



CITY OF PORTLAND

July 7, 2003

Tom Jewell
c/o Jewell & Boutin, P.A.
477 Congress Street – Suite 1104
Portland, ME 04101-3427

RE: 35 Tate Street (044-D-026) & 37 Tate Street (044-D-028) – R-6 Residential Zone

Dear Tom,

I have received your request for a written determination that the properties located at 35 & 37 Tate Street may be sold separately as lawfully nonconforming lots. Along with the initial deed information that you submitted, I have reviewed our microfiche showing the permit history on these buildings.

These two properties have been developed well before the current zoning ordinances. You have submitted separate deed descriptions with separate owners dating prior to 1957. As you know, June 5, 1957 is the basis of our current zoning ordinance. There is no mechanism within our current zoning ordinance that merges these developed, built upon properties. As long as they are deeded separately and the lots are not combined within a newly written deed that encompasses both properties into one, they may continue to be sold separately. They would be considered to be two legal, nonconforming lots.

It is important at this time to document the legal use of these two separate properties. Based upon floor plans submitted for a 1993 permit to allow a total of six (6) dwelling units within the entire building, the units are divided equally between both sides. 35 Tate Street is considered by this office to legally have three (3) family dwelling units. 37 Tate Street is considered by this office to legally have three (3) family dwelling units. Any change to the number of dwelling units to either building shall require a separate permit and approvals.

Very truly yours,

Marge Schmuckal, Zoning Administrator