



CITY OF SOUTH PORTLAND

THOMAS E. BLAKE  
Mayor

JAMES H. GAILEY  
City Manager

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City Clerk

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IN CITY COUNCIL

**AMENDED ORDER #126-15/16**

District One  
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District Two  
PATRICIA A. SMITH

District Three  
EBEN C. ROSE

District Four  
LINDA C. COHEN

District Five  
BRAD FOX

At Large  
MAXINE R. BEECHER

At Large  
THOMAS E. BLAKE

**WHEREAS**, the South Portland Code of Ordinances Sec. 23-35 provides that no curb cuts may be constructed from private property to any public way without a permit from the Director of Public Works; and

**WHEREAS**, Code of Ordinances Sec. 23-37(2)(b) prohibits a commercial driveway or curb cut within 200 feet from intersections; and

**WHEREAS**, Sebago Technics, on behalf of the Yaz Automotive Repair & Towing, has failed to demonstrate that this limitation would result in a hardship pertaining to the proposed improvements to the Yaz Automotive Repair & Towing property due to (a) Yaz Automotive Repair & Towing having a current ability to access its property through an abutting property; and (b) Yaz Automotive Repair & Towing having knowledge of the ordinance requirements at the time it purchased the property.

**NOW, THEREFORE**, pursuant to Code of Ordinances Sec. 23-39, and based upon Sebago Technics' failure to make a showing of hardship on behalf of the Yaz Automotive Repair & Towing, the City Council hereby orders that Sebago Technics, on behalf of the Yaz Automotive Repair & Towing company, be denied a permit to locate a curb cut on Wermuth Road in conjunction with proposed improvements to the Yaz Automotive Repair & Towing property.

Fiscal Note: Less than \$1,000

Dated: **May 2, 2016**