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Greg Mitchell – Acting Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator

December 2, 2011

Harro Jakel
Youth in Action
155 Brackett Street
Portland, ME 04102

Re: 155 Brackett Street – 045-E-56 – R-6 – unpermitted uses

Dear Mr. Jakel,

As you know from our meeting on November 28, 2011, the current uses on the second and third floors of the property at 155 Brackett Street have never been permitted. There was a permit issued in 1977 to establish the use of the building as: “store and youth organization”. The general description on that permit said: “permit to make alteration to first two floor, and stairwell as per plan”. All the permits issued since then were for work done to the first floor for the retail space. Since there has not been a permit issued since 1977 for the use of the second floor or third floor, the current legal use of these floors is “youth organization”.

When we met, you gave me floor plans that show the second floor is being used as artist studios, the third floor is being used as a dance and yoga studio with an office and storage for the Shoestring Theater, and the fourth floor is being used for storage. Since permits were never applied for to convert the second floor to artist studios and the third floor to a dance and yoga studio, the uses are not legal.

155 Brackett Street is located in the R-6 Residential Zone. Artist studios and a dance and yoga studio are not permitted uses in this zone [sections 14-136 & 14-137). When we met on November 28, 2011, we talked about two conditional uses listed in section 14-137 that allow places of assembly, specifically a community hall, and a community center. You indicated to me in your email dated November 30, 2011 that the board of Youth in Action decided that the use of the building is a “community building”, and that the board would like to get an occupancy permit for that use.

A community center is a conditional use in the R-6 zone. To be approved for a conditional use, you must file a Conditional Use Appeal Application with the Zoning Board of Appeals. The next Zoning Board of Appeals meeting is scheduled for Thursday, January 5, 2012. The deadline to file the application is Monday, December 19, 2011 at

noon. I have attached the Conditional Use Appeal Application and the Application Process for the Zoning Board of Appeals. It is important in your cover letter with the appeal application that you show exactly how the current uses fit the definition of a Community Center. If your Conditional Use Appeal is approved, then the next step is to file a change of use permit with the Building Inspections Division. When that is approved, you will be able to get your certificate of occupancy.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to file an appeal. If you should fail to do so, my decision is binding and no longer subject to appeal.

Please feel free to call me at 874-8709 if you have any questions.

Yours truly,

Ann B. Machado
Zoning Specialist
(207) 874-8709