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

June 18, 2010

James Andrews
64 Clinton Street
South Portland, ME 04106

Re: 615 Forest Avenue - 125 N003 – B-2b- illegal use

Dear Mr. Andrews,

It has come to the attention of our office that there is an illegal use at your building at 615 Forest Avenue. In researching our files, the most recent use that I found for the first floor was retail (permit #950054) and a dog shop with grooming and retail sales [permit #0038 (1975)]. The most recent use for the second floor was one apartment, and the most recent use for the third floor was one apartment [permit #00691 (1973)]. It is our understanding that there is at least one apartment on the first floor and maybe two. These apartments are not legal because there is no permit for them.

615 Forest Avenue is located in the B-2b Community Business Zone. Section 14-182(a)(1) allows any residential use that is allowed in the nearest residential zone. The R-3 Residential Zone is the closest residential zone. Section 14-87 lists the permitted uses and section 14-88 lists the conditional uses for the R-3 zone. Two family or multifamily homes are not listed, so they are not permitted. Section 14-182(a)(2) says that if the first floor has a commercial use, multifamily dwellings are allowed above the first floor. Neither section allows dwelling units on the first floor.

Section 14-391 allows a nonconforming dwelling unit to be legalized if certain conditions can be met. One of the conditions is that the dwelling unit cannot have been added by the current owner. Along with meeting the other conditions, you would have to provide evidence that you did not add any dwelling units to the first floor.

The property must be brought into compliance. You can either apply to try to legalize any illegal units under section 14-391 or you need to remove any illegal dwelling units on the first floor. You have thirty days from the date of this letter to apply for the permit or remove any illegal units.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to file an appeal. If you should

fail to do so, my decision is binding and no longer subject to appeal. If you decide to appeal, you may contact our office for the necessary paper work.

Please feel free to contact me at 874-8709 if you have any questions.

Yours truly,

Ann B. Machado
Zoning Specialist
(207) 874-8709