



CITY OF PORTLAND

April 5, 2001

William Nemmers Associates Architects
424 Fore Street
Portland, ME 04101

RE: 25 Fore Street and 7, 9-11 Waterville Street - 016-J-013, 24, 25 - R-6 Zone

Dear Bill,

I am in receipt of your letter dated March 19, 2001. This letter is in response to your letter and our previous meeting with Kandi Talbot on March 2, 2001.

In regards to the required number of parking spaces, I still maintain that the ordinance requires you to provide parking for all buildings and uses on a property. Parking has been supplied to the existing building at 25 Fore Street over the years. Your new proposal would eliminate those spaces so that you could build a new building for five (5) additional dwelling units. Although you agree to provide parking for the new structure, you maintain that you do not have to show parking for the existing building. I believe that sections 14-422 and 14-423 state that you may not eliminate required parking, creating a new nonconformity. It goes on to say that if there is a proposal for joint occupancy, you must meet all the zoning requirements for that proposal. I believe the intention of the word use in section 14-423 applies to the uses proposed in the two buildings on this combined lot. There are two uses, residential in each building. The ordinance does not say that they have to be different uses. The intention is to be sure that all zoning requirements for both buildings be met. The proposal that I saw did not meet that in regards to parking.

The second item that you refer to is concerning the parking spaces shown extending outside of the first floor building structure. My interpretation refers only to your particular proposal. You have designed the building to accommodate parking within the first floor area. I see this more as a building issue concerning the required building setbacks. I do not see it as just a parking issue. In your particular proposal, I am considering the extension of the floor slab to be an integral part of the proposed structure, and would therefore have to meet the setback requirements. The proposal submitted does not meet the minimum setbacks. Even if you were to change the exterior slab to the some other material, the manner in which these cars are coming in and

parking, make the car over hang area fundamental to the structure. Please review the Zoning Ordinance for curb, fence, and construction requirements needed for parking areas intended for more than six (6) vehicles. I would be glad to review any revised proposal and parking in order to determine compliance. Please note that if any required parking is shown off-site, the R-6 zone would require a conditional use appeal.

I would also like to point out that I am not completed with my review of this project. I still need complete floor plans. I would also like you to verify the actual square footage of the combined property. The Assessors records are showing a total land area of 9,128 sq. ft. I noted on your site plan that you are showing 8,878 sq. ft. Is that a recent survey adjustment? I believe that this is an important issue in regards to required land area per unit.

My final concern regards the work being performed at 25 Fore Street. I have noted that permits have been taken out for the interior work and the new decks. However, as I mentioned before, this office requires a condominium conversion permit. The ordinance reads (section 14-570):

Before conveying or offering to convey a converted unit, the developer shall obtain a conversion permit from the building inspection division of the department of planning and urban development. You are in violation of this ordinance. Before we can continue with the new construction review, this office shall receive a condominium permit with all appropriate paperwork. This office wants to verify that all previous tenants were properly notify of the conversion and received all the necessary relocation payments or assistance as required by the ordinance.

You do have the right to appeal any of my determinations (Section 14-472). If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to apply. Please contact me for the information you would need in which to apply.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: File
Kandi Talbot, Planner
Sarah Hopkins, Planner