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*Greg Mitchell – Acting Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

May 24, 2012

Joseph Guidi
675 Forest Avenue Associates LLC
PO Box 6819
Portland, ME 04104

RE: 671 Forest Avenue – 129 L002 – B-2b Business Zone – illegal uses

Dear Mr. Guidi,

It has come to the attention of our office that there are illegal uses operating in your building at 671 Forest Avenue. On February 9, 2012, Code Enforcement Officer George Froehlich inspected the property and found the following uses. On the first floor, he found a retail space (Swimskin), a salon and a graphic design/silk screening operation which is also located in the basement. On the second floor, he found seven dwelling units. In researching our files, the uses that have been permitted for the property are retail, office and warehouse (permit #960962) and personal service (Merle Norman Cosmetics & Beauty Salon – permit #98-0480). The last use that we have listed for the second floor and basement is storage (permit issued December 27, 1957 with letter stating use dated December 26, 1957). The retail use and the personal service use are permitted. The graphic design/silk screening operation and the dwelling units are not permitted. Since the uses are not permitted they are not legal. You need to bring your property into compliance.

671 Forest Avenue is located in the B-2b Business Zone. Section 14-182(a)(2) allows multifamily dwellings in a structure if the first floor is all commercial use. Section 14-185(a)(5)(b)(ii) gives the maximum residential density for multifamily dwellings above the first floor located off the peninsula as 1,000 square feet of land area per dwelling unit. The lot is 5,554 square feet, so as far as zoning is concerned, there could be five dwelling units on the second floor. You would have to provide one off street parking space for each dwelling unit. Any dwelling unit would still have to meet life safety code and International Building Code requirements. Section 14-182(d)(6) allows studios for artists and crafts people as long as the studio space does not exceed 4000 square feet. If the graphic design/silk screening space is 4,000 square feet or less, then it would also be permitted under zoning. Once again it would also have to meet the life safety code and International Building Code requirements.

You have thirty days from the date of this letter to bring the property into compliance. You must either apply for a permit for the graphic design/silk screening space and five dwelling units or remove these uses. The ordinance does not allow you to keep all seven dwelling units, so at least two will have to be removed.

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 call me at 874-8709 if you have any questions.

Yours truly,

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

Cc. George Froehlich
file