

## Google Groups

---

### Re: converting single family home to 2 unit

---

me <amachado@portlandmaine.gov>

Jan 18, 2018 8:58 AM

Posted in group: **Zoning**

Abigail -

I apologize that it has taken me a few days to get back to you. I appreciate the fact that you are reaching out to us to address the fact that you have a second kitchen.

I researched the file for this property and the current legal use is a single family. 80 Douglass Street is located in the R-5 Residential Zone. A building with two dwelling units is allowed in this zone [section 14-117(a)(1)] but the land area per dwelling unit requirement is 3,000 sf of land area [section 14-120(a)(2)]. The assessor's page states that your lot is 4865 square feet so there is not enough land area per dwelling unit to apply for a change of use permit to change the use of the property from a one family to a two family.

There are two possible options that you can pursue if you want to keep to create a second dwelling unit in order to keep the second kitchen.

1 If you can provide evidence that the second floor was a separate dwelling unit as of April 1, 1995, you can apply to legalize the second floor as a separate dwelling unit under section 14-391. I have attached the application which spells out the process and what information that you need to submit.

2. The other option is to submit a Conditional Use Application to go before the Zoning Board of Appeals to add a second dwelling unit as an affordable housing unit. The criteria that you would need to meet for the Board to approve the conditional use is spelled out in section 14-118(a)(5). I have attached this section.

Please take a look at both of these options and let me know if you have any questions. Within thirty days of this email, you need to decide if you are going to pursue one of these options or remove the kitchen. If you are able to add the second unit, you will have to meet the building code requirements to make sure that the two units meet the fire separation and egress requirements

I will wait to hear from you.

Thank you.

Ann Machado  
Zoning Administrator  
(207) 874-8709  
amachado@portlandmaine.gov

On Thursday, January 11, 2018 at 8:15:27 PM UTC-5, Abigail Stiers wrote:

Hello,

I read the zoning frequently asked questions about dwellings and still have some questions. In July I purchased a single family home at 80 Douglass St. The home already has an upstairs kitchen and I would like to be able to have a housemate who can use this kitchen instead of converting the kitchen into something else.

However, I had an inspection from housing safety and was told that having a kitchen upstairs constituted an illegal dwelling unless I convert the home to a 2 unit. Since the upstairs has a private bathroom and kitchen already, I am interested in converting to a 2 unit. I am confused about whether I need a legalization permit or change or use permit or whether this could be considered a "subordinate accessory dwelling unit" within an existing single-family home." I downloaded the form for the change of use permit but found that many of the sections did not seem to apply.

1/18/2018

Re: converting single family home to 2 unit - Google Groups

Thanks,

Abigail Stiers