

Zoning Division
Marge Schmuckal
Zoning Administrator



Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

Andrew N. Germaine
138 Dorothy Street
Portland, ME 04103

September 21, 1998

RE: 138 Dorothy Street - 297-C-23 - R-3 Residential Zone

Dear Mr. Germaine,

It has come to the attention of our office that you are running an illegal car sales and car repair service from your dwelling at 138 Dorothy Street. You are located in an R-3 residential zone which does not allow business uses in a residential zone. Our Code Enforcement Office also notes that you have 4 unregistered vehicles in your driveway. It is not allowable to have unregistered vehicles stored on your property (see attached ordinance).

These illegal uses must cease immediately, within 10 working days of the receipt of this letter. Our Code Enforcement Officer will be reinspecting this property within that time period in order to ensure compliance. If compliance is not met at that time, it will be necessary to turn this matter over to our Corporation Counsel for legal action.

Please feel free to contact me regarding this matter.

Very Truly Yours,

Marge Schmuckal

Marge Schmuckal
Zoning Administrator

cc: Kevin Carroll, Code Enforcement Officer
Mark Adelson, Housing & Neighborhood Services
file

certified mail

attachment

Sec. 14-333. To be located on lot with principal use in residence zones; exceptions.

Required off-street parking in all residence zones and accessory off-street parking in R-1 through R-5 zones shall be located on the same lot with the principal building or use, except that the board of appeals may permit such off-street parking to be located at a distance of not more than three hundred (300) feet from the principal building or use, measured along lines of public access where it cannot reasonably be provided on the same lot if the premises to be used for parking are held under the same ownership or lease as the building or use served and if said premises are located in the same or a less restricted zone as the building or use served. Evidence of such control, either deed or lease, shall be required.

(Code 1968, § 602.14.C)

Sec. 14-334. To be located on lot with principal use in nonresidential zones; exceptions.

Required off-street parking in all nonresidential zones shall be located on the same lot with the principal building or use, or within one hundred (100) feet measured along lines of public access, except that where off-street parking cannot be provided within these limits, the board of appeals may permit such off-street parking to be located a reasonable distance from the principal building or use measured along lines of public access if the premises to be used for parking are held under the same ownership or lease. Evidence of such control, either deed or lease, shall be required.

(Code 1968, § 602.14.D; Ord. No. 430-83, § 1, 4-25-83)

Sec. 14-335. Off-street parking restricted.

Off-street parking shall not include:

- (1) More than one (1) commercial motor vehicle in any residence zone, the R-P zone or any B-1 zone;
- (2) More than six (6) commercial motor vehicles in any B-2 zone;
- (3) Loading, sales, dead storage, repair, or servicing of any kind, except when customarily incidental or accessory to a conforming principal building or use when located in an I-2, I-2b, I-3 zone and I-3b zone;
- (4) Except in the case of a car dealer, more than one (1) unregistered motor vehicle stored outside for a period in excess of thirty (30) days in any residence zone, the R-P zone or any business zone;
- (5) Notwithstanding (1) above, any truck body, commercial trailer or similar commercial vehicles in any residence zone or the R-P zone.

(Code 1968, § 602.14.E; Ord. No. 298-88, 5-31-88)

Sec. 14-336. Location in residence zones for six or fewer vehicles.

(a) Where off-street parking for six (6) or fewer vehicles is required or provided in any residence zone, it shall not be located closer than fifty (50) feet to any street line if less than

RE: 138 Dorothy St

received 10/1/98

SEPT. 27, 1998

DEAR MS. SCHMUCKAL,

July

I AM WRITING IN RESPONSE TO YOUR LETTER OF SEPT 21, 1998 AS WELL AS THE PHONE CONVERSATION I HAD WITH YOU AND THEN WITH MR. MARK ADELSON ON SEPT 25, 1998

IN YOUR LETTER YOU WROTE THAT "IT HAS COME TO THE ATTENTION OF OUR OFFICE THAT YOU ARE RUNNING AN ILLEGAL CAR SALES AND CAR REPAIR SERVICE FROM YOUR DWELLING AT 138 DOROTHY ST." IT ALSO STATES THAT YOUR CODE ENFORCEMENT OFFICER "NOTES THAT YOU HAVE 4 UNREGISTERED VEHICLES IN YOUR DRIVEWAY." IT IS NOT ALLOWABLE TO HAVE UNREGISTERED VEHICLES STORED ON YOUR PROPERTY."

IN RESPONSE TO YOUR ACCUSATIONS IT IS OBVIOUS THAT YOUR OFFICE HAS BEEN SADLY MISINFORMED SINCE I AM NOT RUNNING A CAR SALES AND/OR CAR REPAIR SERVICE (ILLEGAL OR OTHERWISE) FROM THIS OR ANY OTHER DWELLING. THIS IS EVIDENCED BY THE FACT THAT I HAVE NOT SOLD ANY VEHICLE AND I DON'T KNOW THE FIRST THING ABOUT AUTO MECHANICS. AS I TOLD YOU AND MR. ADELSON ON THE PHONE ALL THE VEHICLES THAT ARE OR HAVE BEEN IN THIS DRIVEWAY BELONG EITHER TO ME, A FRIEND, AND/OR A GUEST OR VISITOR. FURTHERMORE, I DO NOT WORK FOR OR HAVE ANY AFFILIATION WITH THE DMV OR ANY OTHER LAW ENFORCEMENT AGENCY SO I DON'T SEE THAT IT IS MY RESPONSIBILITY TO CHECK REGISTRATIONS OF THE CARS OF MY FRIENDS AND VISITORS OR ANYONE ELSE FOR THAT MATTER. THE ONLY VEHICLE IN MY YARD THAT IS UNREGISTERED THAT I AM RESPONSIBLE FOR IS MY PARENTS CAR WHICH I MORE OR LESS INHERITED UPON THEIR DEATHS. IN ANY EVENT THESE VEHICLES ARE NOT BEING STORED HERE, THEY ARE SIMPLY PARKED IN MY DRIVEWAY WHICH I CAN'T SEE AS BEING ANYONES BUSINESS BUT MY OWN!

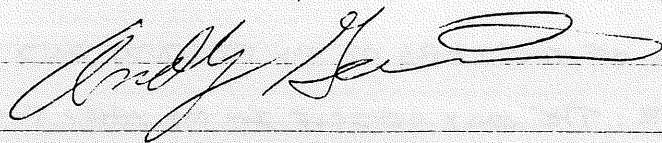
FINALLY IN RESPONSE TO THE PAGE OF ORDINANCES THAT YOU SENT TO ME WITH HIGHLIGHTED PORTIONS REGARDING OFF-STREET PARKING. I CAN'T SEE THAT ANY OF THIS APPLIES TO ME SINCE ACCORDING TO SEC. 14-335 (3) THERE IS NO "SALES, DEAD STORAGE, REPAIR OR SERVICING OF ANY KIND" HAPPENING HERE. AND ACCORDING TO SEC. 14-335 (4) I DO NOT HAVE "MORE THAN ONE (1) UNREGISTERED MOTOR VEHICLE STORED OUTSIDE FOR A PERIOD IN EXCESS OF THIRTY (30) DAYS". EVEN IF, BY A VERY LIBERAL DEFINITION OF THE WORD STORED, YOU CONSIDER MY PARENTS CAR BEING STORED, IT CAN NOT IN ANY WAY, SHAPE OR FORM BE CONSIDERED "MORE THAN ONE (1) UNREGISTERED MOTOR VEHICLE".

IN CONCLUSION, AS TO THE PORTION OF YOUR LETTER WHICH STATES THAT "THESE ILLEGAL USES MUST CEASE IMMEDIATELY, WITHIN 10 WORKING DAYS OF THE RECEIPT OF THIS LETTER." THIS APPEARS TO ME TO BE A MOOT AND QUITE ILLOGICAL POINT SINCE BY EVEN THE MOST BASIC AND ELEMENTARY RULES OF LOGIC HOW CAN I CEASE DOING SOMETHING THAT I HAVE NOT BEGUN TO DO?

PLEASE FEEL FREE TO CONTACT ME REGARDING THIS MATTER. I LOOK FORWARD TO RESOLVING IT AMICABLY.

PLEASE FORWARD A COPY OF THIS TO MR. KEVIN CARROLL, MR. MARK ADOLSON AND THE "FILE"

SINCERELY



ANDY GERMAINE
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