

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 APRIL 19, 2018

To: City Clerk
From: Christina Stacey, Zoning Specialist
Date: April 23, 2018
RE: Action taken by the Zoning Board of Appeals on April 19, 2018

Attendance: Eric Larsson (chair), Donna Katsiaficas (secretary), Kent Avery, Robert Bartels, Benjamin McCall, Nicole Gray, and Joseph Zamboni present.

1. New Business:

- A. Interpretation Appeal:** 34 Howard Street, Zane Shatzer, owner, Tax Map 014, Block E, Lot 019; R-6 Residential Zone: The applicant is challenging a Notice of Violation and Order to Correct dated March 3, 2018 that cited the property owner for non-compliance with the building setback requirements of Section 14-139. This section states that portions of a building above 35 feet in height shall be no closer than 15 feet from a rear property line. Representing the appeal is Robert Van Wert, contractor for the owner, and Mary Costigan, legal representative for the owner. *The Board of Appeals voted 5-2 to grant the Interpretation Appeal and overturn the Notice of Violation.*
- B. Conditional Use Appeal:** 183 Whitney Avenue, Dana French, owner, Tax Map 186A, Block D, Lot 007, R-3 Residential Zone: The applicant is seeking a Conditional Use Appeal under Section 14-391(f) to legalize one non-conforming dwelling unit. The existing building is legally a two-family home, and the applicant has presented evidence showing that a third dwelling unit has existed in the building since before April 1, 1995 and therefore qualifies for a legalization under Section 14-391. The legalization requires a conditional use approval from the Zoning Board of Appeals because objections from abutters were received. Representing the appeal is Mackenzie Simpson, agent for the owner. *The Board of Appeals voted 7-0 to grant the Conditional Use approval to legalize one non-conforming dwelling unit.*
- C. Conditional Use Appeal:** 17 Riverton Drive, Portland Housing Authority, owner, Tax Map 327, Block B, Lot 012, R-5 Residential Zone: The applicant is seeking a Conditional Use Appeal under Section 14-118(c)(3) to operate a Head Start nursery school for up to 24 children within an existing apartment building. The two units that would be used for the nursery school were last used as a community center. Representing the appeal is the owner. *The Board of Appeals voted 7-0 to grant the Conditional Use approval to create a Head Start nursery school for up to 24 children. The approval is valid for 18 months.*

D. Conditional Use Appeal: 970 Forest Avenue, Alyssa Harvey d/b/a Growing Learners Child Care, potential lessee, Tax Map 143, Block B, Lot 001, R-P Residence-Professional Zone: The applicant is seeking a Conditional Use Appeal under Section 14-147.5(e) to operate a licensed child care center for up to 80 children at an existing commercial building, which was most recently used for medical offices. Representing the appeal is the potential lessee. ***The board of appeals voted 7-0 to table to appeal to be continued at a future meeting, requesting more information about the project.***

2. Adjournment (meeting started at 6:30 PM; adjourned at 9:30 PM)

Enclosures:

1. DVD of 4/19/18 Meeting

cc: Jon Jennings, City Manager;
Jeff Levine, Director Planning & Urban Development
Tuck O'Brien, City Planning Director
Mary Davis, Housing and Neighborhood Services Division
Victoria Volent, Housing and Neighborhood Services Division