



# PORTLAND MAINE

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

September 23, 2008

Verrill Dana LLP  
One Portland Square  
Portland, Maine 04112-0586  
Attn: Gordon R. Smith

RE: 326-338 Forest Avenue – 114A-F-003, 007 & 008 – B-2 Community Business Zone

Dear Gordon,

I am in receipt of your request for a zoning determination concerning a parcel of land that includes three lots (the "Property") identified by the assessor's CBL numbers 114A-F-003, 114A-F-007 and 114A-F-008. The Property is located within a B-2 Community Business Zone. Your client wishes to buy the Property and then sell off two of the lots, #114A-F-007 and #114A-F-008 to another party while retaining lot #114A-F-003. It is understood that #114A-F-003 is the lot that contains all the parking in conjunction with the building(s) located on #114A-F-007 and #114A-F-008.

The proposal to sell off the buildings lots and to retain the parking lot for an abutting property use would be in violation of the Land Use Zoning Ordinance as spelled out under section 14-422, which states,

**"No lot shall be so reduced that yards, lot width, lot frontage, lot area, area per dwelling unit, and space for off-street parking and/or off-street loading shall be less than the minimum required under this article."** (emphasis added)

Your proposal for the Property would eliminate all required parking associated with the buildings currently located on the Property. The minimum parking standards under 14-332(h) states that for retail uses one (1) parking space for each two hundred (200) square feet of first floor area in excess of two thousand (2,000) square feet not used for bulk storage is required. Section 14-332(j) requires one (1) parking space for each three hundred and thirty four (334) square feet or major fraction thereof, of floor area for office uses.

Recent additional information forwarded to me states that there are approximately 64 existing parking spaces associated with the Property. The approximate floor area of the building(s) is 20,535 square feet according to assessor's information. Therefore,

ninety-three (93) off-street parking spaces would be required for retail uses (for which the current use may be considered to be legally non-conforming for such parking spaces). A change of use to offices would require sixty-one (61) off-street parking spaces. These parking figures are not based upon floor plans which could reduce such requirements if large areas of bulk storage exist. Specific floor plans were not submitted with this request.

In conclusion, I have determined that the proposal to bifurcate the parking area from the building(s) on the Property would result in a reduction of required parking and is a violation of section 14-422 of the Land Use Zoning Ordinance.

You have the right to appeal my determination. If you wish to exercise your right to appeal, you have thirty (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