board tabled the appeal at the request of the applicant. Representing the appeal is James Duhamel, member of Higher Concept Holdings, LLC and Hannah E. King of Drummond Woodsum. **The Board voted 6-0 to grant the Conditional Use Appeal for a period of two years.**

C. Hardship Variance (ZBA-001268-2020):

84 Auburn Street, Adam Mitchell, owner, Tax Map 375, Block A, Lot 026, B-1 Neighborhood Business Zone: The applicant is seeking a Hardship Variance to allow a drive-through as part of future development of this vacant property. Drive-throughs are not a permitted use in the B-1 zone, per section 14-162. Representing the appeal is the owner. The appeal was tabled at the October 1, 2020 meeting to give the applicant time to submit additional information. **The Board voted 5-1 (Larsson) to grant the Hardship Variance Appeal.**

3. Adjournment (meeting started at 6:00 PM, adjourned at 7:05 PM)

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

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