



# PORTLAND MAINE

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*Penny St. Louis Littell - Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

August 7, 2009

Tom Watson  
90 Pine Street Apartments, LLC  
c/o Port Property Management  
104 Grant Street  
Portland, ME 04101

Re: 90 Pine Street – 056-A-003 – R-6 – illegal dwelling unit

Dear Mr. Watson,

This letter is just a follow up to the conversation that we had on August 6, 2009.

The application (#09-0784) to replace the entry deck at 90 Pine Street listed the existing use of the building as a four family. In doing my research of the property as part of my zoning review, I found that the legal use of the property is a three family.

90 Pine Street is located in the R-6 residential zone. Section 14-139(b)(1) states that the minimum required area per dwelling unit is 1,000 square feet for the first three units and 1,200 square feet for each unit after the first three. The lot is 2589 square feet, so a fourth unit cannot be added.

Section 14-391 of the ordinance outlines a process where properties with existing illegal dwelling units may be recognized as a legal nonconforming use. If the zoning administration cannot approve the application based on the evidence submitted or if an owner of any property within 300' of the structure objects, then the applicant can file a Conditional Use Appeal to the Zoning Board of Appeals. If the application is denied, then you will be required to remove the illegal dwelling unit.

It is my understanding that you plan to submit an application for Legalization of Nonconforming Dwelling Units. You have thirty days from the date of this letter to submit the application. If we have not received this application within the thirty days, then the illegal unit will have to be removed.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to appeal. If you should fail to

do so, my decision is binding and not subject to appeal. Please contact our office for the necessary paperwork if you decide to appeal.

Please call me at 874-8709 if you have any questions.

Yours truly,

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

Cc. file