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DEPARTMENT OF PLANNING AND DEVELOPMENT
Notice of Violation

December 8, 2003

Mike Burnham
MPB Properties
P.O. Box 2282
Scarborough, ME 04074

Re: 433 Cumberland Ave. (36 G028)

Cert. Mail Receipt # 7001 2510 0003 2550 9626

Dear Eric,

On 10/28/03 of this year, this office received a complaint with regard to the use of the vacant parcel of land where the former Len's Market building was located. The parcel is located in the B3 Zoning District, as shown on the Zoning Map of the City of Portland. Section 14-52 of the Zoning Ordinance requires that no premise shall be used except in conformity with the Zoning Ordinance. Section 14-463(d) of the Zoning Ordinance states that a Certificate of Occupancy is required for a use or occupancy of vacant lands. Section 14-522 of the Zoning Ordinance defines a parking area of 1000 sq. ft. or greater is minor development and Section 14-523 of the Zoning Ordinance requires that a site plan permit be obtained prior to undertaking regulated activities.

An evaluation of the premises occurred on 10/28/2003 and the premises was being used as a surface parking lot for up to 9 vehicles. The violation continues.

The above-described condition constitutes a violation of the above referenced sections of the Municipal Zoning Ordinance. This is a notice of violation pursuant to Section 14-56 of the Municipal Zoning Ordinance.

It is required that the necessary acceptable steps be taken to cease the activity and install appropriate barriers to eliminate future surface parking. This activity must be completed within 14 days. A reinspection of the premises will occur on 12/22/03 at which time compliance is required.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S.A. Ss 4452. This constitutes an appealable decision pursuant to Section 14-472 of the Municipal Zoning Ordinance. You have the right to appeal this decision. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to apply.

Please feel free to contact me at 874-8700, if you wish to discuss the matter or have any questions.

Yours truly,

Michael J. Nugent
Manager of Inspection Services