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RESURGAM CITY OF PORTLAND, MAINE
Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 11/24/15

October 21, 2015

Electronically Transmitted
Ann Machado, Zoning Administrator
City of Portland
389 Congress Street
Portland, Maine 04101

Re: Intown Property Holdings, LLC, 131-133 Sherman Street, Portland, 48-C-18

Dear Ann:

Please accept this letter together with the Application for Legalization of Nonconforming Dwelling Units for the above property. Payment in the amount of $300.00 will follow.

This property is currently approved for five residential units per your recent determination that only five units were allowed at the property. I understand that one of the dwelling units was discontinued when the community police station was located in the property, and apparently that interrupted the grandfathered six-unit status that the property had previously enjoyed.

This building was originally designed for 6 Units:

This is the first time I have used the second part of Portland Land Use Ordinance, Sec. 14-391(c)(1), which allows units to be legalized if "the structure in which they are located was originally designed to accommodate more than the number of such units presently in use."

I am attaching the building permit dated October 23, 1916. While it may be a little hard to read, it did come from Inspection Services records. On the permit, on the line that asks, "If a dwelling or tenement house, for how many families?" and the answer was: "six."

The Applicant did not create the illegal units:

I am not sure whether this provision should be applicable to an application based upon the original design of the building, but I would note that the current owner acquired the property in 2007 pursuant to deed recorded at the Cumberland County Registry of Deeds in Book 25553, Page 120, which is attached. The Applicant would attest that the premises was in 2007, and has been continuously since, operated as six separate rental units.

Ann Machado, Zoning Administrator
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Conclusion:

Floor plans and a plot plan are also being submitted.

The Applicant has meet all of the requirements of Sec. 14-391, and the Z Administrator must grant the relief requested, unless objections are timely filed under the Ordinance, thus necessitating review by the Board of Appeals.

Thank you for your consideration of this matter.

Yours truly,

Thomas F. Jewell, Esq.

TFJ/t
Enclosures