



PORTLAND MAINE

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Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

April 8, 2013

Gary Wagner
31 Brackett Street
Portland, ME 04102

RE: 31 Brackett Street – 044 E006 – R-6 Residential Zone – Permit #2013-00561 –
illegal dwelling unit

Dear Mr. Wagner,

This letter is a follow up to our telephone conversation. In reviewing your permit application (2013-00561) for zoning compliance I have to check our records to see what the legal use of the property is. The only permit (#940768) in our files listed the use of the property as one family. Since this is the only building permit we have for the property, the legal use is a single family dwelling. Unless you can provide us with competent evidence to show that there have always been two dwellings in the building, the second dwelling unit in the building is not legal, and you need to bring the use of your property into compliance.

If you cannot provide evidence to show that the building has had two dwelling units, you have two choices to bring the property into compliance. You can either remove the kitchen of the second unit to make the building a single family, or you can apply for a building permit to change the use of the property to a two family. One type of permit is a change of use permit to change the use from a single family to a two family. The other type of permit is the Legalization of a Nonconforming Dwelling Unit. With this permit, part of the criteria is to provide evidence that the second unit existed as of April 1, 1995 and that the current owner did not put it in. Both of these permit applications can be found on the city website, www.portlandmaine.gov, on the Inspections Division homepage.

You have thirty days to bring the property into compliance by providing competent evidence, removing the second kitchen or applying for a permit. Please feel free to call me at 874-8709 if you have any questions.

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 paper work if you decide to file an appeal.

Yours truly,

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