



Planning & Urban Development Department

*Jeff Levine, AICP, Director**Ann Machado, Zoning Administrator*

October 29, 2015

Nicholas Morrill
c/o Jensen Baird Gardner Henry
10 Free Street
PO Box 4510
Portland, ME 04112-4510

Re: 1006 Congress Street – Tax Map 076, Block A, Lot 022 (the “Property”) – I-L Industrial Zone

To Whom It May Concern:

I am in receipt of your request for a determination letter for the Property. The Property is located within an I-L Industrial Zone as described in Chapter 14, Division 10, §§ 14-231 through 14-245 of the City of Portland’s Land Use Ordinance and not within any other Zone including any Historic Overlay Zone.

The current legal use of the Property is a place of assembly/church and “deliverance center”. A change of use permit was issued in June of 1969 to change the use of the building from a veterinary hospital to a church and deliverance center. It appears that the deliverance center offered beds and meals on a temporary basis as part of the role as a church to provide temporary assistance to those in need. There was a sustained Space and Bulk Variance Appeal and two building permits and one amended building permit issued to put an addition on the building in the early 1980s. The most recent permit (#2011-07-1792) listing the use as a place of assembly was issued 4/6/12 to make Life Safety Code updates to the building.

To the best of my knowledge, the Property, as developed, conforms to all requirements of the City of Portland’s Land Use Ordinance, including applicable building, land use and subdivision regulations, and all required City permits, licenses and approvals have been issued for the current uses of the Property. I am not aware of any current violations or enforcement actions involving the Property.

It has been brought to my attention in this request for a zoning determination, that there may be a dwelling unit located in this building. This has not been confirmed by our office to date, but a dwelling unit is not an allowable use in the I-L Zone and there is no permit in our files for a dwelling unit. The question has been asked that if the prospective buyer, Delta Realty LLC discontinues the use of the dwelling unit and the temporary assistance to individuals in need, would it trigger the replacement unit requirements or contributions to the Housing Trust Fund or other elements of the Housing Preservation and Replacement requirements set forth in Chapter 14, Division 29, § 14-483 of the City of Portland’s Land Use Ordinance. Under § 14-483(b)(c), since a dwelling unit was never permitted and it has not been part of the “legal, registered use of the property since July 1, 2002” through the present, it would not trigger replacement unit requirements or contributions to the Housing Trust Fund, nor would the

Portland, Maine



Yes. Life's good here.

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discontinuance of the temporary assistance to individuals, since this use has been considered accessory to the permitted use as a church and deliverance center and not a principal use listed under the definition of a dwelling unit in § 14-483(b).

If you have any questions regarding this matter, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado".

Ann B. Machado
Zoning Administrator
City of Portland, Maine
207.874.8709