



Ann Machado <amachado@portlandmaine.gov>

Notice of Violation for 44 Revere St.

1 message

Ann Machado <amachado@portlandmaine.gov>
To: "pinetreeautobody@gmail.com" <pinetreeautobody@gmail.com>
Cc: Jason Duval <jduval@portlandmaine.gov>

Tue, Apr 10, 2018 at 9:41 AM

David -

I just left you a voicemail. I was on vacation last week, so I did not see your letter until yesterday. I have copied Jason Duval, the Code Enforcement Officer who inspected your property and sent the Notice of Violation. I can address your question about the legal number of units in the building. Jason Duval will need to address any questions that you have about the code violations.

The legal use of the property is based on certificates of occupancy on file for the property or building permits that have been issued that state the use of the property at that time. In reviewing the records on microfiche, I did not find any certificates of occupancy. There was one building permit issued in the 1930s to build a three car garage. The permit listed the use of the principal building to be a two family at that time. If the only permits on the microfiche were from before 1950, we also look at the number of dwelling units listed on the assessor's card from the early 1950s. We do this because the current land use ordinance (Chapter 14 of the Portland City Code) went into effect on June 5, 1957. If there are no permits in our files from after that date, we use the number of existing units listed on the 1950s assessor's card to determine the legal use of the property at that time. The 1950s card for 44 Revere Street listed the existing number of units as two.

The records that you submitted to show that there were four dwelling units in 1990 and 1997 are not building permits. They are records from housing inspections that listed the number of dwelling units that existed at the time. The inspectors were not researching what the legal use was for the property; they were just recording what they found and what housing violations existed.

To bring the legal use of the property into compliance, you need to apply for a permit to legalize the two nonconforming dwelling units. Besides providing a plot plan of the property and floor plans for the whole building, you need to provide evidence that the units existed prior to April 1, 1995 and that you were not the owner when the two units were added to make the building a four unit. The 1990 Notice of Housing Conditions and the 1990 Housing Inspection Schedule show that the four units existed as of 1990. You state in your letter that you purchased the property in 1993. If you provide a copy of your deed as part of the documentation, you should be able to legalize the two nonconforming units.

The application for Legalization of a Nonconforming Dwelling Unit can be found under the Permitting and Inspections Department on the city's website. Here is a link to the home page for the department, <http://www.portlandmaine.gov/1728/Permitting-Inspections> and a link to the Applications section <http://www.portlandmaine.gov/1730/Applications>. On the Applications home page you will find information about the new process to submit a permit and you will also find the permit application if you scroll down. You need to submit the application by April 20, 2018 to continue the process of bringing the use of the property into compliance.

Please feel free to contact me with any questions.

Ann

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