



Jeff Levine, AICP, Director

Ann Machado, Acting Zoning Administrator

February 26, 2015

Steven and Jessie Alcaide
491 Harpswell Neck Rd
South Harpswell, ME 04079

Re: 100-102 Deerfield Road - 111-C-003 – R-5 Residential Zone – illegal use of third floor

Dear Mr. and Ms. Alcaide,

On January 2, 2015 Captain Petruccelli from the Fire Department and Chuck Fagone Code Enforcement Officer inspected your property at 100 Deerfield Road. They found that the second floor tenant was subletting the third floor space to a tenant. They did not find a kitchen on the third floor, but they found a portable cook top and an oversized sink in the bathroom. This letter is a follow up to this inspection.

100 Deerfield Road is located in the R-5 Residential District. The most recent permit (#01-0339) we have on file gives the legal use as a two family. This permit was issued in April of 2001 to “convert attic storage on 3rd floor to family room w/skylight & bath”. One of the zoning conditions was that the use would stay as two dwelling units. Section 14-47 defines a “Dwelling, two family” as “a single building containing two dwelling units used exclusively for occupancy by two (2) families living independently of each other”. A family is defined as “not more than sixteen (16) individuals living together in a dwelling unit as a single nonprofit housekeeping unit”. Since the legal use is a two family you cannot sublet the third floor to a separate tenant without a change of use.

Section 14-404(e) allows you to rent rooms within an existing dwelling unit in any residential zone as long as the following criteria can be met.

The letting of rooms within an existing dwelling unit in any residential zone, provided that:

- 1. There shall be no more than two (2) persons occupying such room or rooms;*
- 2. There shall be not more than two (2) rooms per dwelling unit occupied for such use; and*
- 3. There shall be no increase in the bathroom and/or kitchen facilities in the dwelling, and no such facility shall have been constructed in the immediately preceding two (2) years.*

To continue to rent the room on the third floor to a tenant, you need to apply for a Change of Use permit to change the use of the property from a two family to a two family with one room to rent in the second floor unit. I have included the Change of Use Permit application. You can also access it on the City website under the Planning and Urban Development. Here is the link:

<http://www.portlandmaine.gov/DocumentCenter/Home/View/2301>

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

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You have thirty days from the date of this letter to bring your property into compliance. You need to either apply for the Change of Use permit to add a room to rent in the second floor apartment or the current tenant must vacate the room and you may not sublet the room in the future. A follow up inspection has been scheduled for thirty days from now.

Please feel free to contact me if you have any question.

Yours truly,

Ann B. Machado
Acting Zoning Administrator
Planning and Urban Development Department
City of Portland
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