

Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Urban Development
Joseph E. Gray, Jr.
Director



CITY OF PORTLAND

Stefan Blacart
446 Fore Street (5th floor)
Portland, Maine 04101

November 15, 2000

RE: 446 Fore Street, 5th floor - B-3 Zone – 032-R-008

Dear Mr. Blacart,

I have reviewed your application to change the fifth floor apartment at the above address from a residential use to an apartment with an art gallery/psycho dramatic human sexuality therapeutic center. Your application raises several issues under the applicable City codes.

First, the City cannot act on your application until you demonstrate that you have sufficient right, title and interest to prosecute the application. In practical terms, this means that you need to have either a lease or written permission from the owner for the activities stated, authorizing you to proceed.

Secondly, since your application indicates that you will occupy part of the premises as your residence, you also require permission for a home occupation. The use proposed by you (assuming it is a use permitted in the zone) is designated as a conditional use as a home occupation and will require approval from the Zoning Board of appeals. In proceeding with an application before the Board, you will have to deal with the same right, title and interest problem referred to above.

Thirdly, the proposed use will constitute a place of public assembly. The Building Inspector and the Fire Prevention Officer would need to determine independently whether such a use would be permitted on the fifth floor of a building with the construction type of 446 Fore Street.

You have thirty days to appeal my decision regarding the need for conditional use approval; and I have enclosed material relating to the filing of such appeals.

I will continue my analysis of your application in order to determine whether the proposed use is allowable in the B-3 Zone as “personal services”, or as any other allowable use which may be permitted under Section 14-217(2). If you should seek review before the Zoning Board of appeals, you may want to consider combining the conditional use appeal referred to above with a separate interpretation appeal regarding the application of the phrase “personal services” to your application, treating this letter as a determination that the proposed use does not qualify and is not allowable.

I remind you that the premises may only be used for residential purposes until all the required permits and approvals have been obtained.

Sincerely,

Marge Schmuckal
Zoning Administrator

Cc: Joseph Gray, Jr., Planning and Urban Development
Mark Adelson, Housing & Neighborhood Services
Peter O'Donnell, City Counselor
Charlie Lane, Corporation Counsel