

1. 02/01/18 - Agenda

Documents:

[02-01-18 AGENDA.PDF](#)

1.1. ZBA Application - 11 Galvin Street

Documents:

[11 GALVIN ST - CONDITIONAL USE APPLICATION.PDF](#)  
[11 GALVIN ST - ZONING MAP.PDF](#)

# **CITY OF PORTLAND, MAINE**

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## **ZONING BOARD OF APPEALS**

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

### **APPEAL AGENDA**

**The Board of Appeals will hold a Public Hearing on Thursday, February 1, 2018, at 6:30 p.m. in Room 209 on the Second Floor at Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following appeal:**

**1. New Business:**

- A. Conditional Use Appeal:** 11 Galvin Street, Joseph R. Walsh, owner, Tax Map 166, Block F, Lot 009, R-5 Residential Zone: The applicant is seeking a Conditional Use approval under Section 118(a)(5) for a third dwelling unit within the principal structure on the property. The current legal use of the property is a two-family dwelling. Representing the application is the owner.

**2. Adjournment**



Michael A. Russell, MS, Director  
Permitting and Inspections Department

Ann Machado  
Zoning Administrator

**CITY OF PORTLAND ZONING BOARD OF APPEALS**  
**Conditional Use Appeal Application**

Applicant Information: Joseph R. Walsh

NAME

Subject Property Information: 9-11 Galvin St.

PROPERTY ADDRESS

BUSINESS NAME

166 F009001  
CHART/BLOCK/LOT (CBL)

BUSINESS ADDRESS

PROPERTY OWNER (If Different)

BUSINESS TELEPHONE & E-MAIL

ADDRESS (If Different)

Property Owner  
APPLICANT'S RIGHT/TITLE/INTEREST

(207) 272-9634, jwalsh@greencleanmaine.com  
PHONE # AND E-MAIL

R-5  
CURRENT ZONING DESIGNATION

CONDITIONAL USE AUTHORIZED BY  
SECTION 14- 118

EXISTING USE OF THE PROPERTY: 2 family home.

TYPE OF CONDITIONAL USE PROPOSED: Additional dwelling unit per section 14-118, Part 5.

STANDARDS: Upon a showing that a proposed use is a conditional use under this article, a conditional use permit shall be granted unless the Board determines that:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone; and
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter; and
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone.

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for a conditional use permit as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

[Signature]  
SIGNATURE OF APPLICANT

12/27/2017  
DATE

Zoning Board of Appeals  
City of Portland  
389 Congress St.  
Portland, ME 04101-3509

December 27, 2017

To the Board,

Please consider the attached application concerning my property at 9-11 Galvin St., CBL 166 F009001, an existing 2-family home, to renovate the third floor/unfinished attic space to make a third dwelling unit in the building.

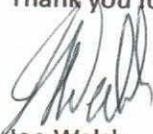
When I purchased the property in 2014, it was evident that the third floor had been finished and used as an apartment at one time, as the photos included with the application will show.

I began the process of updating this area to install new insulation, updated wiring and fixtures, etc, but in the process determined a better use would be to convert the space into another unit, pursuant to section 14-118 of the city's building code.

The proposed use is a 1-bedroom apartment. Ample parking is available off-street on our property for apartment dwellers and guests. This is my primary residence and so an owner-occupied building.

I can be reached by phone at (207) 272-9634, or via email at [jwalsh@greencleanmaine.com](mailto:jwalsh@greencleanmaine.com) and look forward to answering your questions.

Thank you for your consideration,



Joe Walsh  
9 Galvin St.  
Portland

Zoning Board of Appeals  
City of Portland  
389 Congress St.  
Portland, ME 04101-3509

January 23, 2018

To the Board,

As per request of Chris Stacy in her email dated 01/17/18, please find below the conditional use standards in bullet point format along with my answers on how this project is meeting all standards.

From the application itself:

1. The volume and type of vehicle traffic to be generated, hours of operation, expanse of pavement, and the number of parking spaces required are not substantially greater than would normally occur at surrounding uses or other allowable uses in the same zone  
*Proposed use is a small 1-bedroom apartment. Volume of traffic will be comparable to other dwelling units on the same street. The subject property contains parking spaces for 8 total vehicles, with two off-street parking spaces reserved for the proposed dwelling unit in the paved area on the northeasterly side of the building. While the paved area parking available for this unit is under my ownership and control, and currently sits vacant and unused, it is part of a larger lot which is shared with other three and four-unit buildings, so this use will mix well.*
2. The proposed use will not create unsanitary or harmful conditions by reason of noise, glare, dust, sewage disposal, emissions to the air, odor, lighting, or litter  
*Proposed use will generate regular household trash and recycling waste for a 1-bedroom apartment. There is ample space in the on-site storage garage and on the Northeasterly side of the building for city-issued recycling bins and lockable trash bins which I provide to my tenants.*
3. The design and operation of the proposed use, including but not limited to landscaping, screening, signs, loading deliveries, trash or waste generation, arrangement of structures, and materials storage will not have a substantially greater effect/impact on surrounding properties than those associated with surrounding uses of other allowable uses in the zone  
*There will be no alterations to landscaping to accommodate this additional unit. As per item 1, the parking designated for this unit is in an area that I own and control, and that is already paved, but sits vacant, and joins another parking area that is already used by three and four unit buildings, and there are 8 total parking spaces on the subject property, exceeding the requirement of 1 parking space per unit.*

From the R-5 Conditional Use Standards in the Zoning Code, Sec 14-118(a)(5), letters a through h:

- a. No more than 4 dwelling units, no more than 2 additional units  
*The total number of dwelling units on the property before the proposed project is 2, after the proposed project will be 3. This proposal would add one (1) additional unit.*
- b. Not to be sold as condos

*The proposed use is a 1-bedroom apartment for rental, affordable to households making 80% of AMI and will be subject to income verification as outlined in this conditional use standard.*

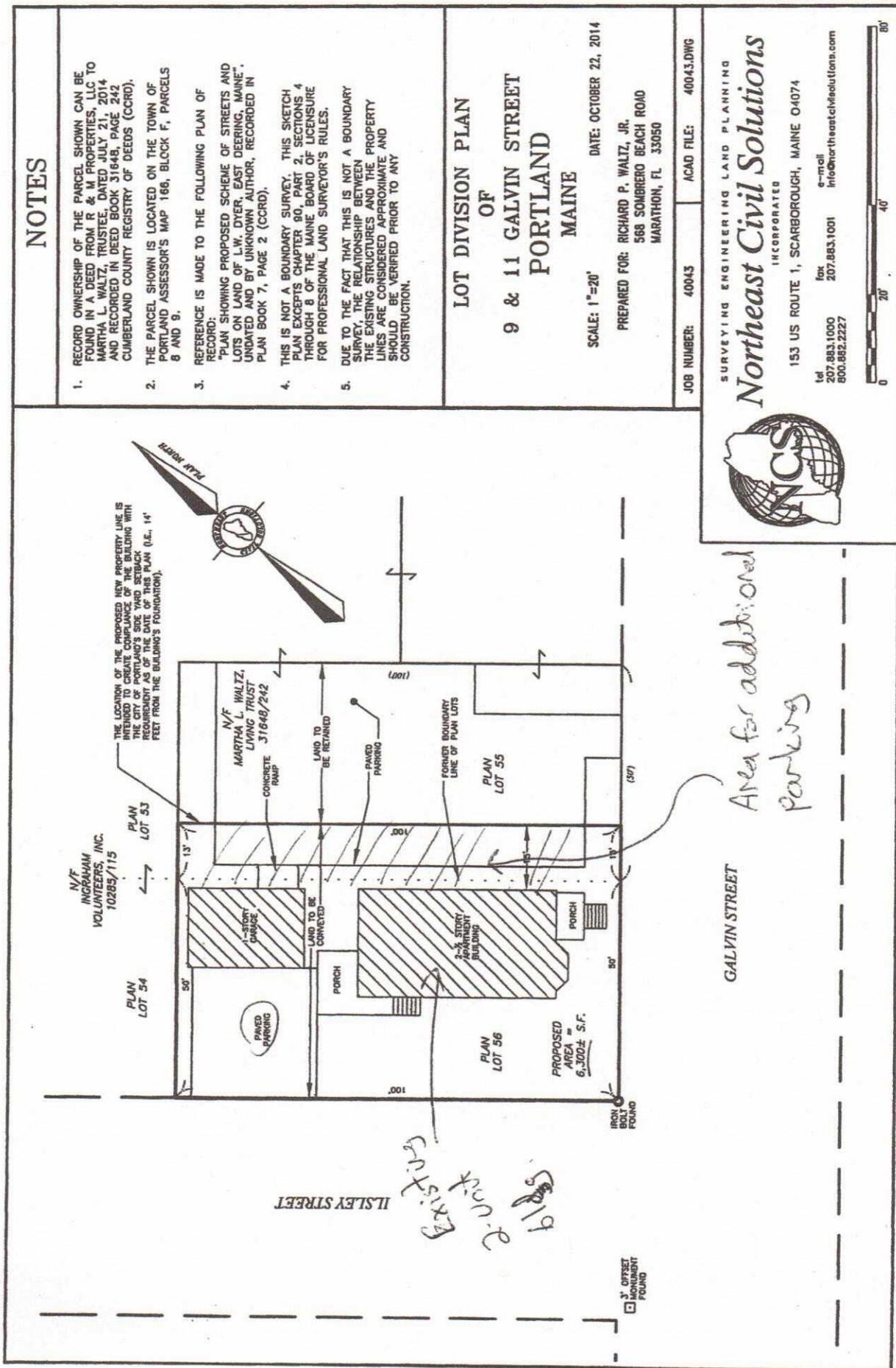
- c. Units must be affordable to households earning up to 80% of AMI  
*As part of the proposed use, I, the applicant and property owner, agree to comply with all affordability standards as outlined in this Conditional Use Standard, for the time period stipulated, and to provide full documentation of such as required by the standard.*
- d. 400SF floor area, not to remove more than 10% of an existing dwelling unit, may include the attic  
*Plans show a total SF area of ~~552~~ SF, with a floor-to-ceiling height of 4' or more, built in the existing attic space, inside of the knee walls, plus storage behind knee walls. No SF will be removed from either of the two existing dwelling units.*
- e. Modifications limited to new doors and windows, other openings  
*The only modification to the existing space, besides minor interior build-out, will be new windows as required by the building code to meet standards for egress. No external framing modification will be required nor is any such modification proposed.*
- f. Parking shall be provided as required by Div 20 of article  
*Parking provided of two off-street spaces dedicated for this unit, with a total of 8 parking spaces for the 3 total units on the subject property after the proposed project, exceeds standards*
- g. No open, outside stairs or fire escapes  
*No such structure is proposed as part of this project.*
- h. Article V review
  - i. Exterior modifications to be compatible with architectural style of building  
*The only exterior modifications will be new replacement windows to meet egress standards, which are to match the existing replacement windows in style and appearance. Existing building is a two-family and the proposed space was once a non-conforming third unit, so the appearance of the building will be unchanged.*
  - ii. Scale and surface area of parking, driveways and paved areas arranged and landscaped properly to screen vehicles from adjacent properties  
*Parking area is already paved and sits unused. It is adjacent and part of a parking area already used for parking by multi-unit buildings. There is a screen of landscaping vegetation existing that blocks the view of the parking lot from the street.*

I can be reached by phone at (207) 272-9634, or via email at [jwalsh@greencleanmaine.com](mailto:jwalsh@greencleanmaine.com) and look forward to answering your questions.

Thank you for your consideration,

Joe Walsh  
9 Galvin St.  
Portland

Plot Plan



### NOTES

- RECORD OWNERSHIP OF THE PARCEL SHOWN CAN BE FOUND IN A DEED FROM R & M PROPERTIES, LLC TO MARTHA L. WALTZ, TRUSTEE, DATED JULY 21, 2014 AND RECORDED IN DEED BOOK 31648, PAGE 242 CUMBERLAND COUNTY REGISTRY OF DEEDS (CCRD).
- THE PARCEL SHOWN IS LOCATED ON THE TOWN OF PORTLAND ASSESSOR'S MAP 166, BLOCK F, PARCELS 8 AND 9.
- REFERENCE IS MADE TO THE FOLLOWING PLAN OF RECORD:  
"PLAN SHOWING PROPOSED SCHEME OF STREETS AND LOTS ON LAND OF L.W. DYER, EAST DEERING, MAINE", UNDATED AND BY UNKNOWN AUTHOR, RECORDED IN PLAN BOOK 7, PAGE 2 (CCRD).
- THIS IS NOT A BOUNDARY SURVEY. THIS SKETCH PLAN EXCEPTS CHAPTER 90, PART 2, SECTIONS 4 THROUGH 8 OF THE MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYOR'S RULES.
- DUE TO THE FACT THAT THIS IS NOT A BOUNDARY SURVEY, THE RELATIONSHIP BETWEEN THE EXISTING STRUCTURES AND THE PROPERTY LINES ARE CONSIDERED APPROXIMATE AND SHOULD BE VERIFIED PRIOR TO ANY CONSTRUCTION.

LOT DIVISION PLAN  
OF  
9 & 11 GALVIN STREET  
PORTLAND  
MAINE

SCALE: 1"=20'  
DATE: OCTOBER 22, 2014  
PREPARED FOR: RICHARD P. WALTZ, JR.  
568 SOMBRERO BEACH ROAD  
MARATHON, FL 33050

JOB NUMBER: 40043 ACAD FILE: 40043.DWG  
SURVEYING ENGINEERING LAND PLANNING  
**Northeast Civil Solutions**  
INCORPORATED  
153 US ROUTE 1, SCARBOROUGH, MAINE 04074  
tel 207.883.1000 fax 207.883.1001 e-mail info@northeastcivilsolutions.com  
800.882.2227



Area for additional parking

GALVIN STREET

ISLEY STREET

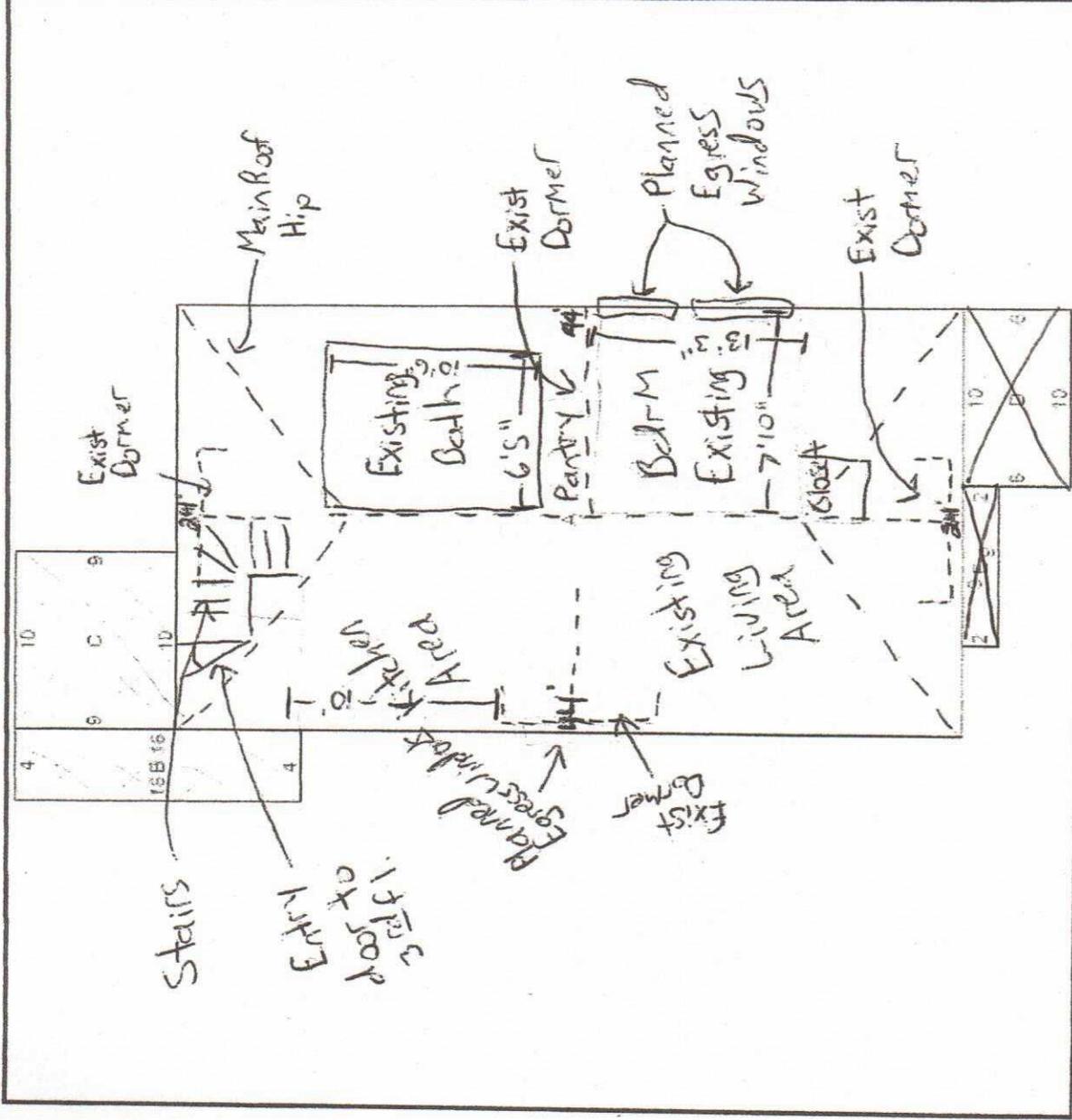
Existing  
2-unit  
bldg

IRON CURBSET FOUND  
MONUMENT FOUND



9-11 Galvin-3rd fl. dwelling unit

ID Code	Description	Alex
A	Main Building	1966
B	WD WOOD DECKS	84
C	OFF OPEN FRAME PORCHE	90
D	OFF OPEN FRAME PORCHE	60
E	50/15/15 B BASEMENT/FB FRAM...	18



*Subject Property*





9-11 Galvin St.  
Front view,  
from Galvin St



Side View,  
from Illsley St.



3rd floor  
space at  
time of purchase,  
2014



TRUSTEE'S DEED  
(Statutory Short Form)

MARTHA L. WALTZ, Sole Trustee, or her successors in trust under the Martha L. Waltz Living Trust dated March 25, 2003, for consideration paid, grants to JOSEPH WALSH and KATE OLDHAM\*, of 12 East Cove Street, #2, Portland, Maine 04101, as joint tenants and not as tenants in common, their heirs and assigns forever, the following described real estate in Portland, County of Cumberland and State of Maine:

\*\*now known as KATE WALSH

See Exhibit A attached hereto and made a part hereof.

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS my hand and seal this 20th day of October, 2014.

Kathy M. Culligan  
Witness

Martha L. Waltz, Sole Trustee  
Martha L. Waltz, Sole Trustee under the  
Martha L. Waltz Living Trust  
Dated March 25, 2003

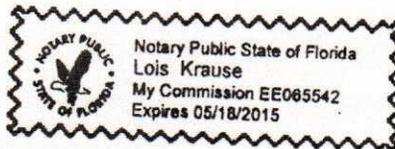
STATE OF FLORIDA  
County of Monroe

October 20, 2014

Then personally appeared the above-named Martha L. Waltz and acknowledged the foregoing instrument to be her free act and deed in her said capacity and the free act and deed under the Martha L. Waltz Living Trust dated March 25, 2003.

Before me,

Lois Krause  
Notary Public  
Printed Name:  
My Commission Expires:



MAINE REAL ESTATE TAX PAID

## EXHIBIT A

A certain lot or parcel of land located on the northwesterly side of Galvin Street in the City of Portland, County of Cumberland, State of Maine, being more particularly bounded and described as follows:

BEGINNING at an iron bolt found at the intersection of the northwesterly right-of-way line of Galvin Street and the northeasterly right-of-way line of Ilsley Street as shown on a Plan entitled "Plan Showing Proposed Scheme of Streets and Lots on Land of L.W. Dyer, East Deering, Maine" of unknown date and author, recorded in Plan Book 7, Page 2 in the Cumberland County Registry of Deeds;

THENCE, northwesterly, along the northeasterly right-of-way line of Ilsley Street and the southwesterly line of Lot 56 on said Plan, 100' to land now or formerly ("N/F") of Ingraham Volunteers, Inc. as described in a deed recorded in Deed Book 10285, Page 115;

THENCE, northeasterly, along the southeasterly line of land N/F of said Ingraham Volunteers, Inc., 50' to the westerly corner of Lot 55 on said Plan;

THENCE, continuing in the same direction, along land N/F Ingraham Volunteers, Inc., and the northwesterly line of said Lot 55, 13.00' to the southwesterly line of land to be retained N/F by Martha L. Waltz Living Trust;

THENCE, southeasterly, along the southwesterly line of land to be retained N/F by Martha L. Waltz Living Trust, and along a line parallel with the southwesterly line of Lot 56, and being 15'± distant in a northeasterly direction from the northeasterly face of the apartment building to be conveyed hereby, 100' to the northwesterly right-of-way line of Galvin Street;

THENCE, southwesterly, along the northwesterly right-of-way line of Galvin Street and the southeasterly line of Lot 55 on said Plan, 13.00' to the easterly corner of Lot 56 on said Plan;

THENCE, continuing in the same direction, along the northwesterly right-of-way line of Galvin Street and the southeasterly line of Lot 56 on said Plan, 50' to the POINT OF BEGINNING.

The above described parcel contains 6,300 square feet, more or less.

Meaning and intending to describe a portion of the property conveyed in a deed from R & M Properties, LLC to Martha L. Waltz, Trustee of the Martha L. Waltz Living Trust dated March 25, 2003, dated July 21, 2014 and recorded in Deed Book 31648, Page 242 in the Cumberland County Registry of Deeds, being Lot 56 on the above referenced Plan, and the southwesterly portion of Lot 55 sufficient in width so that the apartment building conveyed herewith will be in compliance with the City of Portland's side yard setback requirement of 14' in force at the time of this conveyance.

The basis of direction for the above described parcel is Plan North as shown on the referenced Plan.

For title of Grantors reference is hereby made to the deed given by R & M Properties, LLC to Martha L. Waltz, sole Trustee, or her successor in trust under the Martha L. Waltz Living Trust dated March 25, 2003, dated July 21, 2014 and recorded in the Cumberland County Registry of Deeds in Book 31648, Page 242.

G:\CLIENTS\W\Waltz.Richard\1031.Martha\Relinquished\Deed.11GS.docx

Received  
Recorded Register of Deeds  
Oct 29, 2014 03:28:16P  
Cumberland County  
Pamela E. Lovley

# Conditional Use - 11 Galvin St.

