



CITY OF PORTLAND

November 15, 2002

Alan E. Wolf
Attorney at Law
P.O. Box 1292
Portland, ME 04104

RE: 977-1003 Forest Avenue - 142-B-015 & 147-A-008 - B-2 Zone

Dear Attorney Wolf,

I am in receipt of your letter requesting a determination of condominium conversion and parking requirements. I also want to thank you for bringing in some more key information and sitting down with me to go over some common questions that we both had.

The purpose of the condominium conversion article (section 14-565) is to regulate the conversion of rental housing to condominiums. It is not meant to regulate business condominiums. The City's condominium conversion ordinance went into effect on 11/16/81. With all the information that I have available, this property is not in violation of the condominium conversion ordinance. It is understood that there are 13 residential dwelling units that are not individually condominiumized. They are rental dwelling units. There is some approval documentation within the microfiche alluding to these dwelling units without referencing the specific number of allowed residential units.

As to the parking questions, the ordinance defines how many parking spaces are required for specifically listed uses. Office uses required one (1) parking space for every three hundred thirty four (334) square feet of building area within the B-2 zone. This is a recent change. Prior to 1999 the requirement was 1 parking space for every four hundred (400) square feet of building area. It is my understanding that this structure was built in 1972 which falls under the older parking provisions.

When a structure is built, it must go through a site plan review process. This entails a review of the site in addition to a zoning analysis including parking. There is evidence within our microfiche that shows that this property and its buildings went thru the site plan review

process. It is my understanding that the parking has not changed on this site. The original parking spaces are still present. It has not been stated that required parking spaces have been leased to any other off-premise entities. During our meeting, it became evident that the parking spaces that were not transferred to your client were located off site on an adjoining lot, unrelated to this particular lot. There is nothing within the codes that would create a zoning violation of the ordinance in this type of circumstance.

The City would only recalculate parking requirements when there is a significant change of use or an addition of a new building structure. At that time, we would require an applicant to show us all floor plans with dimensions, so that all current parking regulations could be calculated for compliance.

Again, based on the information that you submitted and we talked about in person, I am not aware of any zoning violations, including those of parking requirements.

I hope this determination clarifies your needs. If you require any more information, please feel free to call me.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: file