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

January 27, 2011

Cash C. Wiseman
c/o Keller Williams Realty
50 Sewall Street 2nd flr
Portland, ME 04102

RE: 1706 Forest Avenue – 309-G-003 thru 007 - R-3 Zone

Dear Mr. Wiseman,

I am in receipt of your request for a determination letter concerning the property located at 1706 Forest Avenue. This property is located entirely within an R-3 Residential Zone.

After a review of our microfiche and Assessor's records, I have determined that the legal use of the property is a retail store and one dwelling unit. The retail store (formerly "Papa's Place") is considered to be legally nonconforming in the R-3 zone.. Section 14-387 states: "If a nonconforming use of a building or premises is discontinued for a period of twelve (12) months, such discontinuance shall constitute an abandonment of the use and the building or premises shall not thereafter be occupied or used except in conformity with the provisions of this article." It is my understanding that the retail store has been closed since March, 2010. Therefore, the nonconforming rights of the retail store use will be extinguished in March 2011 if an active retail store use is not actively reestablished prior to that date. The property will then need to be brought into compliance with the Land Use Zoning Ordinance if the retail store loses its legal nonconforming status.

You have the right to appeal my decision concerning this matter. If you wish to exercise your right to appeal, you have 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.

Sincerely,

Marge Schmuckal
Zoning Administrator

Cc: Kathleen O'Malley, 122 Lynn Street, Portland, ME 04103
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