



Planning & Urban Development Department

Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator
November 27, 2013

Todd Robinson
Zoning Info, Inc.
Suite 505
3555 N.W. 58th Street
Oklahoma City, OK 73112

RE: 434-442 Fore Street – 032-R-7 – (the "Property") – B-3 Zone, with Historic Overlay and Pedestrian Activity District (PAD) Overlay and with a Downtown Entertainment Overlay Zone

Dear Mr. Robinson,

I am in receipt of your request for a determination letter for the Property. The Property is located in a B-3 Downtown District Zone, with a Historic Overlay and a Pedestrian Activity district (PAD) Overlay and with a Downtown Entertainment Overlay Zone.

I have not been provided with a list of current uses within the Property. I am enclosing copies of recent Certificates of Occupancy. These are the recognized uses of the Property by this department.

The original building was erected in 1900 and did not receive a site plan review at that time. I have enclosed a copy of a Site Plan Review by the Planning Board for a change of use on the 4th floor from 1997.

All the abutting zones are exactly the same as the Property.

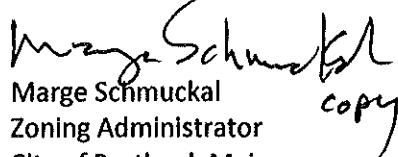
A check of our recent files did not show any outstanding building or zoning violations on file.

I am not aware of any variances or special permits issued for the Property.

I am enclosing current certificates of occupancy for the Property.

Please note that as of this date a fee of \$150 for this determination letter has not been received.

Very truly yours,


Marge Schmuckal
Zoning Administrator
City of Portland, Maine

copy



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 436 FORE ST

CBL 032 R007001

Issued to Old Port Retail Holdings Llc /Drew Leslie

Date of Issue 04/27/2009

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 08-1462 has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

51 Wharf St. And 436 Fore St.

APPROVED OCCUPANCY

Commerical Restaurant
Use Group : A-2 Type :3B
IBC 2003

Limiting Conditions:

Approved Occupancy Numbers
93 with table and chair
150 without table and chair in main open area of floor

This certificate supersedes
certificate issued

Approved:

4-27-09

(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 436 FORE ST

CBL 032 R007001

Issued to Old Port Retail Holdings Llc /Drew Leslie

Date of Issue 04/27/2009

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PORTION OF BUILDING OR PREMISES

51 Wharf St. And 436 Fore St.

APPROVED OCCUPANCY

Commerical Restaurant
Use Group : A-2 Type :3B
IBC 2003

Limiting Conditions: Occupancy loads in new section 54 people

This certificate supersedes
certificate issued PFD - Ben Wallace

Approved:

4-27-09

(Date)

Inspector

Inspector of Buildings

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CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION: 434 FORE ST

CBL 032 R004001

Issued to OLD PORT RETAIL HOLDINGS LLC /Drew Leslie

Date of Issue 04/30/2008

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 08-0175, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Entire

APPROVED OCCUPANCY

Restuarant

Use Group A2

Type 5B

IBC 2003

Limiting Conditions:

The basement is not included as occupiable space. It is for storage only.

This certificate supersedes
certificate issued

Approved:

(Date)

Inspector

Inspector of Buildings

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CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 436 Fore St

CBL 032 R007001

Issued to Fore Street Holdings Llc /n/a

Date of Issue 05/23/2006

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 06-0419, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Wharf St store front side

APPROVED OCCUPANCY

retail furniture shop

use group: M

type: 3B

IBC 2003

Limiting Conditions:

none

This certificate supersedes
certificate issued

Approved:

(Date)

Inspector

Inspector of Buildings

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CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 434 FORE ST

CBL 032 R004001

Issued to FORE STREET HOLDINGS LLC/n/a

Date of Issue 05/04/2006

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 06-0418, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Wharf St side store front

APPROVED OCCUPANCY

retail candy and ice cream store

use group: M

type: 3B

IBC 2003

Limiting Conditions:

none

This certificate supersedes
certificate issued

Approved:

5/4/06

(Date)

Inspector

[Signature] 5/15/06
Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 436 Fore St

CBL 032 R007001

Issued to Fore & Wharf Llc /n/a

Date of Issue 02/11/2004

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 04-0101, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

third floor residential unit

APPROVED OCCUPANCY

residential one unit
use group: R2
type: 3B

Limiting Conditions:

This certificate supersedes
certificate issued

Approved:

2/12/04

(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 434 Fore St

CBL 032 R004001

Issued to Soley Joseph L/LESLIE, DREW

Date of Issue 06/13/2002

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 02-0208, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

First Floor

APPROVED OCCUPANCY

Shoe Store

Use Group: B

Type: 3B

BOCA: 1999

Limiting Conditions:

None

This certificate supersedes
certificate issued

Approved:

(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 442 Fore St

Issued to Joseph Soley

Date of Issue 25 June 1998]

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 961069, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Entire

APPROVED OCCUPANCY

Retail Sales

Limiting Conditions:

This certificate supersedes
certificate issued 29 JAN 97

Approved:

6/25/98

(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

CITY OF PORTLAND, MAINE

PLANNING BOARD

Cyrus Y. Hagge, Chair
John H. Carroll, Vice Chair
Kenneth M. Cole III
Jaimey Caron
Kevin McQuinn
Deborah Krichels
Erin Rodriguez

October 31, 1997

Joseph Soley
Monopoly, Inc.
One Exchange St.
Portland ME 04101

re: 436 Fore St.

Dear Mr. Soley:

On October 28, 1997, the Portland Planning Board voted unanimously (6-0, McQuinn absent) to approve the site plan for the change of use of the fourth level of 436 Fore Street from vacant space to a six-bedroom apartment.

The approval is based on the submitted site plan and the findings related to site plan review standards as contained in Planning Report #44-97, which is attached.

Please note the following provisions and requirements for all site plan approvals:

1. A performance guarantee covering the site improvements as well as an inspection fee payment of 1.7% of the guarantee amount and seven final sets of plans must be submitted to and approved by the Planning Division and Public Works prior to the release of the building permit. If you need to make any modifications to the approved site plan, you must submit a revised site plan for staff review and approval.
2. The site plan approval will be deemed to have expired unless work in the development has commenced within one (1) year of the approval or within a time period agreed upon in writing by the City and the applicant. Requests to extend approvals must be received before the expiration date.
3. A defect guarantee, consisting of 10% of the performance guarantee, must be posted before the performance guarantee will be released.

CITY OF PORTLAND, MAINE
DEVELOPMENT REVIEW APPLICATION
PLANNING DEPARTMENT PROCESSING FORM

I. D. Number _____

Soley, Joseph/Monopoly, Inc.

Applicant

1 Exchange St, Portland, ME 04101

Applicant's Mailing Address

Bill Nemmers

Consultant/Agent

774-3683

761-2836

Applicant or Agent Daytime Telephone, Fax

9/17/97

Application Date

Fore St 436

Project Name/Description

436 Fore St

Address of Proposed Site

032-R-007

Assessor's Reference: Chart-Block-Lot

Proposed Development (check all that apply): ☐ New Building ☐ Building Addition ☒ Change Of Use ☒ Residential

☐ Office ☐ Retail ☐ Manufacturing ☐ Warehouse/Distribution ☐ Parking Lot ☐ Other (specify) _____

12,400 Sq Ft

2480 Sq Ft

Proposed Building square Feet or # of Units

Acreage of Site

Zoning

Check Review Required:

☒ Site Plan
(major/minor)

☐ Subdivision
of lots _____

☐ PAD Review

☐ 14-403 Streets Review

☐ Flood Hazard

☐ Shoreland

☐ Historic Preservation

☐ DEP Local Certification

☐ Zoning Conditional
Use (ZBA/PB)

☐ Zoning Variance

☐ Other _____

Fees Paid:

Site Plan

\$300.00

Subdivision

Engineer Review

Date: 9/17/97

Inspections Approval Status:

Reviewer _____

☐ Approved

☐ Approved w/Conditions
see attached

☐ Denied

Approval Date

Approval Expiration

Extension to

☐ Additional Sheets
Attached

☐ Condition Compliance

signature

date

Performance Guarantee

☐ Required*

☐ Not Required

* No building permit may be issued until a performance guarantee has been submitted as indicated below

☐ Performance Guarantee Accepted

date

amount

expiration date

☐ Inspection Fee Paid

date

amount

☐ Building Permit Issued

date

☐ Performance Guarantee Reduced

date

remaining balance

signature

☐ Temporary Certificate of Occupancy

date

☐ Conditions (See Attached)

☐ Final Inspection

date

signature

☐ Certificate Of Occupancy

date

☐ Performance Guarantee Released

date

signature

☐ Defect Guarantee Submitted

submitted date

amount

expiration date

☐ Defect Guarantee Released

date

signature

436 Fore St



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 436 Fore St

Issued to Monopoly, Inc.

Date of Issue 30 June 1994

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 940114, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Fourth Floor

APPROVED OCCUPANCY

One Dwelling Unit

Limiting Conditions:

This certificate supersedes
certificate issued

Approved:

6-22-94

(Date)

Tammy Munson
Inspector

G. Samuel Hoffe
Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

November 21, 2013

Site 28514

Ms. Marge Schmuckal
 , City of Portland
 389 Congress St. RM 315, Portland, ME
 04101

RE: *032-R-8*
 Old Port Buildings Wharf Street
 432-446 Fore Street & 42, 50 Wharf Street

032-R-7
 Ms. Marge Schmuckal *032-V-14*

Please find this to be a formal request for zoning verification on the above stated property. We are researching these matters for a zoning compliance report. Please incorporate the answers to the following questions in a letter on letterhead.

- What is the current zone of the property?
- Are there any overlay districts?
- Is this property a permitted use in this district?
- Did the property receive site plan approval, and if so, can you provide a copy?
- What are the abutting zoning districts?
- Are there any outstanding building or zoning violations on file?
- Were any variances or special permits issued?
- Was a certificate of occupancy issued and if so, may we obtain a copy of it?

If you can not Fax or E-mail

Please return the letter to:

Zoning Info, Inc.
 3555 N.W. 58th Street
 Suite 505
 Oklahoma City, OK 73112
 Phone: 405-525-2998
 Fax: 405-528-4878

Thank you,

Todd Robinson
 Research Specialist
 Extension: 125
 trobinson@zoning-info.com

Our clients deadline for this information is 12/01/2013.

RECEIVED

NOV 2 2013

Dept. of Build
 City of Portland

RECEIVED

NOV 26 2013

Dept. of Building Inspections
 City of Portland Maine

RECEIVED

NOV 26 2013

Dept. of Building Inspections
 City of Portland Maine

RECEIVED

NOV 6 2 2013

Dept. of Building Inspections
 City of Portland Maine

Assessor's Office | 369 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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[Calendar](#)
[Jobs](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:**Services**[Applications](#)[Doing Business](#)[Maps](#)[Tax Relief](#)[Tax Roll](#)[Q & A](#)

CBL 032 R007001
Land Use Type RETAIL & PERSONAL SERVICE
Verify legal use with Inspections Division
Property Location 436 FORE ST
Owner Information BACH 2007-3 WHARF STREET LLC
 ONE CANAL PLAZA
 PORTLAND ME 04101
Book and Page 28880/018
Legal Description 32-R-7
 FORE ST 434-442
 WHARF ST 47-51
 4739 SF
Acres 0.1088

Current Assessed Valuation:[browse city services a-z](#)[browse facts and links a-z](#)

TAX ACCT NO. 4834 **OWNER OF RECORD AS OF APRIL 2013**
 BACH 2007-3 WHARF STREET LLC
LAND VALUE \$233,400.00 **ONE CANAL PLAZA**
BUILDING VALUE \$1,041,600.00 **PORTLAND ME 04101**
NET TAXABLE - REAL ESTATE \$1,275,000.00
TAX AMOUNT \$24,747.76



Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

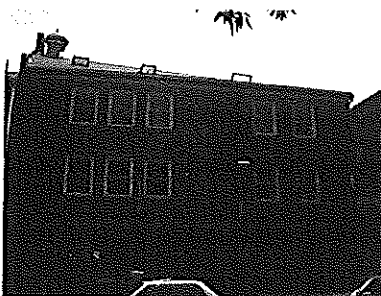
Building Information:

Best viewed at
 800x600, with
 Internet Explorer

Building 1
Year Built 1900
Style/Structure Type DOWNTOWN ROW
Units 1
Building Num/Name 1 - FORE PLAY/51 WHARF ST/PEARL
Square Feet 4740

[View Sketch](#)[View Map](#)[View Picture](#)

Building 2
Year Built 1988
Style/Structure Type DOWNTOWN ROW
Units 1
Building Num/Name 1 - FORE PLAY SPORTS PUB
Square Feet 10200

[View Sketch](#)[View Map](#)[View Picture](#)**Exterior/Interior Information:**

Building 1
Levels B1/B1
Size 2370
Use SUPPORT AREA
Height 10
Heating HOT AIR
A/C CENTRAL

Building 1
Levels 01/01
Size 2370
Use TAVERN/BAR
Height 14
Walls BRICK/STONE
Heating HOT AIR