



Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Urban Development
Joseph E. Gray, Jr.
Director

48-D-19

CITY OF PORTLAND

RE: 65 Sherman Street - 48-D-19, R-6 zones
HCR Properties, LLC

April 10, 1998

To whom it may concern:

I have been asked to review the zoning compliance for the above property. This property is identified by the City of Portland Assessor as Map 48-D-19 with lot size of 4,750 square feet.

The property is located in the R-6 Residential Zone. Multi-family dwellings are permitted pursuant to the City of Portland Land Use Ordinance §14-136(1)(b). The current density requirements require 1000 square feet of land area per dwelling unit within an existing building. As such, the current ordinance would allow 4 units at the premises if the present use was not "grandfathered".

Records at the City of Portland indicate that this building with 17 apartments pre-existed the current ordinance and therefore are legally nonconforming pursuant to the Portland Land Use Ordinance §14-381 which allows uses existing as of June 5, 1957 to continue.

As such, the building complies with the zoning ordinance, including, but not limited to, all regulations regarding setbacks, density, parking and height. The current use is permitted without the necessity of rezoning, special exception, use permit or variance. I am not aware of any other permit or license which must be obtained to continue to operate the property as a 17 unit apartment building.

As a non-conforming use, the Ordinance allows for the continuation of the use unless there is a discontinuance of use of more than one year, pursuant to §14-387. In the event that the building is damaged to the extent that the cost of repairs exceeds two thirds of the market value of the property immediately proceeding that damage, reconstruction is allowed pursuant to §14-385 for buildings that are nonconforming only as to density and setbacks (such as this building) so long as reconstruction occurs within the existing footprint and occurs within one year.

An opinion was issued by me on July 2, 1997 confirming the nonconforming status of the 17 units, a copy of which is attached hereto as Exhibit A.

The premises are not in an historic district.

No applications for rezoning of the property, or for a special or conditional use permit or variance in connection with the property is now pending.

Marge Schmuckal, Zoning Administrator

048-D-019

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

RE: 65 Sherman Street

July 2, 1997

This notice is for the files of 65 Sherman Street. Our office has re-evaluated both our microfiche and the assessors records in order to determine the allowable use at this time. The pre-1957 assessor's records do show that 17 units existed at that time. There were no official permits to change from 17 to 16 units. At this point it is uncertain why 2 permits were taken out for only 16 units. It is my determination that 17 units have existed since 1957 and can be continued at this time. There should be no increases to the number of units on this property without the review and approvals of this office in the future.

Marge Schmuckal, Zoning Administrator/ Asst. Chief of Insp. Services