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*Penny St. Louis Littell - Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

August 29, 2008

Anthony Serour
PO Box 734
Portland, ME 04104

RE: 170-174 Washington Avenue – 010 F007 – B-2B – use of building - permit #08-1064

Dear Mr. Serour,

I am in receipt of your application to add a twelve by twenty-four foot deck and stairs off the rear of your building at 170-174 Washington Avenue. Part of the review process for a permit is to look at the previous permits for the property. The most recent permit I found on file was for permit #01006, which was issued on August 1, 1986. The listed use on this permit was a garage for auto repair. Since this is the most recent permit that we have on file, this is the legal use for the property.

In the telephone conversation that we had today, you told me that your business had been located at 170-174 Washington Avenue for the last ten years. You also told me that your business was solely a redemption center where people redeem bottles and cans for cash. You got your license from the state to run a bottle redemption center but never applied for a change of use permit with our office prior to occupying the space. You also never applied for a sign permit when you put up the sign on the building.

170-174 Washington Avenue is located in the B-2b business zone. Section 14-182 of the ordinance lists the permitted uses for the B-2, B-2b and B-2c zone. Section 14-183 of the ordinance lists the conditional uses that are permitted in the B-2, B-2b and B-2c zone. Section 14-184 states that if a use is not enumerated in sections 14-182 and 14-183, it is prohibited. A bottle redemption center is not listed as either a permitted or conditional use in the B-2b zone, so it is not allowed. A change of use for a redemption business at 170-174 Washington Avenue would not be approvable currently under zoning.

Since a bottle redemption center is not permitted in the B-2b zone, you need to contact Barbara Barhydt in the Planning Division, so that you can explore options to change the zone or amend the land use ordinance to allow for a bottle redemption center in the B-2b zone. This will be necessary prior to applying for a change of use from an auto

repair garage to a bottle redemption center. This is would allow you to be able to keep your business at 170-174 Washington Avenue.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact our office at 874-8709 for the necessary paper work for a use variance if you decide to appeal.

Please feel free to call me if you have any questions.

Yours truly,

Ann B. Machado
Zoning Specialist
(207) 874-8709

Cc. Penny Littel
Barbara Barhydt
Alex Jaegerman
file