



# PORTLAND MAINE

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*Lee Urban- Director of Planning and Development  
Marge Schmuckal, Zoning Administrator*

September 20, 2007

James Goduti  
11 Park Circle  
Cape Elizabeth, ME 04107

RE: 9 Deering Street – 046 B023 – R6 – conditional use appeal for professional offices

Dear Mr. Goduti,

On March 15, 2007 the Zoning Board of Appeals granted you a Conditional Use Appeal to have four professional offices in the first floor of the building at 9 Deering Street. The four offices were a real estate development office, a massage therapist, a financial advisor and a vacant space to be used as a professional office. Gayle Guertin, our office assistant, sent you a letter dated March 16, 2007 informing you of the Board's decision and sending you a change of use application to convert the first floor to professional offices. Section 14-474 (e) of the ordinance states that the conditional use appeal granted by the Zoning Board of Appeals does not allow you to change the use, it just gives you the permission to go ahead and apply for a change of use permit through the building inspections office. On May 2, 2007 Gayle Guertin spoke to you on the telephone reminding you that you had to apply for a change of use to have the four professional offices on the first floor and that our office had to have received the application and issued the permit by September 17, 2007. The reason that the application had to be received and the permit issued by September 17, 2007 is because section 14-474(f) of the ordinance says that a conditional use appeal granted by the Zoning Board of Appeals is only valid for six months unless a permit has been issued to change the use. Since our office did not receive a change of use application within the six months, the conditional use appeal that the Zoning Board of Appeals granted on March 15, 2007 is no longer valid.

The professional offices on the first floor of the building need to be legalized. Since they are a conditional use in the R-6 residential zone, section 14-137(c)(2), and your original appeal has expired, you need to submit a new application for a conditional use from the Zoning Board of Appeals to have the professional offices in the first floor. You have thirty days from the date of this letter to submit a conditional use application to the Zoning Board of Appeals or remove the professional offices. I have enclosed a conditional use application.

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

Yours truly,

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