



# PORTLAND MAINE

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

February 19, 2010

Michael B. Foley  
15 Salem Street  
Portland, ME 04102

RE: 15 Salem Street – 57-K-23 – R-6 Zone

Dear Mr. Foley,

It has come to our attention that you are currently running a business out of your home at 15 Salem Street. Your property is located within an R-6 residential zone which does not permit business uses. The City does allow home occupations (14-410) as described in the attached information. Home occupations are meant to include uses that are wholly within the home and do not include exterior storage or other external impacts on the neighborhood. There are specific uses that are listed along with specific criteria that must be met before a home occupation use is allowed by permit. A use of property maintenance/landscaping business is not specifically listed for a home occupation.

Section 14-410(c) allows a conditional use appeal before the Zoning Board of Appeals only if you can show the Board that your use is similar to and *no more objectionable* than those home occupations listed. I am not convinced that you can meet those criteria in the manner that you are running your business. The Board is specifically restricted from granting business uses in a residential zone.

You must cease your business use immediately. Your business must be relocated to a zone that allows such uses.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

Cc: file