

**Department of Permitting and Inspections**

Ann Machado, Zoning Administrator

June 21, 2016

Kenneth A. Curlew &
Sherrie M. Curlew
158 St. John Street
Portland, ME 04102

Certified Mail 7010 3090 0002 3273 8085

Re: 156-158 St. John Street – CBL 068 D006 – I-Mb Industrial Zone – Unpermitted use

Notice of Violation

Dear Mr. and Ms. Curlew:

This office has recently received reports that there are unauthorized residential dwelling units located at 156-158 St. John Street (the "Property."). A review of the City's records reveals that the current legal use of the Property is a retail space on the first floor and one dwelling unit on the second floor. Following a recent visit from one of the City's Fire Inspectors and an investigation, the City has confirmed that there are presently three residential dwelling units on the Property.

As you know, the Property is located in the I-Mb Industrial Zone. In that zone, residential uses are expressly prohibited. *See* City Code of Ordinances at Section 14-249. Notwithstanding that dwelling units are not permitted in the zone, the City's records reflect that the presence of a **single** dwelling unit was approved under a Certificate of Occupancy issued in 1975. Accordingly, the single dwelling unit is considered a "grandfathered," nonconforming use and is therefore permissible.

Notwithstanding the single unit's nonconforming status, any additional units are expressly forbidden. The City's records reveal that you are aware of that prohibition. According to our files, a similar violation was discovered in 2011 when two nonconforming dwelling units were discovered. Although Ms. Curlew applied at that time to legalize the dwellings, that application was denied. A copy of the denial is attached hereto. After the kitchens in the two unlawful dwellings were removed, the City documented that fact and closed its enforcement of that land use violation. A review of the City's records does not reveal any approval of two additional dwelling units nor has there been any change to the City's zoning that would now permit these additional dwellings.

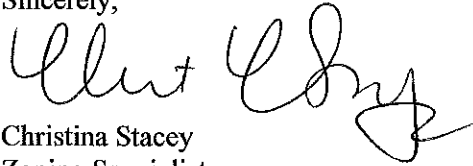
Therefore, please be advised that this letter shall serve as notice of your violation of the City of Portland Land Use Code. It is essential that you remove the unauthorized units and bring the Property into compliance with the City's Code within 30 days of the date of this letter. Given your prior notice that additional dwelling units are not permitted and your apparent disregard of applicable law, the City intends to pursue this matter aggressively. This matter has been referred to the City's Corporation

Counsel for enforcement action. **Be advised that, under Section 1-15 of the City's Code of Ordinances and 30-A M.R.S. § 4452, violations of Portland's Code of Ordinances are subject to substantial civil penalties and an obligation to correct or abate the violations. Each day that a violation continues constitutes a separate violation.**

This letter constitutes a decision from which you may appeal pursuant to §14-472 (b)(1) of the Portland City Code and Rule 80B of the Maine Rules of Civil Procedure.

If you have any questions or concerns please feel free to contact me at (207) 874-8695.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christina Stacey', written in a cursive style.

Christina Stacey
Zoning Specialist
Permitting and Inspections Department
City of Portland, Maine
207.874.8695
cstacey@portlandmaine.gov



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

March 17, 2011

Sherrie Curlew
7 Summerfield Lane
Scarborough, ME 04074

Re: 158 St. John Street – 068 0006 – I-Mb – application to legalize two nonconforming dwelling units – permit #2011-03-585

Dear Ms. Curlew,

I am in receipt of your application (#2011-03-585) to legalize two nonconforming dwelling units at your property at 158 St. John Street. At this point, I must deny your permit application.

Section 14-391 of the ordinance allows you to legalize nonconforming dwelling units if you meet certain criteria. Section 14-391(c) lists the eligibility requirements to legalize nonconforming dwelling units. The fifth eligibility requirement states that “the structure containing the nonconforming dwelling units is located in the R-3, R-4, R-5, R-6, or R-7 Zones; or the B-1, B-1(b), B-2, B-2(b) or B-3 Zones”. Your property is located in the I-Mb zone, so it does not meet the eligibility requirement to legalize the nonconforming units.

Since your permit is denied, you are entitled to get some of your money back if you bring in the original receipt you got when you applied for the permit.

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

Yours truly,

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