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

July 16, 2010

Peter Gillis
2 Elmwood Road
Cape Elizabeth, ME 04107

Re: 51 High Street – 040 C001 – R-6 – illegal unit – permit #10-0824

Dear Mr. Gillis,

Your permit application (permit #10-0824) to repair and replace the rear porch gave the use of the building as twelve dwelling units. In doing the zoning review for your permit, I found that the legal use of the building at 51 High Street is eleven dwelling units. My research shows that the building was converted from ten to eleven residential units in 1970 (permit #580). The most recent permit we have in our files is from February of 2000 (permit #000111) which states the use as eleven dwelling units. Since the legal use is eleven dwelling units, you need to bring the property into compliance.

51 High Street is located in the R-6 residential zone. Section 14-139(b)(1) of the ordinance states that the minimum land area required per dwelling unit is one thousand square feet. The lot is 8890 square feet, so the ordinance would not allow you to apply to change the use to twelve dwelling units.

There is an application to legalize illegal dwelling units. Section 14-391 outlines the process and criteria for this application. I have enclosed the application and section 14-391. Please review them to see if you can meet the criteria.

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 this office for the necessary paperwork if you decide to file an appeal.

You have thirty days from the date of this letter to bring your property into compliance. You must either submit an Application for Legalization of Nonconforming Dwelling Units to try to legalize the twelfth unit or remove the illegal unit.

Please feel free to contact me at 874-8709 if you have any questions.

Yours truly,

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