048-E-026

HARRISON L. RICHARDSON WILLIAM B. TROUBH ROBERT L. HAZARD, JR. EDWIN A. HEISLER ROBERT E. NOONAN JOHN S. WHITMAN ROBERT E. NOONAN RICHARD J. KELLY WENDELL G. LARGE FREDERICK J. BADGER, JR\* KEVIN M. GILLIS MICHAEL P. BOYD THOMAS E. GETCHELL JOHN W. CHAPMAN EVE H. CIMMET MICHAEL RICHARDS WILLIAM K. MCKINLEY ELIZABETH G. STOUDER BARRI L. BLOOM GARY D. VOGEL DANIEL F. GILLIGAN PAUL S. BULGER DANIEL B. WYMAN ALLAN M. MUIR ANN M. MURRAY\* CHRISTOPHER H. RONEY FREDERICK F. COSTLOW\* JOAN S. LUCY M. THOMASINE BURKE JOHN G. RICHARDSON STEPHANIE E. LUGG NATHAN S. SZANTON \*REBIDENT IN THE BANGOR OFFICE

RICHARDSON & TROUBH A PROFESSIONAL CORPORATION ATTORNEYS AT LAW 465 CONGRESS STREET P.O. BOX 9732 PORTLAND, MAINE 04104-5032 TELEPHONE (207) 774-5821 TELECOPIER (207) 761-2056

BANGOR OFFICE 82 COLUMBIA STREET P.O. BOX 2429 BANGOR, MAINE 04401 TELEPHONE (207) 945-5900 TELECOPIER (207) 945-0758

IN REPLY REFER TO:

44983.7766

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February 15, 1991

William Giroux, Zoning Administrator City of Portland Building Inspection Department 389 Congress Street Portland, Maine 04101

Appeal of Richard and Priscilla Jordan, 523 Cumberland Re: Avenue, Portland, Maine

Dear Bill:

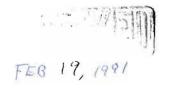
This letter is to confirm, for the record, that the Jordans received a favorable interpretation by the Zoning Board of Appeals on February 14, 1991, to overturn the decision of the Building Inspector that the property at 523 Cumberland Avenue had been abandoned as an eight unit apartment building. As I understand it, the effect of the interpretation appeal is that the property may continue with its grandfathered status as a lawful non-conforming use as an eight unit apartment building provided it does not become abandoned in the future.

Would you please provide me with notice of the Board's decision of this matter.

Very truly yours,

GARY D. VOGEL

GDV/rpm Enclosure Richard and Priscilla Jordan CC: Fred Andrews X021506.RM





**CITY OF PORTLAND, MAINE** 

ZONING BOARD OF APPEALS



MERRILL S. SELTZER Chairman

> JOHN C. KNCX Secretary

January 24, 1991

523 Cumberland Avenue

Gary D. Vogel, Esquire Richardson & Troubh, Attorneys P.O. Box 9732 Portland, Maine 04104

Dear Mr. Vogel:

Receipt is acknowledged of your Interpretation and Variance Appeals on behalf of Richard and Priscilla Jordan, owners, for the property located at 523 Cumberland Avenue in Portland's R-6 Residence Zone. An interpretation appeal is being filed to determine whether the use of the building as an eight unit apartment house has been abandoned due to its being vacant for more than a year, or whether its grandfathered status still prevails.

In the event that the interpretation appeal is denied, then the applicants are requesting that a space and bulk variance be considered by the Board of Appeals at a public hearing based upon Sections 14-136 and 14-273 of the City Zoning Ordinance. If granted, this variance would allow the use of the building at 523 Cumberland Avenue for an eight unit property notwith-standing the restrictions contained in the R-6 Residence Zone. A change of use permit may then be issued as a result of such approval by the Board of Appeals.

These two appeals will be scheduled for review by the Board of Appeals at its next regular meeting on Thursday evening, February 14, 1991, at 7 P.M. in Room 209, City Hall, Portland, Maine. A copy of the agenda for that meeting will be sent to you as soon as copies become available for distribution to the public.

Sincerely,

Warren J. Turher

Warren J. Turher Administrative Assistant

cc: Merrill S. Seltzer, Chairman, Board of Appeals Joseph E. Gray, Jr., Director of Planning and Urban Development P. Samuel Hoffses, Chief of Inspection Services Kevin Carroll, Code Enforcement Officer William D. Giroux, Zoning Administrator Charles A. Lane, Associate Corporation Counsel

## **CITY OF PORTLAND, MAINE**

ZONING BOARD OF APPEALS



THOMAS F. JEWELL Chairman

> ERIC J. GOUVIN Secretary

RAY M. JOHNSON JOHN C. KNOX DEWEY A. MARTIN, JR. MERRILL S. SELTZER MICHAEL E. WESTORT

523 Cumberland Avenue (48-E-26)

February 15, 1991

Mr. Gary Vogel, Esquire Richardson & Troubh 465 Congress Street Portland, Maine 04101

Dear Mr. Vogel:

At the meeting of the Board of Appeals on Thursday evening, February 14, 1991, the Board voted by a vote of four in favor to one opposed to grant your appeal in behalf of Richard and Priscilla Jordan for the building at 523 Cumberland Avenue in the R-6 Residence Zone. As a result of the Board's action, your building will continue to be recognized as an eight unit apartment building.

A copy of the Board's decision is enclosed for your records and those of your clients, Richard and Priscilla Jordan, owners of the building.

Sincerely,

Warren J. Turner Administrative Assistant

Enclosure: Copy of the Board's Decision

cc: Thomas F. Jewell, Chairman, Board of Appeals Joseph E. Gray, Jr., Director, Planning & Urban Development P. Samuel Hoffses, Chief, Inspection Services Kevin Carroll, Code Enforcement Officer William D. Giroux, Zoning Administrator Charles A. Lane, Associate Corporation Counsel