

JEWELL & BULGER, P.A.

Attorneys at Law

477 Congress Street, Suite 1104
Portland, ME 04101-3453

T: (207) 774-6665

F: (207) 774-1626

Thomas F. Jewell, Esq.

tjewell@jewellandbulger.com

Paul S. Bulger, Esq.

pbulger@jewellandbulger.com

April 23, 2015

Electronically Transmitted

Ann Machado, Zoning Administrator

City of Portland

389 Congress Street

Portland, Maine 04101

Re: Anthony and Bridget Jacobsy, 105 Dartmouth Street, Portland, 118-D-16

Dear Ann:

Please accept this letter together with the Application for Legalization of Nonconforming Dwelling Units for the above property. A check for \$300.00 will follow.

This property is currently approved for two residential units and this has been a consistent use long before the June 5, 1957 grandfathering date. However, since April 1, 1995, this property has been utilized as three residential rental units.

It appears that this property has been used as three units since at least the early 1990's. We have researched the records of the Assessor, Inspection Services, Fire Department and the Portland Directory for objective evidence of occupancy.

There were three units as of April 1, 1995:

Pursuant to the Portland Land Use Ordinance, Sec. 14-391(c)(1), the first question to be addressed is the use of the property as of April 1, 1995. Unfortunately, the records of Inspection Services, the Assessor and Fire Department are of little help.

The most complete records of occupancy during the applicable time frame are the Portland Directory entries. In order to help analyze the Directory information, we have included entries from 1993 through 1998, and have prepared an attached chart showing the three units and their status of reporting over these years.

The Directory identifies three units at the property as 105 Danforth, 105a Danforth, and 105b Danforth. Starting in 1993, Mr. Holt is occupying 105, and 105a and 105b are not verified. In 1994, only 105b is shown, with Rolfe as occupant. The 1995 edition shows Holt again in 105, Ouellette in 105a and 105b as not verified. Years 1996 and 1997 were combined into one book, and that shows Holt in 105, Lewis in 105a and 105b not verified. Finally in 1998, the Directory

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shows three separate occupants, Letendre, Lewis and Parlin, but does not differentiate between units 105a and 105b.

The most critical piece of this Directory information is that in the 1995 and the two years preceding that date, that each 105, 105as and 105b were shown to have separate occupancies.

We submit that these directory entries, taken as a whole, show clear "objective" evidence that three units existed at this premises as of April 1, 1995, which should allow the Zoning Administrator to grant the requested relief.

The Applicant did not create the illegal unit:

As noted above, the record shows that the three units at this property have been in existence from at least the early 1990's. The Drysdales sold the property in 2004 to the current owners per deed recorded in Book 21844, Page 196, which is attached. The Applicants did not acquire the property until 2004, and they would attest that the premises was then, and has been continuously since, operated as three separate rental units.

Conclusion:

The Applicant has meet all of the requirements of Sec. 14-391, and the Zoning Administrator should grant the relief requested, unless objections are timely filed under the Ordinance, thus necessitating review by the Board of Appeals.

Thank you for your consideration of this matter.

Yours truly,



Thomas F. Jewell, Esq.

TFJ/t
Enclosures