

Zoning Division  
Marge Schmuckal  
Zoning Administrator



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

## CITY OF PORTLAND

Karen A. Salvator  
Thompson Hine & Flory LLP  
(216) 566-5595 phone  
(216) 566-5800 fax

May 7, 1998

RE: 710 Forest Avenue, Portland, ME - 130-G-7,8,12,13

Dear Karen,

The Zoning classification for the above property is presently a B-2 Business Zone. One of the permitted uses within this zone is, "Communication studios, or broadcast & receiving facilities". It is my understanding that the present use and tower comply with that allowable use. Our microfiche files show that a permit was issued to Summit Communications for a 60' tower in October of 1987. It is therefore a legally permitted tower.

Please note that last year our Board of Appeals ruled that lattice-type tower structures would need to meet the zoning height requirements for the applicable zone. The B-2 zone allows a maximum height of 45 feet unless the property is over 5 acres in size, at which point a maximum height of 65 feet would be allowed. The Board of Appeals also determined that a monopole type tower was not a structure as defined in the Ordinance. This was interpreted to mean that monopole type towers would not need to meet the height requirements.

Our Zoning Ordinance is produced by a Corporation called MUNICIPAL CODE CORPORATION. I have attached information to this letter so that you may contact them for a copy of the Zoning Land Use Ordinance.

Very Truly Yours,

Marge Schmuckal  
Zoning Administrator

cc: File

130-G-007

# THOMPSON HINE & FLORY LLP

*Attorneys at Law*

## FAX COVER PAGE

**Date:** April 28, 1998

**4** page(s) including this cover

**To:** Ms. Marge Schmuckal

**Of:** City Hall - Room 315

**Phone:** 800/874-8144

**Fax:** 207/874-8716

**From:** Karen A. Salvatore

**Phone:** 216-566-5595

**Comments:** Please see attached request for a Zoning Compliance Letter.

Site No. L-59

Ref: 01294-051572-00002

Our fax number is 216-566-5800.

If there is a problem with transmission of this fax,  
please call **OUR FAX OPERATOR** at **216-566-5770**.

CONFIDENTIALITY NOTICE: THE INFORMATION IN THIS TRANSMITTAL IS CONFIDENTIAL AND INTENDED ONLY FOR THE RECIPIENT LISTED ABOVE. IF YOU ARE NEITHER THE INTENDED RECIPIENT NOR A PERSON RESPONSIBLE FOR DELIVERING THIS TRANSMITTAL TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISTRIBUTION OR COPYING OF THIS TRANSMITTAL IS PROHIBITED. IF YOU RECEIVED THIS TRANSMITTAL IN ERROR, PLEASE IMMEDIATELY NOTIFY US AND RETURN THE TRANSMITTAL TO US AT OUR EXPENSE.

*3900 Key Center 177 Public Square Cleveland, Ohio 44114-1216 216-566-5500 Fax 216-566-5800*

BRUSSELS, BELGIUM CINCINNATI CLEVELAND COLUMBUS DAYTON PALM BEACH WASHINGTON, D.C.

# THOMPSON HINE & FLORY LLP

Attorneys at Law

April 28, 1998

Karen A. Salvatore  
216-566-5595  
ksalvatore@thf.com

**VIA FACSIMILE**

Ms. Marge Schmuckal  
City Hall - Room 315  
389 Congress Street  
Portland, ME 04101

*- Cot. 2-8 Concord St  
Cot. 9-19 S. Sumner St*

Re: Property located at 710 Forest Avenue, Portland, Cumberland County, owned by Arch Connecticut Valley, Inc.  
Site No. L-59

*130-G-7-8-12-13  
B-2 Zone*

Dear Ms. Schmuckal:

On behalf of our client, OmniAmerica, Inc., we are requesting a Zoning Compliance Letter for the Property described above. Let us know if the information provided above is insufficient to locate the Property.

In addition to the Zoning Compliance Letter for the above-mentioned Property, we would also like to order a copy of the current and proposed zoning ordinances pertaining to the Property.

We request that the following questions concerning the Property be answered, if applicable, in the Zoning Compliance Letter:

1. What is the zoning classification for the Property? *- B-2*
2. Does the applicable zoning classification permit the use of communication towers? In other words, are communication towers a permitted use under the applicable zoning classification?
3. If communication towers are not a permitted use, is there a special use permit available to permit the use of the Property for communication towers?

*Summit  
Common  
60' tower  
permit approved  
10/19/97*

*Board to appeal  
Latter towers  
need to meet height req.*

schmuckal L59.wpd. April 28, 1998 (3:22PM)

3900 Key Center 127 Public Square Cleveland, Ohio 44114-1216 216-566-5500 fax 566-5800

BRUSSELS, BELGIUM CINCINNATI CLEVELAND COLUMBUS DAYTON PALM BEACH WASHINGTON, D.C.

*B-2 allows  
communication studios, or broadcast receiving  
45' high towers over 5000 sq ft area*

THOMPSON  
HINE & FLORY LLP*All attorneys at law*

April 28, 1998

Page 2

4. Is there a certain year that the tower needed to be built so that the communication tower would be "grandfathered" in?
5. Is there a fee for the Zoning Compliance Letter? If so, what is the fee?
6. Is there a fee for the copy of the zoning ordinances? If so, what is the fee?

If you have any questions, please contact the undersigned at the phone number listed above. Thank you in advance for your prompt attention to the matter. We will be contacting you later in the week to follow-up on our request for a Zoning Compliance Letter.

Very truly yours,



Karen A. Salvatore  
Legal Assistant

KAS/mm

Enclosure

cc: Mr. Robert B. Alperin  
Garry B. Watzke, Esq.  
F. Howard Mandel, Esq.  
Diane S. Leung, Esq.

# FAX COVER PAGE

Date: \_\_\_\_\_ page(s) including this cover

To: Karen A. Salvatore  
Of: Thompson Hine & Flory LLP  
Phone: 216-566-5595  
Fax: 216-566-5800

Re: Answers to questions for property located at: 710 Forest Avenue, Portland, Cumberland County, owned by Arch Connecticut Valley, Inc. L-59

From: Ms. Marge Schmuckal  
Of: City Hall - Room 315  
Address: 389 Congress Street  
Portland, ME 04101  
Phone: 800/874-8144 Fax: 207/874-8716

1. What is the zoning classification for the Property? \_\_\_\_\_
2. Does the applicable zoning classification permit the use of communication towers? In other words, are communication towers a permitted use under the applicable zoning classification? \_\_\_\_\_
3. If communication towers are not a permitted use, is there a special use permit available to permit the use of the Property for communication towers? \_\_\_\_\_
4. Is there a certain year that the tower needed to be built so that the communication tower would be "grandfathered" in? \_\_\_\_\_
5. Is there a fee for the Zoning Compliance Letter? If so, what is the fee? \_\_\_\_\_
6. Is there a fee for the copy of the zoning ordinances? If so, what is the fee? \_\_\_\_\_

### PLEASE USE THIS FORM TO FAX YOUR RESPONSES

PS:MAILS (H)BLYC7-wco-ArchConnecticutValleyFax13wps

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