

October 31, 2016

City of Portland
Permitting and Inspections Department

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OCT 31 2016

Dept of Building Inspections
City of Portland Maine

Dear Ann Machado,

I received a Notice of Violation and Order to Correct on October 21, 2016 for a property that I own at 47-49 Chapel Street Portland. This letter references the City of Portland Code of Ordinances section 14-463 and more specifically describes the violation as the placement and occupancy of structures on the property.

I am requesting that you retract the violation as it was issued in error based on the following:

- 1) The legal land use of the property at 47-49 Chapel Street is a parking lot. A parking lot is more specifically described as a place to park vehicles.
- 2) The 2 vehicles (which you refer to as "structures") that are currently parked at 47-49 Chapel Street are Park Model Recreational Vehicles. Parking 2 vehicles in a parking lot is in compliance with the legal use of this property.
- 3) Both vehicles have a title, vin #, and registration, which is sufficient evidence to show that they are vehicles.
- 4) Under Maine State Statute 10§1432, a recreational vehicle is defined as a vehicle that is primarily designed to provide **temporary living quarters** for recreational, camping or travel use.
- 5) The occupancy of these vehicles does not fall under the City of Portland Code of Ordinances, Chapter 14 Land Use, based on the fact that the living quarters are within a vehicle and not within a structure. Furthermore, vehicles are not subject to any building codes, including MUBEC and they are not required to hold a certificate of occupancy.
- 6) At this time, neither vehicle is occupied. However, the right to occupy these vehicles does not fall under the jurisdiction of the City of Portland Code of Ordinances and these vehicles may be occupied in the future as temporary living quarters.

It is my intention that this letter brings clarity to your request for compliance. I look forward to receiving a retraction letter from the Permitting and Inspections Division.

Regards,

A handwritten signature in black ink, appearing to read "Brent Adler", followed by a comma.

Brent Adler, Member

Federal Street Phoenix LLC
PO Box 15372
Portland, ME 04112

CC: Nathaniel R. Huckel-Bauer, Esq. Drummond & Drummond, LLP