



Permitting and Inspections Department
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

October 25, 2016

NOTICE OF VIOLATION AND ORDER TO CORRECT

39 Deering Street, LLC
PO Box 11194
Portland, ME 04101

Re: 39 Deering Street – 047-B-020 – the “Property” - R-6 Residential Zone – Illegal Use of Building

Dear Mr. Cabot:

The plans attached to building permit application, #2016-02129, show that Unit #1 at the above referenced property is an illegal office. According to the most recent building permit on file, permit #960816, the current approved use of the Property is a four family dwelling with a home occupation in the main unit. A home occupation is an accessory use within a dwelling unit, and cannot be a stand-alone use in a separate unit. Our records do not show any approved change of use permit or certificate of occupancy to allow Unit #1 to be used as an office separate from a home occupation, and is therefore, not allowed pursuant to the City of Portland Code of Ordinances Sec. 14-463.

There are a few ways to bring the property into compliance:

1. To keep Unit #1 as a separate office, please obtain a conditional use permit from the Zoning Board of Appeals to change the use to a professional office. You must meet the requirements of Sections 14-137(c)(2) and 14-474 of the Code.
2. To convert Unit #1 into a separate dwelling unit, please obtain a Change of Use permit to change the front part of the first floor into a separate dwelling unit for a total of five dwelling units. You must meet all of the zoning criteria listed in sections 14-139 and 14-140.
3. To combine Unit #1 with the residential unit on the first floor into one residential dwelling unit, as previously approved, please submit revised floor plans for the current building permit application showing it as one unit.

Please submit the appropriate documentation to bring the property into compliance within 30 days of the date of this letter.

If you do not comply within 30 days of the date of this letter, the City will refer this matter to the City's Corporation Counsel's office for enforcement action. The City may be entitled to an order to correct the violations, civil penalties in the minimum of \$100 per violation per day, costs and fees, and other relief under Section 1-15 of the City's Code of Ordinances and 30-A M.R.S. § 4452.

You have the right to appeal this Notice of Violation and Order to Correct pursuant to section 14-472 within thirty days from the date of this letter. If you do not appeal, then you may be barred from challenging my findings in the future. Please contact the Zoning Division for the necessary paperwork if you decide to file an appeal.

Please contact me with any questions. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Machado', with a long horizontal flourish extending to the right.

Ana B. Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
207. 874.8709
amachado@portlandmaine.gov