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Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

April 5, 2013

Ayesha Baye
45 Burnham Street
Portland, ME 04102

RE: 45 Burnham Street – 067 C012- R-6 – illegal lodging house

Dear Mr. Baye,

Code Enforcement Officer, Chuck Fagone inspected your property on February 15, 2013 and found that you were using your property as a lodging house renting out six rooms. Our records show that the legal use of your property is a single family home. Mr. Fagone talked to you about coming into the Building Inspections office to talk to Zoning about changing the legal use of your property to a lodging house, so that the use of your property would be in compliance. He followed up with you on March 28, 2013 with a telephone call once again urging you to come in to apply for a change of use to turn your property into a lodging house. This letter is a follow up to the inspection and phone call.

Your property is located in the R-6 Residential Zone. Section 14-136(b)(1) lists a lodging house as a permitted use. Section 14-47 defines a lodging house as “A house, building or portion thereof containing two (2) or more rooming units and providing such units, with or without meals, to individuals on not less than a weekly or monthly basis for compensation. A lodging house shall contain common areas for use by all residents, including a kitchen”. The ordinance also lists other criteria that you must meet in order to have a lodging house.

1. Minimum lot size for a lodging house is 4,500 square feet - section 14-139(1)(j)
2. Minimum rooming unit area for lodging house is 200 square feet of combined rooming unit and common area for each rooming unit. Each individual rooming unit must be a minimum of 80 square feet – section 14-139(2)(b)
3. Minimum land area per rooming unit is 250 square feet – section 14-139(2)(c)
4. Required off-street parking is one parking space for each 5 rooming units, so for 6 rooming units you will need two parking spaces and you will need one space for yourself as the owner.

You have thirty days to bring the use of your property into compliance. You must either stop renting individual rooms to the public and return the use of the property to a single family home or you can apply for a change of use permit to change the use to a lodging house.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty (30) 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 this office for the necessary paperwork that is required to file an appeal.

If you decide to apply for the change of use permit, you are welcome to come in and meet with me to make sure that you are meeting all the conditions. You should also talk to the fire department (874-8405) to see what requirements they may have for a lodging house and a building inspector/plan reviewer (874-8703) to check what the building code requirements are for a lodging house. I have enclosed the change of use permit highlighting what you need to provide on the check list. You will also need to show how you are meeting the four conditions that are listed above. You will need to submit your application electronically because our office is no longer accepting paper permit submittals. I have enclosed a couple of handouts that explain the electronic submittal process.

Please feel free to contact me if you have any questions.

Yours truly,

Ann B. Machado
Zoning Specialist

Cc. Chuck Fagone
file