



# PORTLAND MAINE

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*Jeff Levine, AICP, Director  
Marge Schmuckal, Zoning Administrator*

December 4, 2012

Rick Fournier  
Tony's Donuts  
9 Bolton Street  
Portland, ME 04102

Re: 9 Bolton Street – 186 D056 – B-1 Neighborhood Business Zone – Permit #2012-11-5445

Dear Mr. Fournier,

This letter is a follow up to our telephone conversation on November 28, 2012 and the voicemail that I left on your cell phone on November 29, 2011. Tony's Donuts is located at 9 Bolton Street (CBL 186-D-056). The current owner is Lucy M. Fournier, Trustee. The property next to Tony's Donuts located at 1217 Congress Street (CBL 186-D-001) is owned by Big Donut, LLC. You submitted a sign permit (#2012-11-5445) to install a sign for Tony's Donuts on the vacant sign pole at 1217 Congress Street. At this point I must deny the application.

1217 Congress Street and 9 Bolton Street are two separate and distinct lots owned by two separate entities. Since Tony's Donuts is located at 9 Bolton Street, it may not erect a sign on the property at 1217 Congress Street. Under section 14-404, a sign is considered an accessory use which is defined as "a subordinate use of land or building which is customarily incidental to the main building or to the principal use of the land and which is located on the same lot with the principal building or use". A sign must be located on the same property where the use it is advertising is located. Unless the two properties are combined under one owner or Tony's Donuts gets relocated to 1217 Congress Street, the sign may not be erected at 1217 Congress Street.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to file an appeal. If you should fail to do so, my decision is binding and no longer subject to appeal. Please contact our office for the necessary paperwork if you decide to file an appeal.

If you decide not to file an appeal, you can either amend your application to install the sign on the property at 9 Bolton Street, or you can submit a request in writing to withdraw your permit. You are entitled to get most of your money back if you bring in the original receipt you got when you applied for the permit.

Please feel free to contact me if you have any questions.

Yours Truly,

Ann B. Machado  
Zoning Specialist  
(207) 874-8709  
[amachado@portlanmaine.gov](mailto:amachado@portlanmaine.gov)

Cc Patrick Bolduc, Neokraft Signs