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*Penny St. Louis Littell - Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

April 13, 2009

Sadri Shir
41 Ocean House Road
Cape Elizabeth, ME 04107

Re: 978 Washington Avenue – 161 E003 – R-5 – Change of use to place of worship –
Permit #09-0161

Dear Sadri Shir,

I am in receipt of your application to change the use of the first floor of 978 Washington Avenue from a television repair shop to a religious use/place of worship. At this point I cannot approve your permit because it does not meet all the zoning requirements for the R-5 zone.

One requirement is that you need to meet the minimum lot size. Your lot is 14,400 square feet, and the required minimum lot size for a place of worship or religious use under section 14-120(1)(a)(5) is one acre (43,560 square feet). You need to apply for a Practical Difficulty Variance with the Zoning Board of Appeals since you do not meet the minimum lot size.

The second requirement is that when there is a change of use, you need to meet the minimum parking requirements for the use of the building. Your parking plan shows that you have twenty off street parking spaces. You need a total of forty off-street parking spaces, thirty-nine parking spaces for a place of worship/religious use [section 14-332(k)] and one parking space for the existing dwelling unit on the second floor [section 14-332(a)(2)]. You need to apply for a variance with the Zoning Board of Appeals since you do not have the required number of parking spaces.

If you are granted these two variances, your next step is to apply for a conditional use under section 14-118(b)(3) and your submitted site plan for the expanded parking lot must be revised and completed for review. The Planning Board is the reviewing authority for the conditional use appeal and the site plan. A copy of the site plan ordinance is attached. The submittal requirements for a complete application are found in section 14-525.

Your permit cannot be approved by zoning until you have successfully completed these three steps. I have enclosed the applications for the two variances and a sheet which

outlines the application process for the Zoning Board of Appeals. The contact person in the Planning Division for the conditional use appeal and the site plan for the expanded parking lot is Barbara Barhydt at 874-8699. Remember, you will also need to meet the requirements of the building and life safety codes.

You have the right to appeal my decision concerning use. 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 paperwork that is required to file an appeal.

Please feel free to call me at 874-8695 if you have any questions.

Yours truly,

Marge Schmuckal
Zoning Administrator

Cc. Penny St. Louis Littell, Director of Planning and Urban Development
Gary Wood, Corporation Counsel
Barbara Barhydt, Development Review Services Manager
Tammy Munson, Inspections Division Director
Jeanie Bourke, Code Enforcement Officer
Richard Jordan
File