

Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Planning & Development
Lee Urban, Director



CITY OF PORTLAND

August 20, 2004

Bailey Sign Company, Inc.
9 Thomas Drive
Westbrook, ME 04092
Attn: Judy Trainor

RE: 726 Forest Avenue – 130-H-021 – B-2 Business Zone – permit application #04-1117

Dear Judy,

I am in receipt of your permit application to install new signage on the building located at 726 Forest Avenue and to reface the existing freestanding sign. Your permit is denied.

Signage is considered to be an accessory use to an approved principal use per section 14-404. This property does not have an approved use for the first floor. The owner, Stephen Mardigan, has been notified that before a change of use permit can be issued by this office, he is required to install a fence separating his property from a neighboring property. That has not been done at this time. There is no approved principal use for the first floor. Therefore, no permit for an accessory use can be issued.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Attachment

Cc: Gary Wood, Corporation Counsel
Stephen Mardigan, 460 Baxter Blvd., Portland, ME 04103
File

City of Portland
INSPECTION SERVICES

Room 315
389 Congress Street
Portland, Maine 04101

130-H-21

Telephone: 207-874-8703 or 207-874-8693
Facsimile: 207-874-8716



FACSIMILE TRANSMISSION COVER SHEET

TO: <u>Tom Grecco</u>	FROM: <u>Marge Schmeckel</u>
FAX NUMBER: <u>775-7005</u>	NUMBER OF PAGES, WITH COVER: <u>6</u>
TELEPHONE: _____	RE: <u>726 Forest Ave</u>
DATE: <u>8/26/04</u>	_____

Comments:

I believe that 14-339 would be the section that applies - I've also included my "recent" correspondence with Mr. Madegan.

residential structure on an adjoining lot.
(Code 1968, § 602.14.G)


Sec. 14-338. When located within required open yard areas in residence zones.

(a) Where off-street parking for more than six (6) vehicles is required or provided on a lot in a residence zone and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met:

- (1) A continuous curb guard, rectangular in cross-section, at least six (6) inches in height and permanently anchored, shall be provided and maintained at least five (5) feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or lot line involved, either above or below the impact surface.
- (2) Where such off-street parking shall abut a lot in residential use or an unoccupied lot which is located in a residence zone, a chain link, picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

(b) Notwithstanding the provisions of subsection (a) of this section, parking shall be prohibited in the front yard of lots containing two (2) or more dwelling units, except within one (1) driveway on the lot. "Driveway," as used in this paragraph, shall not include any turnaround area.

(Code 1968, § 602.14.H; Ord. No. 231-90, § 2, 3-5-90)

 **Sec. 14-339. When located adjacent to a street or a residential use.**

Where off-street parking for more than six (6) vehicles is

required or provided on a lot in any business zone, the following requirements shall be met:

(a) Where vehicles are to be or may be parked within ten (10) feet of any street line, a continuous curb guard, rectangular in cross-section, at least six (6) inches in height and permanently anchored, shall be provided and maintained at least five (5) feet from the street line between such off-street parking and that part of the street line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street line involved so that bumpers of vehicles cannot project beyond its face toward the street line involved either above or below the impact surface.

(b) Where such off-street parking shall abut a lot in a residence zone or a lot in residential use, a chain link, picket or sapling fence, not less than forty-eight (48) inches in height, shall be provided and maintained between such off-street parking and that part of the lot line involved.

(Code 1968, § 602.14.1)

Sec. 14-340. Construction requirements when more than six vehicles parked.

Where off-street parking for more than six (6) vehicles is required or provided, the following construction requirements shall apply:

- (a) Appropriate driveways from streets or alleys, as well as maneuvering areas, shall be provided. Location and width of approaches over public sidewalks shall be approved by the traffic engineer.
- (b) The surface of driveways, maneuvering areas and parking areas shall be uniformly graded with a subgrade consisting of gravel or equivalent materials at least six (6) inches in depth, well compacted, and with a wearing surface equivalent in quantities of compaction and durability to fine gravel.

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Lee Urban, Director



CITY OF PORTLAND

February 24, 2004

Steven Mardigan
460 Baxter Blvd
Portland, ME 04103

RE: 726 Forest Avenue – 130-H-021 & 027

Dear Mr. Mardigan,

This letter is to notify you that before any use will be permitted on your property located at 726 Forest Avenue, you will first have to file for and receive a change of use permit from the City. It is my understanding, based upon a conversation with City Attorney Gary Wood, that you represented to the City Council that you will not be leasing this property for use as a bar or drinking establishment which was its prior use.

Before a change of use permit will be issued, or before any other use of the property is undertaken, you will be required to construct a fence separating your property from that of the Nashes. This is required by both our ordinance and it is my understanding by an existing court order resolving the boundary dispute and fence issue between you and the Nashes. In addition to installing the fence, there may be other changes required to the property before a change of use permit can be issued. Those changes will depend upon the proposed use. Please contact me in Inspection Services for a permit before entering into any binding legal obligations.

Failure to comply with any or all City Ordinances will result in legal action.

Sincerely,

Marge Schmuckal
Zoning Administrator

CC: Chris Vaniotis, Esq.
Councilor Karen Geraghty
Gary Wood, Corporation Counsel