



# PORTLAND MAINE

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

April 9, 2010

David M. Hirshon, Esq.  
c/o Tompkins, Clough, Hirshon & Langer, P.A.  
Three Canal Plaza  
P.O. Box 15060  
Portland, Maine 04112-5060

RE: 1685 Congress Street – 219-A-013 & 221-A-011 (the “Property”) – Residential-Professional (R-P) Zone and Resource Protection Zone (RPZ) with a Shoreland Overlay Zone

Dear Attorney Hirshon,

I am in receipt of your request for a determination concerning the Property. I am also in receipt of a recent building height analysis performed on the Property by James D. Nadeau, a professional land surveyor.

The Property is located within a Residential-Professional (R-P) Zone and a Resource Protection Zone (RPZ) with a Shoreland Overlay Zone. The current structure is located within the R-P zone designation. The current use of the Property as professional offices, which includes medical offices, is a permitted use under the Land Use Zoning Ordinance without the necessity of a rezoning, special exception, use variance or other approval.

Based upon the review of our records, the Property appears to comply with all applicable building setback, density, open space and parking requirements of the underlying zone. The Property also meets the height requirements of the underlying zone as documented by James D. Nadeau, a professional land surveyor. Mr. Nadeau’s height analysis documents that the height of the existing structure is 44.91 feet in height. The R-P Residential-Professional Zone allows a maximum structure height of forty-five (45) feet, as stated under section 14-149(e). The current structure height of 44.91 feet is in compliance with the Land Use Zoning Ordinance regulations. Mr. Nadeau’s methodology of determining the building height is in compliance with standard practices and Ordinance definitions. I have enclosed copies of permits and certificates of occupancy.

I am not aware of the existence of any violations or alleged violations of any zoning, subdivision, site plan, or similar ordinances or regulations applicable to the Property. I am not aware of any enforcement proceedings against the Property that are pending or contemplated.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

enclosures