



# PORTLAND MAINE

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*Penny St. Louis Littell - Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

March 15, 2010

Sulan Chau  
105 Falmouth Street  
Portland, ME 04103

Re: 105 Falmouth Street – 117 A003 – R-5 – illegal third unit

Dear Ms. Chau,

It has come to the attention of our office that there is an illegal unit at your property at 105 Falmouth Street. On March 1, 2010, Suzanne Hunt, code enforcement officer, and Ben Wallace from the Fire Department where following up on a complaint and met you at the property. You told them that you did not have the keys, but you told them that there were three units in the building.

The most recent permit that we have on file for the property is permit #0964 from 1988. This permit changed the use of the building from a single family to a two family with two rooms to rent on the third floor. The letter that was issued with the permit gave the following requirement –“This permit is being issued with the understanding that these two rooms will be used in conjunction with the dwelling unit and not used independently”. Since this is the most recent permit, the legal use of the building is two dwelling units with two rooms to rent as part of one of the dwelling units. It is not a three family dwelling.

The property is located in the R-5 residential zone. The R-5 residential zone allows three residential dwelling units, but you must have 6,000 square feet of land are per dwelling unit [section 14-117(a)(2)(a)]. Your lot is 6256 square feet, so you cannot apply to change the use of the building to a three family.

You need to bring your property into compliance. You have thirty days from the date of this letter to remove the kitchen from the third unit and return the two rental rooms to the use permitted in 1988. An inspection has been scheduled for April 14, 2010 to confirm that this has been done.

You have the right to appeal my decision If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to appeal. If you should fail to do so,

my decision is binding and not subject to appeal. You may contact our office for the necessary paperwork to file an appeal.

Please feel free to call me if you have any questions.

Yours truly,

Ann B. Machado  
Zoning Specialist  
(207) 874-8709