



Permitting and Inspections Department
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

January 25, 2017

Ryan Carey
Fire and Company, Wood-Fired Catering

Re: 1706 Forest Avenue – 309-G-003, 004, 005, 006 & 007 – R-3 Residential Zone – use of first floor

Ryan,

1706 Forest Avenue is located in the R-3 Residential Zone which allows for single family homes. The current use of the first floor as a restaurant is legally nonconforming. The building at 1706 Forest Avenue was built around 1923 with the use of the first floor as a store and the use of the second floor as a dwelling. The use of the first floor as retail continued until 2015 when the current owner applied for a permit (2015-00520) to change the first floor use from retail to restaurant. Based on a receipt received by our office, the restaurant, Taco Trio, closed on November 2, 2016. Under section 14-387, if a legal nonconforming use is discontinued for twelve months, the use is considered abandoned, and the use of the property going forward must be a use that is allowed in the current zone

In December 2016 you reached out to our office expressing the desire to lease the first floor space at 1706 Forest Avenue to operate your catering company, Fire and Company. You were told that a commercial kitchen to operate a catering company is not a permitted use in this zone, but if you operate a restaurant at this space then you can use the restaurant kitchen to prepare your food for your catering company as an accessory use to the restaurant.

Based on emails dated December 7, 2016, December 8, 2016 and December 9, 2017 you proposed to open a “small BBQ restaurant” that would serve lunch and dinner Monday through Friday. You stated that you could open the restaurant by June 1, 2017. You also explained that you had four events booked for the catering company from April 1, 2017 through May 27, 2017 and wanted to know if you could use the kitchen to prepare the food for these four events before the restaurant opened.

To operate the catering business Fire and Company at 1706 Forest Avenue, you must agree to the following:

1. A restaurant must be operating at this space by November 1, 2017. The permitted use of the property will remain a restaurant and the use of the kitchen to prepare food for the catering company is considered an ancillary use to the use of the kitchen for the restaurant.
2. Until a restaurant is operating at 1706 Forest Avenue, Fire and Company may not use the kitchen to prepare food for a catering event except for the following four events in 2017:

April 1 - New Gloucester Wedding
April 22 - Portland Wedding
May 12 - New Gloucester Wedding
May 27th - Falmouth Wedding

3. Our office must be notified when the restaurant is operating and only then can Fire and Company use the kitchen to prepare food for other catering events.

4. If any of these conditions are broken, it will be considered a violation of this agreement and our office will be refer this to the City's Corporation Counsel for enforcement action.

If you agree to these conditions please sign this letter and return it to me to be placed in the file for the property.

Sincerely,



Ann B. Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
207. 874.8709
amachado@portlandmaine.gov

_____ Ryan Carey, Fire and Company

_____ Date