

Marge Schmuckal, Zoning Administrator  
City of Portland  
389 Congress St., Portland, ME 04101

August 1, 2013

RE: 481 Danforth St., Application for Legalization of Nonconforming Dwelling Units.

Dear Marge:

Enclosed please find an application for legalization of a third dwelling unit at 481 Danforth St. I purchased this property in May, 2013 as a three-unit building. The building physically has three separate units, each with a separate kitchen and separate ingress and egress. My research and the enclosed documents show that at least as early as 1965, the property was assessed as a three unit and permits for electrical work show the building as containing three apartments. The three units that were in place in 1965 are the same three units that are there today. Between 1965 and today there were periods of time when all three units were not occupied. However, all three units remained in the building and were available for occupancy if the owner so desired.

It appears that the confusion as to whether it is a two-unit or three-unit building was caused by a mistake on a building permit application in 1999. At that time the building was owned by Stephanie Metcalf. Ms. Metcalf applied for a permit for a deck. When asked how many units were in the building, Ms. Metcalf answered "2" because only 2 of the 3 units were occupied at the time. The third unit still existed, but was not occupied at the time she submitted her application. This error created an inconsistency in the City's records. However, the assessor's records still describe the building as a three unit and the property has always been assessed according to that classification. Ms. Metcalf has signed a sworn affidavit regarding the building and it is enclosed with this application.

I believe that the third dwelling unit I am seeking authorization for meets all of the eligibility requirements set forth in Section 14-391 of Portland's Land Use Code:

1. The nonconforming dwelling units were either in existence April 1, 1995, or the structure in which they are located was originally designed to accommodate more than the number of such units presently in use.
  - As demonstrated by the 1965 assessor's card, the permits to install wires, and the Metcalf affidavit, all three dwelling units were in existence prior to, on and after April 1, 1995.
2. The applicant neither constructed nor established the nonconforming dwelling units.
  - All three dwelling units were in the building when I purchased it in May.
3. The nonconforming dwelling units comply with or can be made to comply with current standards of the NFPA Life Safety Code and the NFPA Fire Prevention Code.

- If the dwelling unit does not currently comply with NFPA standards, I will make all necessary renovations. Note that I have applied for a building permit to renovate the building and all renovations will comply with NFPA standards.
4. Each of the nonconforming dwelling units complies with, or can be made to conform with, provisions of the City's Housing Code, including, but not limited to the requirements of §6-110, Minimum Standards for Space and Occupancy, §6-111, Minimum Plumbing Standards, and §6-112, Minimum Ventilation Standards.
    - If the dwelling unit does not currently comply with the Housing Code provisions, I will make all necessary renovations. Note that I have applied for a building permit to renovate the building and all renovations will comply with Housing Code.
  5. The structure containing the nonconforming dwelling units is located in the R-4 Zone.

The enclosed records provide the necessary evidence that the above conditions can be met. The records include:

1. 1965 Assessor's Card: 3-unit
2. 4-22-65 Application for Permit to Install Wires: 3-unit
3. 9-9-68 Permit to Install Wires: 3-unit
4. MLS listing: 3-unit
5. Current Assessor's online database: 3-unit
6. 7-10-13 Affidavit by Stephanie Metcalf: 3-unit

Thank you for your consideration of this application. Please let me know if you have any questions or if I can provide further information.

Sincerely,

Alex Feddersen