



Ann Machado <amachado@portlandmaine.gov>

699 Forest ave usage now and going forward. Thurstons Burger building

Ann Machado <amachado@portlandmaine.gov>

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To: Ted Lucier <tlucier@jettcocommercial.com>

Ted -

I'm sorry that I did not get back to you sooner. We are experiencing a high demand for our service , so we cannot always get back to an email or phone call right a way.

The property is in the B-2b zone. The City Council just passed a revision to the B-2, B-2b zone that went into effect on March 20, 2017. Under the current ordinance a drive-through is not a permitted use in the B-2b zone (section 14-182). The property has had a drive-through associated with the restaurant since before the current ordinance, so is a legal nonconforming ("grandfathered") use.

Section 14-387 addresses the discontinuance of a nonconforming use. It says that if a "legally nonconforming use is discontinued for a period of twelve months...such discontinuance shall constitute an abandonment of the use and the property shall not thereafter be occupied or used except in conformity with the provisions of this article". In other words, the new restaurant would have to be open and operating within twelve months of the day that Thurston's closed. If this does not happen a drive-through would no longer be allowed. We will need documentation to show the last date that Thurston's was open.

The most recent sign permit that was issued was in 2014 for the pylon sign and the wall sign. There are also directional signs for entering and exiting, each one is 2' x 3.5' and a menu board 3' x 6'. These would be allowed to remain.

I'm not aware of any issues with the property.

Please let me know if you have more questions.

Ann

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