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*Lee Urban- Director of Planning and Development
Marge Schumackal, Zoning Administrator*

January 22, 2007

Carolyn S. Donovan
140 Oakhurst Road
Cape Elizabeth, ME 04107

RE: 236 State Street – 047-B-025 – R-6 Zone with a Historic Overlay Zone

Dear Carolyn S. Donovan,

I am in receipt of your request to determine the legal number of dwelling units for your property located at 236 State Street. I have reviewed the records in Inspection Services and from the Assessor's offices.

Our microfiche shows a permit dated November, 1959 that classifies this building as a single family dwelling. The Assessor's pre-1957 cards also show this building to be a single family dwelling.

Apparently, there were some changes to the property in after that date that changed the use of the property without the benefit of the appropriate required permits for a change of use. However, in October of 1990, a permit to allow new partitions for a "2nd floor apartment" was approved and issued by the Inspection's Office. This permit does not imply or approve a third unit. There are no other applications or approvals for this property to approve a third dwelling unit.

I have determined that the legal use of this property is two residential dwelling units.

It is my understanding that there may be a third unapproved, illegal dwelling unit within this building. If there is an illegal third dwelling unit in the building, it will be necessary to either remove it or to legalize it at this time.

There are two possibilities for legalizing an existing nonconforming dwelling unit. The first is to apply for a permit under the existing R-6 zoning regulations. If you can not meet the current R-6 zoning requirements, the second manner of approval would be to apply for a permit under the requirements of 14-391, legalization of nonconforming dwelling units. I have included a copy of a permit application for the legalization of nonconforming dwelling units with this letter.

There will be a follow-up in 30 days to confirm action concerning the illegal residential dwelling unit.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator