

File

Zoning Division
Marge Schmuckal
Zoning Administrator



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

CITY OF PORTLAND

Re: 25 Crescent St
53 & 5

January 23, 2001

TO: Gary Wood, Corporation Counsel
FROM: Marge Schmuckal, Zoning Administrator
SUBJECT: Gordon Simonds letter dated 1/21/2001

Gary,

I am responding to your request for more information to help draft an agreement regarding the Gordon Simons properties.

I would first like to address item #3 from Mr. Simonds letter. The R-6 zone allows a lodging house as an allowable use. The minimum lot size for a lodging house is **4,500 sq. ft.** The minimum land area per lodging house rooming unit is **250 sq. ft.** The minimum rooming unit area (rooms themselves) for lodging rooms: **200 sq. ft. of combined rooming unit and common area for each rooming unit.** The individual room shall be a minimum of **80 sq. ft.** Parking requirements for lodging houses: **1 parking space for each five (5) rooming units** Any housing codes and building codes shall also be met.

Based on the lot size only, there are two properties that have the correct lot size to allow a change of use to a lodging house: 37 Crescent Street which has 6,456 sq. ft. and 33 Crescent Street which has 4,532 sq. ft. These two properties meet the first test of minimum lot size. They would also meet the test of land area required per rooming unit. I can not determine at this point as to compliance with minimum room size or as to minimum parking requirements. I would suggest that Mr. Simonds begin the change of use permit process on these two properties immediately.

Item #2, 25 Crescent Street: I am requesting the inspector Jon Reed to respond to this item (I gave him a copy of your request). It seems to me that if there is only a difference of one rooming unit between what is allowed and what is there, this property could be quickly legalized by reducing one of the rooming units. We would require a permit so that we could document how that extra unit is being absorbed by the rest of the units. This could be done immediately.

The remaining properties with illegal uses, 15 Crescent St., 48 Bramhall St., and 52 Bramhall St. come down to our basic, core disagreements with Mr. Simonds. It all comes down to what is a dwelling unit and what is a rooming unit. I believe that the ordinance does state some specific differences. Mr. Simonds is going to have to give notice to quite a few tenants in order to bring these buildings into compliance. We should work with Social Services on this part so that the tenants involved are not just thrown on the street. From what I understand from the inspector, there are not many structural changes needed, if any, to the building in order to bring them into compliance. It is more the method of Mr. Simonds approach to renting out "units". He personally puts rental ads in the paper for specific rooms (usually a bedroom and a delineated bathroom) and allows access to a shared kitchen. He also permits exterior door locks on these rental rooms. The original apartments could easily be rented out in the traditional and legal manner. So our time line would probably be longer on these buildings more to protect tenants than any time to physically change the building to bring it into compliance. I also do not know if there are any leases involved and what aspect our order has on those. Mr. Simonds has had 60 days of specific notice to give to any tenants and to the best of my knowledge, has done nothing in the way of changes to the building, nor any notification to the tenants.

Certainly any changes would need permits and plans. I want to thoroughly document what we all agreed on so that in the future, there are no unwanted changes.

I hope this helps you with you agreement task. If you need more from me, just let me know.

Cc: Penny Littell, Corporation Counsel
Mark Adelson, Neighborhood & Housing Services
Mike Nugent, Neighborhood & Housing Services
Jonathan Reed, Code Enforcement Officer
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CITY OF PORTLAND

Gordon D. Simonds, Trustee
104 West Street
Portland, ME 04102

November 14, 2000

RE: 25 Crescent St., 053-E-005, R-6 requirements

Dear Gordon,

Please note that a recent inspection of your property at 25 Crescent Street showed that there are 9 dwelling units established. Our files show that only eight (8) dwelling units are legal. There has been a change of use without the benefit of proper permits or approvals as required under section 14-463.

It will be necessary to bring your building into compliance with the requirements of the Portland Zoning Ordinance. You have 30 days from the date of this letter in which to bring this building into compliance. You have several options. First, you may remove the illegal unit, and show us plans through a permit application, indicating how the illegal unit is incorporated into the rest of the building. We shall require detailed floor plans with dimensions, egresses indicated, and specific room layouts.

Secondly, you have the right to appeal to the Zoning Board of Appeals to request a variance to allow the ninth unit. The R-6 zone requires 1,000 sq. ft of land area per dwelling units (section 14-139). Presently this land consists of 3,013 sq. ft. of land area. Please note that variance appeals are very difficult to have granted from the Zoning Board of Appeals. You have 30 days from the date of this letter in which to appeal. Please contact this office immediately for required paperwork concerning appeals if you wish to exercise your right to appeal.

Very Truly Yours,

Marge Schmuckal
Zoning Administrator

CC: Mark Adelson, Neighborhood and Housing Services
Mike Nugent, Neighborhood and Housing Services
Jon Reed, Code Enforcement Officer
Corporation Counsel
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