

Submitted 7/23/16 by Ken Thomas.

Good evening. Thank you for hearing my appeal. My Name is Ken Thomas, and I live at 481 Danforth St., in Portland. I'd like to speak just for a moment about some of the facts concerning this matter. Mr. Bulger will make his legal argument with regard to the Enforcement Action.

In May of 2013, my partner and I began renovation on the building at 481 Danforth St.. After it was purchased, we soon realized that it was more of a rescue of a horrendously maintained building than a simple renovation. The building's condition was abysmal, and the project went on at tremendous cost for over two years.

We worked to legalize a third unit in the building, and this was done at tremendous cost and the legalization was not completed until all units were brought fully up to code.

In May of 2013, I established residency in the first floor unit, the largest in the building. I lived there throughout the renovation and it is my home. I intend for it to remain my home indefinitely.

Throughout the permitting process, the renovation, and the many inspections, not one person involved in the process including Carol Morrisette my architect, many zoning people, my attorney, or folks at the many city council meetings I attended expressed an opinion about the legality of short term rentals or Airbnb. The R4 zone itself doesn't even use the term "short-term rental."

After the rentals were finally completed, we marketed the units on Zillow and Craigslist for long-term tenants, but struggled to bring in renters at a price that would justify the cost of the project.

Struggling financially, and in search of a solution, we became aware that Airbnb was commonly used in the city.

At some point, I checked the Ordinance and the permitting processes and discovered there is no permit process for the use. My attorney reported that there is no case law interpreting the Ordinance relative to the use of short-term rentals in the residential zone.

We concluded from these facts that short-term-rentals are legal in the residential zones of Portland. Candidly, I have used Airbnb to maximize occupancy and rental rates of return.

When I learned of the enforcement letter, I contacted Paul Bulger at Jewel and Bulger who spoke with the zoning administrator who stated that enforcement was being done only when complaints had been lodged against a property. Mr. Bulger also spoke to Tyler Norod who stated that he found the property listed as a short term rental opportunity by David Marsden of the Bean Group. I did not list the property, and when I discovered the property was being listed, I objected. My partner, Alex Feddersen listed the property without my consent, and without my input. I have contested both his ownership and his marketing of 481 Danforth Street. My demand that the property be de-listed, initially met with resistance, was eventually heeded. The Appeal followed.

According to the zoning map, the property rests partially between two zones: R4 and B2B Commercial. I have applied for a zone change, also. The Planning Committee has scheduled a workshop for August.

Thank you for your time.

Ken Thomas