

City of Portland, Maine – Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: 24 Custom House Wharf		Owner: Proprietor of Custom House Wharf		Phone:		Permit No:			
Owner Address:		Lessee/Buyer's Name: Port Island Realty P.O. Box 7341 Portland, ME 04112		Phone:		BusinessName:			
Contractor Name:		Address: Contact: Kirk Goodhue		Phone: 766-5966		Permit Issued:			
Past Use: Office		Proposed Use: Same		COST OF WORK: \$		PERMIT FEE: \$ 50.00			
				FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:			
				Signature:		Signature:			
Proposed Project Description: Interpretation Appeal - To allow: Island Oriented XXXXXXXXXXXXXXXXXXXX Real Estate Office				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: Approved <input type="checkbox"/> Approved with Conditions: <input type="checkbox"/> Denied <input type="checkbox"/>				Zone: WCZ CBL: 030-A-001	
				Signature: _____ Date: _____				Zoning Approval:	
Permit Taken By: Mary Gresik		Date Applied For: 18 February 1997						Special Zone or Reviews: <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan maj <input type="checkbox"/> minor <input type="checkbox"/> mm <input type="checkbox"/>	
<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.</p> <p>2. Building permits do not include plumbing, septic or electrical work.</p> <p>3. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..</p>								Zoning Appeal <input type="checkbox"/> Variance <input checked="" type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
<p>APPEAL DENIED <u>3/6/97</u></p>								Historic Preservation <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review	
<p>CERTIFICATION</p> <p>I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provisions of the code(s) applicable to such permit</p>								Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied	
SIGNATURE OF APPLICANT 				18 February 1997		Date: _____			
Kirk Goodhue		ADDRESS:		DATE:		PHONE:			
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE						PHONE:			

File

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

Kirk Goodhue
c/o Port Island Realty
PO Box 7341
Portland, ME 04112

February 5, 1997

→ RE: 24 Custom House Wharf - WCZ Zone - 30-A-001

Dear Mr. Goodhue,

This letter is twofold in purpose. As discussed with you previously, I can not issue your sign permit because I believe the current use of 24 Custom House Wharf is not allowable under the current WCZ zone in which it is located. Since signage is considered an accessory use, I can not issue this permit until the new use is approved.

This brings me to the second part of this letter. As I have discussed with you previously both at the front counter and on the phone several times, I do not believe that your proposed use is water dependent nor allowable on the first floor level for several reasons. Your real estate business has targeted island properties as its prime customers. Just because you must cross the water does not mean you are water dependent. You use those services, such as Casco Bay Lines, that are water dependent. If you were truly water dependent, and the water some how dried up, your business should be at a loss to continue, such as fisherman or a boat service. But, in your instance, your business would be easier to conduct as the water impediment would be gone and you could still get to the islands to do business. So to, if a causeway to the islands were built, that would be your means of access in most cases rather than the water. Dependency means that the water is required to conduct your business. However, for you the water is an obstacle to get over in order to conduct your business. I also can not see a specified permitted use for your business under the "Permitted uses" as outlined in Section 14-314.

I should also point out that the previous use in this location was a marine electrical business. One of the criteria (Sec. 14-313.5) for any proposed use is that the proposed nonwater-dependent use will not displace an existing water- dependent use. It appears that you may have done that in violation of the ordinances.

It is my understanding that you are now occupying the space at 24 Custom House Wharf without the required permits. It will be necessary to come in immediately to apply for a change of use permit requesting your proposed change of use. I will then have to deny it. You have the right to appeal my decision as an interpretational appeal or as a use variance within 30 days. I am

enclosing all the necessary paper work you would need in order to apply for that appeal. If we do not receive a permit application within the next 10 working days, it may be necessary to turn this matter over to our Corporation Counsel for further action.

If you have any questions regarding this matter, please do not hesitate to contact me.

Very Truly Yours,

A handwritten signature in cursive script that reads "Marge Schmuckal". The signature is written in black ink and has a long, sweeping horizontal line extending to the right.

Marge Schmuckal
Zoning Administrator/
Asst. Chief of Inspection Services

cc to: Joseph Gray, Jr, Dir. of Planning & Urban Dev.
P. Samuel Hoffses, Chief of Inspection Services
A. Rowe, Code Enforcement Officer