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

November 10, 2008

Frank Reali
391 Capisic Street
Portland, ME 04102

RE: 20-26 Federal Street – 020 B011 – B-2b – change of use application - permit #08-1424

Dear Mr. Reali,

This letter is a follow up to the telephone conversation we had Friday. I have reviewed your application (#08-1424) to change the use of the building at 20 Federal Street from a barbershop to a single-family dwelling. At this point I must deny your application. The building was built in 1985 as a barbershop, which is a commercial use in a B-2 zone. You are now proposing to change the use from commercial to residential. To be able to do this, you must meet the requirements for a residential use in the R-6 residential zone. Section 14-139(d)(3) gives the required side yard setback for a residential structure as ten feet for a single story building. The plot plan that you submitted shows the side yard setback as three and a half feet. Section 14-139(d)(1) states that the required front setback is ten feet or the average depth of the front yards on either side of the lot. The lot to the right of the property has a front setback of 1.8 feet. The lot to the left of the property does not have a structure on it so you use the minimum setback of ten feet. The average setback for the two lots is 5.9 feet. The plot plan shows the front yard setback at four feet, so this too does not meet the required setback. Finally, you need to be able to show one off street parking space on the property or within one hundred feet measure along lines of public access. The parking you showed on the plot plan cannot be used for 20 Federal Street because it is already being used for 26 Federal Street.

You have thirty days to bring your property into compliance. You must vacate the apartment and remove the kitchen including the stove, refrigerator, sink and other kitchen equipment. An inspection has been scheduled for December 10, 2008.

As I told you on the telephone, 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 file an appeal. If you should fail to do so, my decision is binding and no longer subject to appeal. I have enclosed the necessary paper work that is required if you choose to file an appeal. If you choose not to file an appeal, you are entitled to get some of your money back if you bring in the original receipt you got when you applied for the permit.

Please feel free to call me at 874-8709 if you have any questions.

Yours truly,

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