



Planning & Urban Development Department

Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

September 29, 2014

Goldman Attorneys PLLC
210 Washington Avenue Extension
Albany, New York 12203
Attn: Paul J. Goldman

RE: 11 Shepley Street, City of Portland, Maine – The Miles Standish Apartments – 037-B-015 (the "Property")

Dear Attorney Goldman,

I am in receipt of your request for a determination letter concerning the Property. The Property is located in the B-3 Downtown Business Zone with a Downtown Entertainment Overlay Zone. The Property is recognized as a legal forty (40) residential dwelling unit building. The B-3 Zone allows residential dwelling units as a permitted use.

To the best of my knowledge and research of the City's files, the Property is in complete compliance with all building codes, zoning ordinances. There was no current inspection of the Property at this time.

The Property is located on Shepley Street which is a City accepted street with access for ingress and egress.

To the best of my knowledge and research of the City's files, the Property is in compliance with all parking and loading requirements, including the number of parking spaces and dimensional requirements for the parking spaces.

Section 14-385 of the City of Portland's Land Use Ordinance allows for reconstruction of the Property in its current use as stated. A copy of this ordinance is attached.

The City of Portland's Zoning Ordinance is available on-line at the City's web site located at www.portlandmaine.gov. The most current Land Use code is found by clicking on "Government" along the top of the page. Then click on "City Codes" as listed along the left hand side of the page. The Land Use Ordinance is under chapter 14. The B-3 zone and all other zones can be accessed within chapter 14.

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal".

Marge Schmuckal (207) 874-8695

Zoning Administrator
City of Portland, Maine



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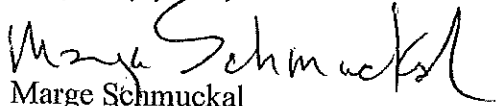
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To Whom It May Concern:

Under the City's Land Use Ordinance 14-385 (see attached), there is an allowance to rebuild a legal, nonconforming building after it is destroyed by sudden or accidental acts. This section of the Ordinance applies to all areas and zones within the City of Portland, Maine.

Very truly yours,


Marge Schmuckal
Zoning Administrator

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Sec. 14-385. Restoration or reconstruction within an existing footprint of damaged nonconforming structure.

A nonconforming structure damaged by fire, explosion, flood, riot, act of the public enemy, accident of any kind, decay or otherwise may be restored or rebuilt only where:

- (a) The restoration or reconstruction is of a building which is nonconforming only as to land area, setbacks or any other dimensional requirements; and
- (b) Where the restoration or reconstruction will occur entirely within the existing footprint and previous shell of the building and will not create a new nonconformity; and
- (c) Restoration or reconstruction occurs within one (1) year for a nonconforming non-residential structure, or two (2) years for a nonconforming residential structure, of the initial damage where such damage is sudden and accidental. Note that for buildings in Shoreland zones, state regulations may also govern and provide for a shorter period for restoration or reconstruction of nonconforming structures; and
- (d) Restoration or reconstruction necessitated by decay must be completed within one (1) year of the demolition of the building or the commencement of the restoration or reconstruction, whichever occurs first; and
- (e) Any reconstruction, under this provision, in the residential R-6 zone on a lot with 10,000 square feet or less, other than the exact restoration of a previously existing building on the site, shall comply with the applicable standards contained within the Planning and Development Design Manual; and
- (f) A nonconforming building located in the R-6 which is destroyed by fire, explosion, flood, riot, act of the enemy, or accident may be rebuilt under the small residential lot development provisions of the R-6 zone as if the lot were vacant as of January 1, 2005 and such reconstruction shall meet the setback requirements contained therein to the extent practicable; otherwise the building shall be reconstructed within the footprint of the previously existing building such that any nonconformity will not be enlarged.

For the purpose of this section, the footprint of a building is the perimeter of the foundation supporting a structure. (Code 1968, § 602.17.E; Ord. No. 89-88, 7-19-88; Ord. No. 284-99, §2, 5-17-99, enacted as an emergency; Ord. No. 254-05/06, 6-5-06; Ord. No. 61-07/08, 10-1-07; Ord. No. 240-09/10, 6-21-10; Ord. No. 139-12/13, 2-4-13)

*Editor's note—Ord. No. 89-88, adopted July 19, 1988, amended this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 89-88.

11 Shepley Street

