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*Penny St. Louis Littell- Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

December 15, 2010
(Revised)

James N. Katsiaficas, Esq.
Perkins Thompson
One Canal Plaza
P.O. Box 426
Portland, ME 04112

RE: 157 High Street – 037-E-007 (the “Property”) – B-3 Zone with a Downtown Entertainment Overlay Zone also with a Historic Overlay Zone and a Pedestrian Activity District (PAD) along the Congress Street Entry

Dear Attorney Katsiaficas,

I am in receipt of your request for a determination letter concerning the use of the Property. The Property is located in a B-3 Downtown Business Zone with a Downtown Entertainment Overlay Zone along with a Historic Overlay Zone and a Pedestrian Activity District (PAD) along the Congress Street entry.

Apparently in 1981 to 1982 the Property underwent extensive renovations. Subsequently on May 28, 1982 a temporary Certificate of Occupancy was issued stating the approved occupancy to be for “Hotel, Apartments & Related Operations”. Normally I can determine the specifics of approved uses by reviewing the building permit and occupancy permit. In this case, I have reviewed the microfiche and all related paperwork. I cannot find the specific number of apartments nor the specific number of rooms for the hotel as approved at that time. Your request goes a step further asking me to determine the “legally registered residential use[s] as of July 1, 2002” (as worded under section 14-483). The Property owners did not legally register any units in 2002 or in any other year.

I have further researched the Assessor’s records for some sort of documentation concerning a specific number of units for the apartments and hotel rooms. I did find an Assessor’s notation dated 4/02 which indicated the presence of fifty (50) apartments and two hundred and two (202) hotel guest rooms. I have used this documentation from the City Assessor’s office to make a final determination that the number of apartments located at the Property in existence as of July 1, 2002 is fifty (50) apartments.

You have the right to appeal my decision concerning this matter. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Sincerely,

Marge Schmuckal
Zoning Administrator

Cc: file