



Planning & Urban Development Department

Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

November 26, 2013

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

RE: 42-50 Wharf Street – 032-V-014 – (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 1900 and did not receive a site plan review at that time. I have enclosed a copy of an Exemption from Site Plan Review for proposed renovations and alterations to an existing restaurant.

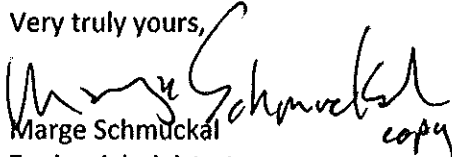
All the abutting zones are exactly the same as the Property.

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.

Very truly yours,


Marge Schmuckal
Zoning Administrator
City of Portland



November 21, 2013

Site 28514

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

RE:
Old Port Buildings Wharf Street
432-446 Fore Street & 42, 50 Wharf Street

032-R-8
032-R-7
032-V-14

Ms. Marge Schmuckal

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

Marge Schmuckal - Determination letter

From: Marge Schmuckal
To: trobinson@zoning-info.com
Date: 11/26/2013 1:52 PM
Subject: Determination letter

Todd,

Today I received a request for determination for three separate properties with the payment is for only one property. Each property is \$150. This office will need \$300 more for a determination for each of the 3 properties.

Please note that I received this request on 11/26/2013. You want three determinations done by 12/1/2013. You have given me one day to complete this task. It can not be completed in that time frame. It usually takes 10 working days.

Marge Schmuckal
Zoning Administrator
City of Portland

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
 389 Congress Street
 Portland, Maine 04101

RECEIPT OF FEES

Application No: 0000-1831	Applicant: BACM 2007-3 WHARF STREET L
Project Name: 50 WHARF ST	Location: 50 WHARF ST
CBL: 032 V014001	Application Type: Determination Letter
Invoice Date: 11/26/2013	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00	On Receipt

Previous Balance **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Zoning Determinations	1	\$150.00
		\$150.00
Total Current Fees:		+ \$150.00
Total Current Payments:		- \$150.00
Amount Due Now:		\$0.00

CBL 032 V014001
Bill to: BACM 2007-3 WHARF STREET LLC
 ONE CANAL PLAZA
 PORTLAND, ME 04101

Application No: 0000-1831
Invoice Date: 11/26/2013
Invoice No: 43471
Total Amt Due: \$0.00
Payment Amount: \$150.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.
 Check the status of your permit or schedule an inspection on-line at <http://www.portlandmaine.gov/planning/permitstatus.asp>



Certificate of Occupancy



CITY OF PORTLAND, MAINE

Department of Planning and Urban Development
Building Inspections Division

Location: 50 Wharf St

CBL: 032 V014

Issued to: BAMC 2007-3 WHARF STREET LLC /
PIG'S BACK LLC

Date Issued: November 14, 2012

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. 2012-09-4981-ALTCOMM, has had a final inspection, has been found to conform substantially to the requirements of the Building Code and the Land Use Code of the City of Portland, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

FIRST FLOOR

Restaurant/Drinking Establishment
IRC 2009
Use Group R-3
Type 3B

Limiting Conditions: NONE

Approved:

11-14-12
[Signature]
(Date) Inspector

[Signature]
Inspections Division Director

Notice: This certificate identifies the legal use of the building or premises, and ought to be transferred from owner to owner upon the sale of the property.



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 50 WHARF ST

CBL 032 V014001

Issued to Old Port Retail Holdings Llc /Peter Kells

Date of Issue 06/18/2010

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. 09-1346, 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

44-50 Wharf St
Entire Building

APPROVED OCCUPANCY

Commercial Restaurant
Use Group A-2
Type 3B
TBC 2003

Limiting Conditions:

OCCUPANT LOAD OF 200

This certificate supersedes
certificate issued

Approved:

6-18-10
(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 42 Wharf St

CBL 032 V015001

Issued to Soley Joseph L/n/a

Date of Issue 03/06/2003

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. 02-1358, 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

2nd Floor-Converted From Storage to
Lounge

APPROVED OCCUPANCY

Use Group A-3 Type 3b
(Boca 1999)

Limiting Conditions:

This certificate cover only the second floor changes as outlined in the approved permit. Any other work shall require separate permit.

This certificate supersedes
certificate issued

Approved:

03/07/03
3/6/03
(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 50 Wharf St 9-13 Union

CBL 032 V014001

Issued to Fabiano, Eileen & Muniz, Marcio/LESLIE, DREW

Date of Issue 05/28/2002

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. 02-0451, 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

APPROVED OCCUPANCY

2nd Floor/Right

Tattoo Shop
Use Group B:
BOCA 1999

Limiting Conditions:

This certificate supersedes certificate issued

Approved:

5/29/02

(Date)

Inspector

[Signature]
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.

MAD
05/29/02 *[Signature]*

[Signature]

CITY OF PORTLAND, MAINE
Department of Building Inspection



Certificate of Occupancy

LOCATION 50 Wharf St

Issued to Joseph Soley

Date of Issue 6 April 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. 931174, 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

APPROVED OCCUPANCY

Entire

Dance Hall

Limiting Conditions:

1. No occupancy under balcony.
2. No occupancy on balcony.
3. No occupancy under D.J. Booth
4. Only one occupant in D.J. Booth.

This certificate supersedes certificate issued

Approved:

4-6-94

(Date)

Inspector

[Signature]

[Signature]
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.



Application for Exemption from Site Plan Review
 Portland, Maine
 Department of Planning and Urban Development, Planning Division and Planning Board

PROJECT NAME: Hayana South

PROJECT ADDRESS: 50 Wharf Street

PROJECT DESCRIPTION: (Please Attach Sketch/Plan of Proposal/Development)
Renovation and alterations of existing restaurant to new restaurant

RECEIVED

CHART/BLOCK/LOT: 32-V-14

No Public Utility or Intersect
is it had to be proposed?
DEC - 4 2009
 City of Portland
 Planning Division

CONTACT INFORMATION:

OWNER/APPLICANT

Name: MCDC, LLC
 Address: PO Box 10
Bar Harbor, ME
04609
 Zip Code: _____
 Work #: (207) 288-5829
 Home #: _____
 Fax #: _____
 E-mail: _____

CONSULTANT/AGENT

Name: Archetype/David Lloyd
 Address: 48 Union Wharf
Portland, ME
04101
 Zip Code: _____
 Work #: (207) 772-6022
 Home #: _____
 Fax #: (207) 772-4056
 E-mail: archetype@archetypepepa.com

Criteria for Exemptions:
 (See Section 14-523 (4) on page 2 of this application)

	Applicant's Assessment Y(Yes), N(no), N/A	Planning Division Use Only
a) Is the proposal within existing structures?	<u>N - Attached to side of structure</u>	<u>N</u>
b) Are there any new buildings, additions, or demolitions?	<u>Y</u>	<u>Y</u>
c) Is the footprint increase less than 500 sq. ft.?	<u>Y</u>	<u>Y</u>
d) Are there any new curb cuts, driveways or parking areas?	<u>N</u>	<u>N</u>
e) Are the curbs and sidewalks in sound condition?	<u>Y</u>	<u>Y</u>
f) Do the curbs and sidewalks comply with A.D.V.?	<u>Y</u>	<u>n/a</u>
g) Is there any additional parking?	<u>N</u>	<u>N</u>
h) Is there an increase in traffic?	<u>N</u>	<u>N</u>
i) Are there any known stormwater problems?	<u>N</u>	<u>N</u>
j) Does sufficient property screening exist?	<u>N/A</u>	<u>n/a</u>
k) Are there adequate utilities?	<u>Y</u>	<u>Y</u>

RECEIVED

FEB 16 2010

Dept. of Building Inspections
 City of Portland Maine

changed to be within property line

Planning Division Use Only Exemption Granted *w/ conditions* Partial Exemption Exemption Denied

① The applicant must obtain all applicable building permits.
 ② The addition shall conform with the 02.10.10 site plan.

Planner's Signature: [Signature] Date: 02.12.10