



# PORTLAND MAINE

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

December 20, 2007

Back Bay Properties, LLC  
Stephen Sanderson  
878 North Road  
North Yarmouth, ME 04096

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

Dear Mr. Sanderson,

It has come to our attention that the property at 166 Grant Street in Portland has been converted to three residential condominiums and that Unit A is presently owned by First Horizon Home Loans and Units B and C are held by your LLC, Back Bay Properties. 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 you applied to change the use of the property at 166 Grant Street from a single family home to a three-unit residence. The permit was approved by the zoning administrator and the fire department, but the building department never approved it because the plan reviewer had questions and needed to go over the project with you. 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 the IBC code)

On July 25, 2006, you applied for a permit to convert the three residential units to three residential condominiums. The permit 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 issued 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.

Before you applied to convert the three dwelling units to residential condominiums, you sold Unit A to Melinda Sanderson. The deed was recorded on February 2, 2006. You made this sale without establishing the use as a residential condominium and without a certificate of occupancy for Unit A. The current owner is unit First Horizon Home Loans who purchased the property at public auction on September 19, 2007.

Since Units B and C are not legal residential condominiums, 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 First Horizon Home Loans as the owner of the other unit 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