November 14, 2018

**NOTICE OF VIOLATION AND ORDER TO CORRECT**

**Sent by Certified Mail #7014 1820 0001 4047 0706 and by Regular Mail**

James D. Kuhnert and Kirsten O. Morgensen

33 Fox St.

Portland, ME 04101

Re: 12 Montgomery Street, Portland, Maine – CBL 021 F012 – R-6 Residential Zone

Dear Mr. Kuhnert and Ms. Morgensen:

On June 9, 2017, the previous owner of the property at 12 Montgomery Street reported to the City that there were three dwelling units within the building. City records show that the legal use of the property is a two-family dwelling. The additional dwelling unit was constructed without the required permit, in violation of section 14-463 of the City’s Code (available online or at the City Clerk’s office), which requires that “no building or part thereof shall be constructed, altered, enlarged or moved unless a permit for such action has been issued by the building authority.”

To remedy this violation, within 30 days of the date of this letter, you must either 1) submit a change of use permit to the Permitting and Inspections Department; 2) obtain legalization of the dwelling unit under section 14-391 of the City Code, or 3) remove the illegal dwelling unit by removing the kitchen, including all equipment, countertops, and plumbing. If you choose to apply for a change of use or a legalization and that application is denied, you must remove the illegal unit within 30 days of the City’s initial decision.

If you do not take one of the actions described above within 30 days, the City will refer this matter to the City’s Corporation Counsel’s office for enforcement action. The City may be entitled to an order to correct the violations, civil penalties in the minimum of $100 per violation per day, costs and fees, and other relief, under section 1-15 of the City Code and 30-A M.R.S. § 4452.

If the kitchen in the third dwelling unit has already been removed, please contact me so that we can schedule an inspection to confirm that the violation has been resolved.

You have the right to appeal this Notice of Violation and Order to Correct pursuant to section 14-472 within thirty days from the date of this letter.  If you do not appeal, you may be barred from challenging my findings in the future. Please contact the Zoning Division for the necessary paperwork if you decide to file an appeal.

Please contact me with any questions. Thank you for your prompt attention to this matter.

Sincerely,

Christina Stacey

Zoning Specialist

(207) 874-8695

[cstacey@portlandmaine.gov](mailto:cstacey@portlandmaine.gov)