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

March 12, 2008

Geoffrey Rice
658 Congress Street
Portland, ME 04101

RE: 235 Brackett Street – 055 C014 – R-6 – illegal dwelling units – permit #07-1055

Dear Mr. Rice,

It has come to the attention of our office that you have three illegal dwelling units at your property at 235 Brackett Street. On August 28, 2007 a permit was applied for (#07-1055) to install a fire alarm system in the building. In checking the legal use of the property, I found that only seven of the ten dwelling units were legal. The most recent information I found were two letters addressed to you from Warren Turner, the Zoning Enforcement Inspector at the time. The first letter was dated October 17, 1988. It said that the property had ten units but that only seven were authorized. It went on to ask you how you were going to bring the building into compliance. The second letter was dated November 4, 1988. This letter referenced a letter that you had sent October 25, 1988 that stated that you were having a floor plan prepared to give to our office for a change of use. Mr. Turner went on to say that “we shall look forward to the receipt of your application for a change of use ...”. There is no record that this application was ever submitted, so the legal use of the property remains as seven dwelling units and therefore three units are illegal. I spoke to Dan Leo at Rice Management on August 30, 2007 informing him of the illegal dwelling units, and he said that he would get back to me. I have heard nothing from Mr. Leo since then.

235 Brackett Street is located in the R-6 residential zone. Section 14-136(a)(2) allows for multifamily dwellings as long as you can meet the criteria that is outlined in the section. Section 14-139(b)(1) of the ordinance states that the minimum area per dwelling unit that is required is one thousand square feet per dwelling unit. Your lot is 10,196 square feet, so you appear to have the land area for ten dwelling units. Section 14-140(a) requires that you have off street parking according to Division 20 of the ordinance. Section 14-332(a)(1) states that you need one parking space for each dwelling unit.

You have thirty days to bring the property into compliance. It appears that you may be able to apply for a change of use permit to legalize the three illegal units and bring the property into compliance as a ten family dwelling. If we do not receive a change of use application within thirty days from the date of this letter, we will turn the matter over to

our Corporation Counsel, and they may begin legal proceedings to bring the property into compliance.

Please feel free to call me at 874-8709 if you have any questions. I have enclosed copies of the two letters from Mr. Turner.

Yours truly,

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