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*Greg Mitchell – Acting Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

January 19, 2012

Nancy Litrocapes
33 Payson Street, #1
Portland, ME 04103

Re: 31-33 Payson Street – 066A C007 – R-5 – illegal dwelling unit

Dear Ms. Litrocapes,

This letter is a follow up to the conversations that we have had on the telephone. As you know, our records indicate that the legal use of the property at 31-33 Payson Street is two dwelling units. It is my understanding that there is a third dwelling unit in the building that is not legal.

31-33 Payson Street is located in the R-5 Residential Zone. Multi-family dwellings are allowed in this zone, but for three or more dwelling units 6,000 square feet of land area is required for each dwelling.[section 14-117(a)(2)(a)]. The lot is 5,000 square feet, so you do not meet this requirement.

Section 14-391 of the ordinance outlines a process where properties with existing illegal dwelling units may be recognized as a legal nonconforming use. I have enclosed a copy of the application for Legalization of Nonconforming Dwelling Units that explains what you need to do to apply. It also includes a copy of section 14-391 of the ordinance. 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. You have thirty days to submit an application for Legalization of Nonconforming Dwelling Units or remove the illegal unit by removing the kitchen including all the kitchen equipment.

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 paper work if you decide to file an appeal.

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

Yours truly,

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