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*Penny St. Louis Littell - Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

January 19, 2012

Robert Larkin
2 Cottage Road
South Portland, ME 04106

Re: 76 Portland Street – 036 I022 – B-2b – illegal dwelling units

Dear Mr. Larkin,

Our office has been dealing with the illegal use of your property since March 22, 2010. On August 23, 2010, you applied for a change of use permit to change the number of dwelling units in the building from five dwelling units to seven. This permit could not be issued because you did not apply for a Level I Minor Residential Site Plan with the Planning Division. On December 28, 2010, I received a letter dated December 17, 2010 stating that you were withdrawing your building permit application to change the use to seven dwelling units. Then, on February 8, 2011 I received a letter dated February 3, 2011 stating that you were going to apply for a change of use and submit a Level I Minor Residential Site Plan application to change the number of dwelling units to seven. We have still not received a change of use permit or a Level I Minor Residential Site Plan Application.

The legal use of the property at 76 Portland Street is one office, one personal service space and five dwelling units. The dwelling unit in the detached garage is not legal. You cannot put a dwelling unit in a detached garage because it is an accessory structure. It is also my understanding that there are six dwelling units within the principal building. The sixth unit is not legal.

You have thirty day from the date of this letter to bring the property into compliance. You either need to apply for a change of use permit and Level I Minor Residential Site Plan Application or you need to remove the illegal dwelling units. If you want to keep the dwelling unit in the garage, the permit needs to include how you are physically attaching the garage to the building.

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 our office for the necessary paper work if you decide to file an appeal

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

Yours truly,

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

Cc. file