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Planning & Urban Development Department
Jeff Levine, AICP, Director

Ben Chipman
5 Mayo Street #3
Portland, ME 04101

March 28, 2013

Ben

Re: Request for Time Extension under 14-387

Dear Mr. Chipman:

I am in receipt of your letter dated March 22, 2013, requesting a time extension for recognition of non-conformity of the property at 163 Cumberland Avenue under Section 14-387 of the Land Use Code. Section 14-387 reads in part as follows:

"If a ... legally nonconforming residential use is discontinued for a period of twenty-four (24) months, such discontinuance shall constitute an abandonment of the use and the property shall not thereafter be occupied or used except in conformity with the provisions of this article. In cases of foreclosure or similar situations involving a legally nonconforming residential structure, the Planning Authority shall be authorized to extend the aforementioned period up to an additional five (5) years provided that the extension is for good cause and the minimum length considered necessary to resume the legally nonconforming use of the structure."

Given that the best records show that the property has been vacant since January 2011, the building's nonconforming use – the number of units – would have expired in January 2013. However, the record also shows that this building was in foreclosure for some time and there would not have been adequate opportunity to bring the building back into active use during that time. As a result, your request of an extension of 24 months for recognition of the nonconforming use is reasonable.

As the Planning Authority, I therefore find that the 24 month extension is for good cause and is the minimum length considered necessary to resume the legally nonconforming use of the structure. This extension is granted until January 2015.

If you have any questions, please feel free to contact me.

Sincerely,

Jeff Levine

cc: Marge Schmuckal, Zoning Administrator
Barbara Barhydt, Acting Planning Division Director

Ben Chipman

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Jeff Levine, Director
Department of Planning & Urban Development
389 Congress St.
Portland, ME 04101

Marge Schmuckal, Director
Zoning Administration
389 Congress St.
Portland, ME 04101

March 22, 2013

Dear Jeff and Marge,

I recently purchased the property located at 163 Cumberland Ave. in Portland. As you may know, this property is a non-conforming 3-unit apartment building that was foreclosed on. The property recently came out of foreclosure and I purchased it from Fannie Mae.

I believe this property has been vacant since approximately January 2011. I am writing to request a 24-month extension under Section 14-387 so that the property can continue to be recognized as a non-conforming 3-unit apartment building. I believe a 24-month extension will give me the time necessary to get the building up and running again.

Please reply at your earliest convenience and let me know if the extension is approved and what the deadline would be for the building to be occupied again for continued recognition as a 3-unit apartment building. I appreciate your assistance.

Sincerely,



Ben Chipman