



Planning &amp; Urban Development Department

*Jeff Levine, AICP, Director**Ann Machado, Acting Zoning Administrator*

## NOTICE OF VIOLATION

April 27, 2015

Changiz Fard  
684 Baxter Blvd.  
Portland, ME 04103

HAND DELIVERED

Re: 783 Forest Avenue - 137-C-001 – B-2 Community Business Zone - #2014-235 &amp; #2014-236

Dear Mr. Fard,

This letter is to inform you that you are in violation of the Planning Board approval of your Conditional Use Application (#2014-235) because you have not met the conditions outlined in the Planning Board's approval dated February 18, 2015. Specifically you have failed to comply with condition v. of your conditional use approval – "A Performance Guarantee shall be posted covering the cost of improvements shown on the approved amended plans. No cars may be parked on the site and no car sales or other activities associated with the car dealership use may take place from the site until the Performance Guarantee described herein has been posted and a change of use permit has been obtained from the Inspections Division. All of the approved improvements shall be completed within 4 calendar months of the date the Performance Guarantee is posted."

This condition needs to be met before you may use your property in accordance with the Planning Board approval. If you have any questions concerning the conditions of approval, please contact Jean Fraser in the Planning Division at (207) 874-8728.

An inspection of your property was conducted by City staff on April 21, 2015 and numerous cars were observed on the lot. Because of your failure to comply with the conditions of your approval, your current storage of vehicles on the lot constitutes a violation of the City's Land Use Code and of your approval from the Planning Board. In addition to the violation for unauthorized storage of cars, it also appears as though you are selling cars from the property. As has been previously explained to you, before you may operate a used car dealership on the property, you are required to meet all of the conditions of the site plan and conditional use approval (letter attached) and then to apply for/obtain a Change of Use Permit through the Inspections Division. The operation of a dealership without that permit constitutes a violation of the City's Land Use code and is subject to penalties.



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Additionally, before you may engage in the sale of vehicles from the property, you are also required to obtain a business license from the City Clerk's office to sell used automobiles. That license may not be issued until you have completed all of the conditions of site plan and conditional use approval and obtained the Change of Use Permit.

**Given the above, this letter shall serve as notice that you are currently in violation of the Planning Board approval dated February 18, 2015 and section 14-183(a)(5) of the Land Use Zoning Ordinance because you are storing cars on the property. You have thirty (30) days from the date of this letter to remove all the cars that are stored on the property at 783 Forest Avenue. If you fail to do so, the City of Portland may take immediate action against you. Each violation of the City's Ordinances is subject to a minimum fine of \$100 per violation per day. Additionally, if the City prevails in any enforcement action against you, it will be entitled to recover its court costs and attorneys' fees from you.**

You have the right to appeal this decision, if you wish to exercise your right to appeal, you have thirty (30) days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paper work that is required to file an appeal.

Please contact me at 874-8709 if you have any questions.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado".

Ann B. Machado

Acting Zoning Administrator

Planning and Urban Development Department

City of Portland

207.874.8709

Cc: Jennifer Thompson, Legal  
Barbara Barhydt, Planning  
Jean Fraser, Planning  
Philip DiPierro, Planning  
City Clerk, Licensing  
Stephen Mardigan, Property Owner