



# PORTLAND MAINE

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

January 23, 2007

30 day period up Feb 22

Deborah Gonyer  
204 High Street  
South Portland ME 04106

# COPY

RE: 198 Oxford Street – 026 C003 – R6 – illegal dwelling unit

Dear Ms. Gonyer,

It has come to our attention that you have an illegal dwelling unit at your property at 198 Oxford Street. An inspection of the property at 198 Oxford Street on January 23, 2007 by Jon Rioux a code enforcement officer, found that the building has at least three dwelling units. Our records show that the legal use for the property is two dwelling units. A building permit issued in May of 1965 identified the property as a two family, and there is no record of a permit being issued since then to change the building to a three unit. Since a permit was never issued the third dwelling unit is illegal and you have no legal rights to it.

Section 14-139(b)(1) of the ordinance states that the land area required in the R6 zone is one thousand (1000) square feet per dwelling unit. Your property has only 2880 square feet, so you are not able to apply for a change of use permit to add the third dwelling unit. Section 14-391 of the ordinance outlines a process where properties with existing illegal dwelling units may be recognized as a legal nonconforming use. Under this section the illegal unit must have existed as of April 1, 1995. I have enclosed a copy of the application for Legalization of Nonconforming Dwelling Units that explains what you need to do to apply. It also includes a copy of section 14-391 of the ordinance. If the zoning administration cannot approve the application based on the evidence submitted or if an owner of any property within 300' of the structure objects, then the applicant can file a Conditional Use Appeal to the Zoning Board of Appeals. If the application is denied, then you will be required to remove the illegal dwelling unit.

You have thirty days from the date of this letter to either file an application for the Legalization of Nonconforming Dwelling Units or remove the illegal unit. Please feel free to call me if you have any questions.

Sincerely,

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