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Electronically Transmitted

Ann Machado, Zoning Administrator

City of Portland

389 Congress Street

Portland, Maine 04101

Re: Parkside Properties, LLC, 471-473 Cumberland Avenue, Portland, 36-F-15 and 16

Dear Ann:

Please accept this letter together with the Application for Legalization of Nonconforming Dwelling Units for the above property. Payment in the amount of \$300.00 will follow (or should that be \$375, I am not clear whether the Certificate of Occupancy fee is supposed to be paid up front).

This property is currently approved for thirteen residential units per a Zoning Variance issued by the Zoning Board of Appeals on September 11, 1974. However, since at least 1989, this property has been utilized for fourteen residential dwelling units.

Although the Inspection reports cited below show fifteen units, my client states that only fourteen have been in operation since he has owned the property.

There were at least fourteen units as of April 1, 1995:

Pursuant to the Portland Land Use Ordinance, Sec. 14-391(c)(1), the first question to be addressed is the use of the property as of April 1, 1995.

An Inspection Report from November 16, 1989 shows 15 units then in existence.

A subsequent Inspection Report from August 9, 1996, also shows 15 dwelling units.

We submit that these records, show clear "objective" evidence that at least fourteen units existed at this premises as of April 1, 1995, which should allow the Zoning Administrator to grant the requested relief.

Ann Machado, Zoning Administrator
May 26, 2015

The Applicant did not create the illegal units:

As noted above, the record shows that at least fourteen units at this property have been in existence from since 1989. The current owner acquired the property in 2008 pursuant to deed recorded at the Cumberland County Registry of Deeds in Book 26035, Page 344. The Applicant would attest that the premises was in 2008, and has been continuously since, operated as fourteen separate rental units.


Conclusion:

Floor plans and a plot plan are also being submitted.

The Applicant has meet all of the requirements of Sec. 14-391, and the Zoning Administrator must grant the relief requested, unless objections are timely filed under the Ordinance, thus necessitating review by the Board of Appeals.

Thank you for your consideration of this matter.

Yours truly,


Thomas F. Jewell, Esq.

TFJ/t
Enclosures