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

December 20, 2007

First Horizon Home Loans
4000 Horizon Way
Irving, TX 75063

RE: 166 Grant Street – 053 C042 – R-6 – illegal condominiums

To Whom It May Concern,

It has come to our attention that the property at 166 Grant Street in Portland has been converted to three residential condominiums and you are the owner of Unit A as of October of 2007. I am writing you this letter to inform you that the current legal use of the property at 166 Grant Street is a single-family dwelling. The application (permit #05-0844) to convert the property from a single family dwelling to a three family dwelling in June of 2005 was never approved, so the permit was never issued. The more recent application (Permit # 06-1101) to convert the property from three dwelling units to three residential condominiums was denied on September 7, 2007. Since the permit was denied, there have been no certificates of occupancy issued for residential condominium units. The legal use of the property remains as a single-family dwelling unit.

On June 20, 2005, Back Bay Properties, LLC applied to change the use of the property at 166 Grant Street from a single family home to a three-unit residence. The permit (#05-0844) was approved by the zoning administrator and the fire department, but the building department never approved it because the plan reviewer needed to meet with the owner to go over the project. According to the record, this meeting never happened and the application sat on hold from March 10, 2006 until December 7, 2007. Since the permit was never issued, the change of use to three residential units never happened, and the permit has expired because it sat inactive for more than 180 days. (Section 105.3.2 of IBC code)

On July 25, 2006, Back Bay Properties, LLC applied for a permit to convert the three residential units to three residential condominiums. The permit (#06-1101) was put on hold by zoning because the use as three dwelling units had never been established, so there were not three legal dwelling units to be converted to three residential condominiums. The permit was then denied on September 7, 2006 because the check to pay for the conversion was returned for insufficient funds. The legal use of the property at 166 Grant Street remains as a single-family unit.

Since Unit A is not a legal residential condominium, you need to bring your property into compliance. The proper permits need to be applied for by the condominium association to change the use of the property from a single-family dwelling unit to three residential condominiums and to meet all applicable codes. I have also notified Stephen Sanderson of Back Bay Properties, LLC as the owner of the other two units in the building of the need to legalize the use of the property. You have thirty days from the date of this letter to apply for the permits to legalize the three residential condominiums. If we do not receive an application within thirty days, we will turn this matter over to our Corporation Counsel to begin legal proceedings.

Please contact our office for the necessary permits. You may contact me at 874-8709 if you have any questions.

Yours truly,

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