

**Ann Machado - 135 Congress St. - Permit #2013-02268 - Legalization of nonconforming dwelling unit.**

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**From:** Ann Machado  
**To:** William Simpson  
**Date:** 10/9/2013 3:03 PM  
**Subject:** 135 Congress St. - Permit #2013-02268 - Legalization of nonconforming dwelling unit.

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Bill -

I just left you a voice mail. I have reviewed the application to legalize the nonconforming dwelling unit, so the legal use becomes three dwelling units. The evidence provided by Tom Jewell shows that the three units existed before 1995 and that you did not put them in.

The floor plans that were provided with the permit are for the proposed renovations/alterations to the second and third floor under permit #2013-01923. They do not show the existing conditions. Part of the process to be able to legalize a nonconforming dwelling unit is that the building has to meet the Housing Code and the Life Safety Code. I don't know if the building in its present state can do that. It may depend on the work proposed for the second & third floor under permit #2013-01923 be completed and then the legalization could be approved.

Permit #2013-01923 is to change the use to three residential condos with renovations. As I have said before, this permit can't move forward as is because right now the property is only legally a two family. If you revise the permit to just do the work to renovate the building and not make it a change of use and connect it to the legalization permit, then the two could go forward together. The work could get done so the building can meet the Housing and Life Safety codes and then the legalization permit could be issued. Once this is complete and the certificate of occupancy is issued for the use to retail and three dwelling units, then you can apply to convert the three units to residential condos.

Please call me so we can discuss this. It might be better to actually meet and go over this.

Thanks.

Ann

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