



**Bernstein, Shur,
Sawyer & Nelson, P.A.**
100 Middle Street
PO Box 9729
Portland, ME 04104-5029

T (207) 774-1200
F (207) 774-1127

Mary E. Costigan
(207) 228-7147 direct
mcostigan@bernsteinshur.com

February 21, 2018

Christina Stacey
Assistant Zoning Administrator
City of Portland
389 Congress Street
Portland, Maine 04101

RE: 56 Douglas Street; Legalization of Nonconforming Dwelling Unit

Dear Chris:

I am writing on behalf of my client, Kelly Crotty, who owns property at 56 Douglas Street. The property is 3,136 square feet and contains a three unit building. Although the third unit was added in 1922, as shown in the attached documents, the City's records list the property as a two-family. The purpose of this letter is to supplement the application submitted by my client last year to legalize the third unit.

As you are aware, Section 14-391 of the Land Use Code authorizes you to validate a nonconforming dwelling if the applicant can demonstrate the following:

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.
2. The applicant neither constructed nor established the non-conforming dwelling units.
3. The nonconforming dwelling units comply with or can be made to comply with current standards of the National Fire Protection Association Life Safety Code (§16-1) and the National Fire Protection Association 1: Fire Prevention Code (§10-16), as amended.
4. Each of the nonconforming dwelling units complies with provisions of the City's Housing Code or can be made to conform with, as amended, including,

but not limited to, the requirements of §6-110, Minimum Standards for Space and Occupancy and §6-111, Minimum Plumbing Standards, and §6-112 Minimum Ventilation Standards.

5. 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.

6. In the absence of legally competent evidence, supported by records, (such as, but not limited to, Assessor's records, purchase and sale agreements, affidavits, deeds, mortgages, as well as reliable secondary sources, such as the Portland Director), that the conditions of subsections c(1), C(2), c(3), c(4), or c(5) can be met, the Zoning Administrator may not approve the application, but shall advise the applicant that the matter may be appealed to the Board of Appeals.

The Crotty property meets all of the above standards.

1) The attached documents demonstrate that three units were in existence April 1, 1995. In addition to the documents submitted by Kelly previously, we were able to contact the daughter of the couple who owned the property from 1959-1997. According to the attached affidavit of Gloria Perry, the property had three units in 1995. Her family occupied the bottom unit, they rented the front second floor unit and her grandmother occupied the back second floor unit. We also have attached documents from when the property was first renovated to a three-family in 1922, as well as a sketch of the second floor showing two units, which was submitted to the City with an electrical permit application in 2016.

2) When Kelly purchased the property last year, there were three units in the building, so the units were not constructed or established by her.

3) The nonconforming dwelling unit complies with or can be made to comply with current life safety and fire code standards. Kelly has been communicating with inspections staff and will have the building inspected prior to getting a certificate of occupancy for the third unit.

4) The nonconforming dwelling unit complies with or can be made to conform with provisions of the City's Housing Code. Again, Kelly has been communicating with inspections staff and will have the building inspected prior to getting a certificate of occupancy for the third unit.

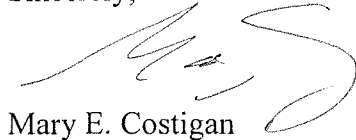
5) The Crotty property is located in the R-5 Zone.

56 Douglas Street
Legalization of Nonconforming Dwelling Unit
February 21, 2018
Page 3

For the above reasons, we are requesting that the Zoning Administrator validate the Crotty property as a legal three-family building, pursuant to Section 14-391 of the Land Use Code.

Thank you for your consideration. Please contact me should you have any questions or need further information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mary E. Costigan', written in a cursive style. The signature is positioned to the right of the typed name.

Mary E. Costigan

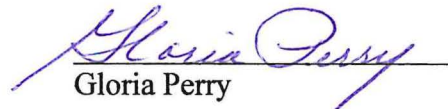
cc: Kelly Crotty

AFFIDAVIT OF GLORIA PERRY
RE: 56 DOUGLASS STREET, PORTLAND, MAINE

I, Gloria Perry, first being duly sworn, depose and say as follows:

1. My name is Gloria Perry. I am a resident of 87 PUEBLAS Dr. WESTBROOK, ME
04092.
2. I have personal knowledge of the facts stated in this affidavit.
3. I am the daughter of Helen and Joseph Perry.
4. My parents owned the property at 56 Douglass Street, Portland, Maine from 1959-1997.
5. To my knowledge, there were always three separate units in the building the entire time my parents owned the building from 1959-1997.
6. My family occupied the bottom floor, we rented out the front second floor unit, and my grandmother resided in the back second floor unit.

Dated at 1030 AM Maine this 28TH day of February, 2018.


Gloria Perry

STATE OF MAINE
CUMBERLAND, ss.

February 21, 2018

Personally appeared before me the above-named Gloria Perry, and made oath that the above Affidavit signed by her is true based on her knowledge, information, and belief.


Notary Public A. Horsey



Location, Ownership and detail must be correct, complete and legible.
 Separate application required for every building.
 Plans must be filed with this application.

Application for Permit for Alterations, etc.

Portland, October 23, 1922

192

IDENTIFICATION OF BUILDINGS

The undersigned applies for a permit to alter the following described building—

Location: 58 Douglas Street, Ward 7, in fire limit 29
 Name of Owner or Lessee: Elsie H. Boyle, Address: 58 Douglas Street
 Contractor: A. S. Burio, 64 Monmouth Street
 Architect: _____

Description of Present Bldg.

Material of Building is: Brick, Style of Roof: Pitch, Material of Roofing: Asphalt
 Size of Building is: 40 ft. (feet long), 20 ft. (feet wide), No. of Stories: 2
 Cellular Wall is constructed of: Stone, 4 inches wide on bottom and tapers to _____ inches on top
 Underpinning is: Brick, _____ inches (thick) _____ feet in depth
 Height of Building: 20 ft., Wall is Brick, 14, 24, 34, 44, 54, 64
 What was Building last used for? Sewing, No. of Families? 2
 What will Building now be used for? Tenement (3 families)

DETAIL OF PROPOSED WORK

Build two story piazza 20, change front entrance, raise roof, two continuous stairways, change third floor into rent, 3 feet of land in rear and 3 feet on one side, all to comply with new building ordinance.

Estimated Cost \$ 500.

IF EXTENDED ON ANY SIDE

Size of Extension, No. of feet long? _____; No. of feet wide? _____; No. of feet high above sidewalk? _____
 No. of Stories high? _____; Style of Roof? _____; Material of Roofing? _____
 Of what material will the Extension be built? _____; Foundation? _____
 If of Brick, what will be the thickness of External Walls? _____ inches, and Party Walls _____ inches
 How will the extension be occupied? _____; How connected with Main Building? _____

WHEN MOVED, RAISED OR BUILT UPON

No. of Stories in height when Moved, Raised, or Built upon? _____; Proposed Foundations _____
 How high from level of ground to highest part of Roof to be? _____
 How many feet will the External Walls be increased in height? _____; Party Walls _____

IF ANY PORTION OF THE EXTERNAL OR PARTY WALLS ARE REMOVED

How many feet will the External Walls _____

PERMIT MUST BE OBTAINED BEFORE BEGINNING WORK

1924 Portland Tax Records: 56 Douglass Street, Portland, Portland, ME

Portland, Maine
 Assessment, 1924
 Name Thompson - Hattie A.
 Owner Boyle Elsie Maude
 Street Douglass No. 56
 Block 28 780 Lot 25
 Use of Bldg. Name
 Tenants and Rooms
 Rentals
 Age
 Condition of Repair

Class	Exterior	Plumbing
Bungalow	Clapboards	Common
Single House	Siding	Individual
Two family	Shingles	Open
Three family	Stucco	Set tubs
Apartment	Paper	Finish
Store Building	Tapestry Brick	Hardwood
Office	Com. Brick	Halls
Factory	Golv. Iron	Wood
Storage	Stone	Terrazzo
Stables	Terra Cotta	Marble
Garage, private	Concrete	Roofing
Garage, public	Heating	Shingle
Theatre	Stove	Slate
Club House	Furnace	Gravel
Cottage	Hot Water	Prepared
Foundation	Steam	Asbestos
Brick	Light	Flt
Stone	Oil	Hip
Concrete	Gas	Gable
Pile	Electric	Dormers
Basement	Floor	Windows
Full	Common	Plain Glass
Cement Floor	Hardwood	Wire Glass
Waterproof	Re-Concrete	Shutters
Construction	Concrete Slab	Miscellaneous
Frame	Waterproof	Elevator
Brick	Ceiling	Sprinkler
Tile	Plaster	Fire Escape
Block	Metal	Refrigerator
Steel	Panelled	Vacuum Cleaner
Steel Frame	Rough	Safes and Vaults
		Telephone Equip.

Ground Area 11161 Height 29
 Cubic Feet 264194 Unit cu ft
 Utility Dep. 1180
 Dep. 1180 Per cent.
Sound Value, \$ 3604
 Land 28 780 Corner Interior Alley
 Front Depth

COMPUTATION

Area	Multiplier	Coefficient
<u>264194</u>	<u>100</u>	<u>13.64</u>
Year	Unit	Coefficient
19		

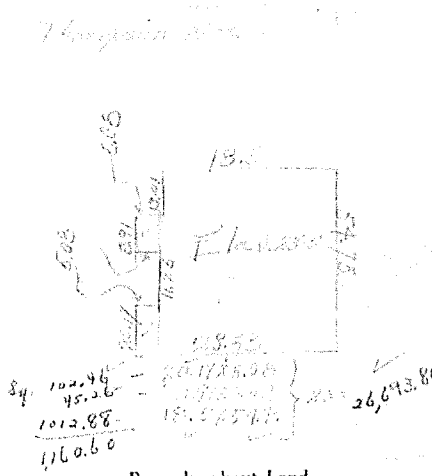


Surveyed by

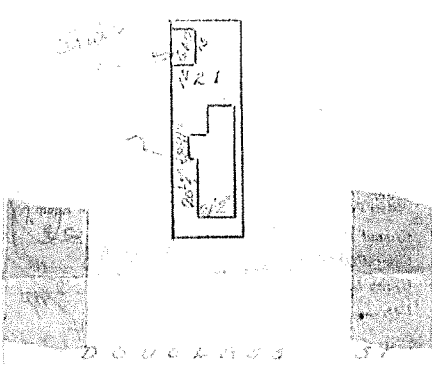
(Remarks on other Side)

200 - 1180/100 - 264194
100 - 1180/100 - 1180

Remarks about Buildings



Remarks about Land



Remarks about Personal Property

CITY OF PORTLAND, MAINE
 ASSESSORS DEPARTMENT

CHART	BLOCK
3	Building Volumes Checked <u>J.E.D.</u>
4	Building Values Placed
5	Building Values Extended
6	Final City Questionnaire Made
7	Final Values Placed
8	Final Values Extended
9	Assessors Map 1923
10	Final Property Added

1924 Portland Tax Records: 56 Douglass Street, Portland, Portland, ME

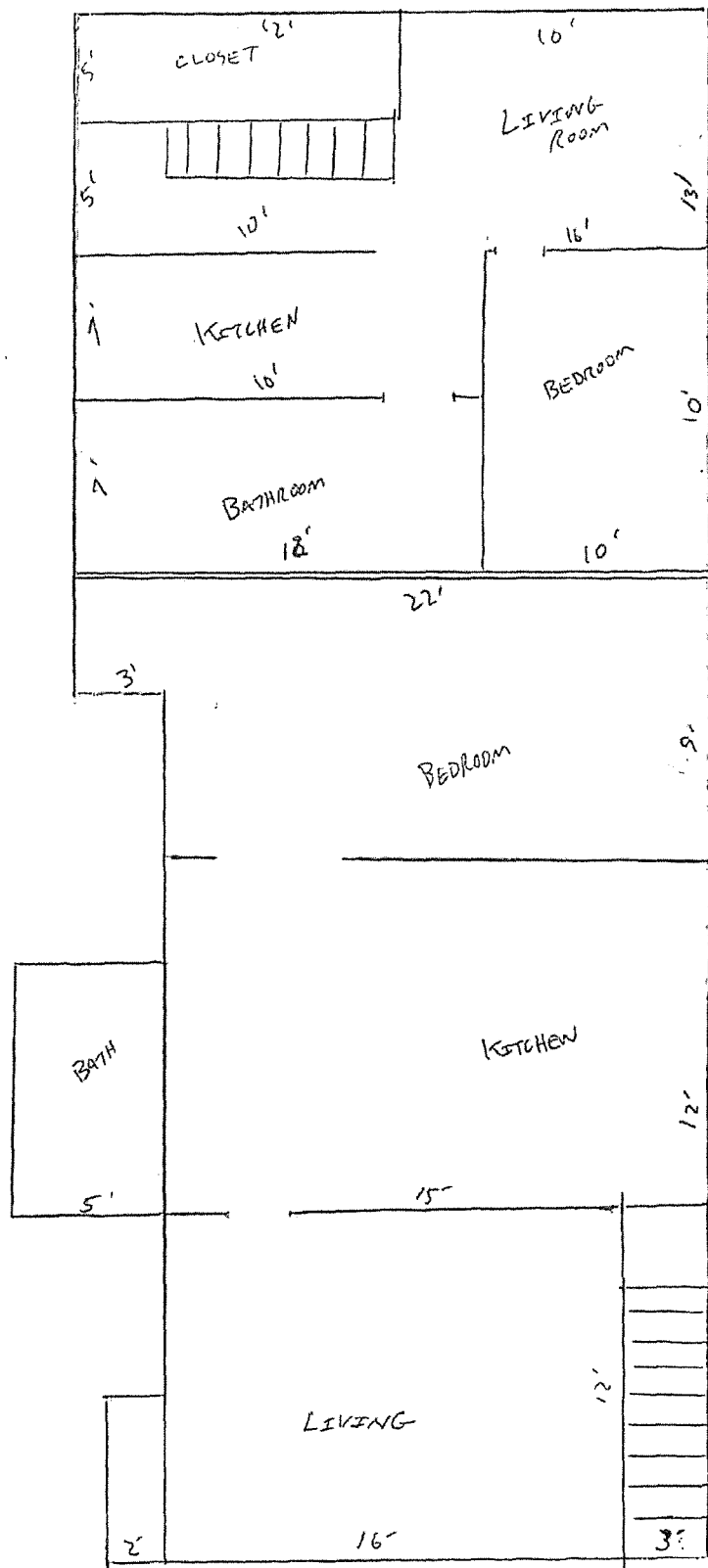
www.mainermemory.net/item/49868

© City of Portland - Planning & Development



Owner: Hattie A Thompson
Address: 56 Douglass Street, Libbytown, Portland, Maine
Use: Dwelling - Three Family
Notes: This property was subsequently owned by Elsie Maude Hoyle.

Sketch from 2016 Electrical Permit Application.



SECOND FLOOR