



# PORTLAND MAINE

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

February 18, 2011

James N. Katsiaficas, Esq.  
Perkins/Thompson  
Attorneys and Counselors at Law  
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 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.

The Property is properly zoned for its present and intended hotel, restaurant, drinking establishment and convention and meeting facilities uses as specifically permitted under the B-3 Zone.

To the best of my knowledge after researching our files, all the necessary City of Portland zoning, land use and planning permits and approvals have been obtained for this Property.

There are occupancy permits on file for the Property and its uses. Such Certificates of Occupancy are attached with this letter.

I am unaware of any current outstanding violations at the Property. To the best of my knowledge, there are no pending or contemplated City of Portland enforcement actions related to the Property.

As part of this determination letter I was given a stamped, signed survey performed by John W. Swan of Owen Haskell, Inc. The survey is dated November 30, 2010 and considered job no. 2000-033p. I have previously discussed the issue of parking requirements in my letter to you dated January 27, 2011. I am aware of several other legal nonconformities related to the Property. The roof sign was granted a waiver by

the Planning Division and is legally nonconforming. Per the surveyor's notes it is stated the maximum building and floor area for buildings greater than 125 feet in height is 25% instead of the actual 35%. The percentage coverage as stated is legally nonconforming to this building. And finally, the Downtown Height Overlay map indicates that the current Property may have several legal nonconformities related to height, such as the maximum street wall height of 90 feet. Any height violation as depicted by the Downtown Height Overlay map is considered to be legally nonconforming. At this time I am unaware of any other legally nonconforming Zoning requirements as they relate to the Property.

If you have any other questions regarding this matter, please feel free to contact me at (207) 874-8695.

Sincerely,

Marge Schmuckal  
Zoning Administrator

Cc: file