

Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Urban Development
Joseph E. Gray, Jr.
Director



CITY OF PORTLAND

January 24, 2001

David T. Jones
260A Ocean Avenue
Portland, ME 04103

RE: 89 Ocean Avenue 129-I-010 & 012 - R-5 zone

Dear David,

I am in receipt of your permit to replace an existing loading dock and to add a rear addition expansion around an existing bulkhead at 89 Ocean Avenue. As worded, your permit is being denied because of the rear expansion. As explained to you previously, your retail use is a legal nonconforming use in the R-5 residential zone. As a legal nonconformity, you may not increase the use nor the building size. So your request to increase the building size on the rear is being denied.

The replacement of the loading dock within the same footprint is allowable as long as it is rebuilt within one (1) year of the demolition and the size is not increased. If you wish to revise your permit so that the only approval required is for the replacement of the old loading dock, then your permit can be issued. Please let this office know if this is your intention. At this time your permit application is on hold until this office receives direction from you as to how you would like to proceed. If you have any questions regarding this matter, please do not hesitate to call.

If you wish to appeal my zoning decision on the rear enlargement, you would have 30 days from the date of this letter in which to appeal. Our office has all the information for an appeal if you wish to exercise this right.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: Code Enforcement Officer