



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

*Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

April 22, 2008

Judy George
233 Smith Road
Windham, ME 04062

RE: 52 Atlantic Street – 016 E008 – R-6 – illegal dwelling unit

Dear Ms. George.

This letter is a follow up to the conversation that we had at the counter on April 11, 2008 about the illegal use of your property at 52 Atlantic Street. As you know, when Suzanne Hunt inspected the property on April 11, 2008, she found that there were three dwelling units in the building, one on each floor.

In researching the legal use of the property, I found the legal use to be a two family dwelling. Permit #05-0336, issued on April 7, 2005 to demolish the barn to make room for an addition, listed the legal use of the property as a two-family dwelling under the conditions listed under zoning. Permit #05-0512, issued on June 1, 2005 to build the addition, stated that the permit was not an approval to add an additional dwelling unit.

You were the owner of the property in 2005 when these permits were applied for and issued. As the applicant, you accepted the conditions listed on the approval of the permits; the property is a legal two family dwelling, and a third unit cannot be added. Despite this, a third unit has been added. Section 14-139(b)(1) of the ordinance states that the minimum area per dwelling unit that is required in the R-6 residential zone is 1,000 square feet. Your lot has 2,554 square feet, so it does not have the minimum land area per dwelling unit to allow three dwelling units.

You need to bring the property back into compliance as a two-family dwelling. You have thirty days from the date of this letter to remove the third unit. An inspection will be scheduled at this time. If the unit has not been removed, we will turn the issue over to our corporation counsel, and they may begin legal proceedings to bring the property into compliance.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty 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 the office for the necessary paper work if you decide to appeal.

Please feel free to call me at 874-8709 if you have any questions.

Yours truly,

Ann B. Machado
Zoning Specialist
(207) 874-8709