

**Minutes of the Zoning Board of Appeals
Of the City of Portland**
Held on Monday, August 8, 2011 at 7:00 P.M.
In Council Chambers at City Hall

Members Present: Barnes, Graham, Frederick, Miller

Staff: City Manager Dempsey, Code Enforcement Officer Brown, City Clerk Miller

Guests: Sharon Norton-White, Charles White

City Clerk Miller called the meeting to order at 7:00 P.M.

City Clerk Miller opened the floor for nominations for the office of Chairman.

Motion by Graham, supported by Frederick, to elect Barnes as Chairman.
All in favor. Approved.

The Pledge of Allegiance was taken.

Chairman Barnes opened the floor for nominations for the office of Vice Chairman.

Motion by Miller, supported by Graham, to elect Frederick as Vice Chairman.
All in favor. Approved.

Chairman Barnes opened the floor for nominations for the office of Secretary.

Motion by Barnes, supported Graham, to elect Miller as Secretary.
All in favor. Approved.

Motion by Frederick, supported by Graham to approve the Agenda as presented.
All in favor. Approved.

Motion by Miller, supported by Frederick, to approve the minutes of the July 12, 2010 meeting as presented.
All in favor. Approved.

Chairman Barnes opened the Public Hearing at 7:05 P.M.

City Manager Dempsey presented the application from Charles White and Sharon Norton-White of 810 Bridge St. to enlarge an existing non-conforming structure and to exceed the allowed 40% lot coverage. There are very limited opportunities to expand their garage in any other way. The neighboring properties have similar front setbacks as would be created with this expansion. This is a corner lot making it impossible to expand in any other direction. There is not much room on the lot.

Sharon Norton-White and Charles White introduced themselves. Chairman Barnes went through the application with the Whites.

Under letter a, there must be exceptional or extraordinary circumstances or conditions applying to the property that do not generally apply to other properties in the same zoning district. The Whites stated that they need the additional garage space; there are no other options available for expansion. In addition to the additional garage space this would reduce the amount of driveway to be cleared in the winter. This is difficult due to health issues.

Under letter b, the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same Zoning District and in the vicinity. The Whites stated that with the proposed garage expansion they would be able to house their vehicles inside which is needed for health and safety issues.

Under letter c, the variance will not be detrimental to adjacent property and the surrounding neighborhood. The Whites stated that the addition would be constructed of similar materials to the existing structure and would be in compliance with the 3 feet from the lot line requirement. The existing structure is 4 feet from the lot line.

Under letter d, the variance will not materially impair the intent and purpose of the Ordinance or the provision from which the variance is requested. The Whites stated that the garage was in existence before the Ordinance, and they are unable to move it.

Under letter e, the immediate practical difficulty causing the need for the variance request was not created by the applicant. The Whites stated that the existing structure was on the premises before they purchased the property.

Chairman Barnes closed the Public Hearing at 7:19 P.M.

Vice Chairman Frederick restated that the applicant is looking at expanding a non-conforming structure and is also looking at exceeding the allowed 40% lot coverage. He verified the current measurements and percentages and those that would be created if this variance is granted. He also verified that the existing structure is a small 2-car garage that barely holds 2 modern vehicles.

There was discussion about the structure that would be created if the variance is granted.

Vice Chairman Frederick stated that he was having trouble with the criterion that the characteristics of the lot create a unique circumstance in comparison to the neighborhood.

There was discussion of this issue.

Chairman Barnes inquired if the existing garage structure makes it unique.

City Manager Dempsey stated that many neighboring properties have access to an alley. This property does not.

Motion by Graham, supported by Miller, to approve the variance request from Charles and Sharon White, 810 Bridge St., for expansion of a non-conforming structure and to exceed the allowed 40% lot coverage as requested.

The Clerk held a roll call vote.
Yeas: Graham, Miller, Barnes
Nays: Frederick
Motion approved.

Motion by Frederick, supported by Miller, to adjourn the meeting at 7:29 P.M.
All in favor. Adopted

Respectfully submitted,

Yvonne Miller, Secretary