



Planning & Urban Development Department

Jeff Levine, AICP, Director

Ann Machado, Zoning Administrator

September 22, 2015

Re:

138 Highland Street
Portland, ME 04103

To: To Whom It May Concern

Current Zoning The Land on which the Project is constructed is zoned B-1 Neighborhood Business Zone.

1. **Conformance with Current Zoning Requirements** Based on the materials available from our records, we:

__ have no reason to believe that either the use of the Property or the improvements thereon are nonconforming.

have determined that the Project is legally nonconforming. To the best of our knowledge, the Project is legally nonconforming in the following respects:

The legal use as a 6 unit residential building is nonconforming to the current minimum land area per dwelling unit requirement.

__ have determined that the Project is nonconforming. To the best of our knowledge, the Project is nonconforming in the following respects:

2. **Right to Rebuild following Casualty.** In the event of casualty, the Project may be rebuilt substantially in its current form (i.e., no material loss of square footage, same building footprint) upon satisfaction of the following conditions and/or the limitations [INSERT specific requirements concerning resumption of construction activity or completion, compliance with new building codes, zoning or subdivision requirements (such as buffering, setbacks, parking, landscaping, impact-related development fees and processing requirements):

Section 14-382(a) allows a legally nonconforming residential structure to be rebuilt "in kind" within a 2 year period with no alterations, modifications or additions except as provided in Division 23.

3. **No Further Approvals or Licenses Required.** The current use of the Project by its present owners is a permitted use under the Zoning Ordinance without the necessity of any rezoning, special exceptions, use permit, variance or other approval. We are not aware of any other permit or license required by this jurisdiction that a purchaser must obtain before it may acquire the Project or before the Project may continue to be used in the manner in which it is presently being used.

4. **No Applications Pending.** No application for rezoning of the Project, or for a special or conditional use permit or variance in connection with the Project, is now pending. No proceeding to challenge the zoning, or other governmental approval or use of the Project is pending, or, to the best of our knowledge, overtly threatened.

5. Certificates of Occupancy [Choose one]

A valid final Certificate of Occupancy has been issued for the Project.

A valid final Certificate of Occupancy has not yet been issued for the Project because it is currently under construction.

We are unable to locate a Certificate of Occupancy for the Project. We have no reason to believe, however, that one was not properly issued, and the absence of a certificate of occupancy under such circumstances would not give rise to any enforcement action affecting the Project.

It is not necessary for a new purchaser of the Property to obtain either a new certificate of occupancy or an amendment to the existing certificate of occupancy in order to own, use and occupy the Project in the manner in which it is presently being used by the current owners and their tenants.

6. No Violations; All Development-Related Fees Paid. [Choose either one, none or both]

We are unaware of:

the existence of any violations or alleged violations of any zoning, subdivision, building or similar ordinances or regulations applicable to the Project within the past three years

any enforcement proceedings against the Project that are pending or contemplated.

any outstanding fees associated with the Subject property. All fees required to have been paid in connection with the development and use of the Project, including any impact-related fees, have been paid, and no such fees which would have applicability to the Project are otherwise pending or contemplated.

7. Lastly please provide any information relating to any site plan approval, special permits, conditional use permits, special exception permits or variances that may have been required for the development and use of the Subject property, including approval letters and or approved site plans. Please forward associated documentation. The following approvals were required: (Check as applicable)

Site Plan Approval N/A Approval No. and Date: _____

Special Permit Approval: N/A Approval No. and Date: _____

Conditional Use Permit Approval: N/A Approval No. and Date: _____

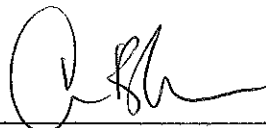
Variance Approval N/A Approval No. and Date: _____

Special Exception Approval: N/A Approval No. and Date: _____

Planned Unit Development: N/A Approval No. and Date: _____

Any Other Approval: N/A Approval No. and Date: _____

Sincerely,



[Applicable Governmental Official]

Ann B. Machado, Zoning Administrator