



CITY OF PORTLAND

June 1, 2004

John Hatcher
The Hatcher Group
49 Dartmouth Street
Portland, ME 04101

RE: 165 State Street – 045-A-028 – R-6 Residential Zone with a Historic Overlay Zone

Dear John,

I am in receipt of your request to determine and clarify use at 165 State Street. This property has received permission in 1977 by the Zoning Board of Appeals to allow the Landmark's offices as professional offices on the first floor and the front part of the second floor. Two existing dwelling units remain in the building with one located within the rest of the second floor and one on the entire third floor.

The R-6 zone does not require a certain amount of land area per professional office. Therefore, as long as the professional office(s) area still meets the current conditional use guidelines for professional office(s), I do not find there to be a violation of the ordinance or 1977 ZBA approval.

The ordinance section 14-137 specifically allows one or more offices if at least fifty (50) percent of the total floor area of the building is devoted to residential use. Your submitted plans show that to be the case. The building is presently within compliance with the guidelines of the conditional use.

You have also requested that I determine whether a future use for Portland Magazine to occupy the existing second floor office space would be compliant with the current Zoning Ordinance. First let me reiterate that I can only determine use as relating to the present ordinance. When and if there is any change of the professional office area within this building, it will be required to meet the requirements of the ordinance in effect at that time. This letter should not be considered a pre-approval.

You have submitted information that convinces me that Portland Magazine would qualify as a professional office as defined under section 14-137. There would be no retail and there would be no printing presses at this location. Please be reminded that all aspects of the conditional use criteria as presently written shall be maintained and met. Currently the ordinance limits the number of individual working in a professional office to not exceed the equivalent of four (4) full-time

employees.

This building is also located within a Historic District. Any alteration to the exterior shall require a separate review and approval.

I hope this determination addresses your concerns.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: Rita Yarnold, Bay Realty, 559 Congress Street, Portland, ME 04101
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