



Planning & Urban Development Department

Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

October 22, 2013

Virginia Fox
41 Bayview Terrace
Portland, ME 04103

Re: 41 Bayview Terrace – 128 G025 – R-3 Residential Zone – illegal Bed and Breakfast

Dear Ms. Fox,

This letter is a follow up to the fact that you were operating a bed and breakfast out of your home at 41 Bayview Terrace. As you were told by our Code Enforcement Officer, Chuck Fagone, a bed and breakfast is not a permitted use in the R-3 Residential Zone. Section 14-87 of the ordinance lists permitted uses for the zone, and section 14-88 lists conditional uses that are allowed in the zone. Section 14-89 states that uses that are not "enumerated herein as either permitted uses or conditional uses are prohibited". Since a bed and breakfast is not listed as either a permitted or conditional use, it is prohibited.

When Chuck Fagone inspected your property on September 12, 2013, you told him that you had "some obligations through the end of September and wanted to keep them". You then called Chuck Fagone on September 13, 2013 and left him a voicemail stating that you had contacted the few people that you had scheduled and cancelled their dates. You also said on the voicemail that you would "cease and desist".

I want to thank you for working with our office to bring the use of your property back into compliance as a single family home. In the future if you would like to change the use of your property, you would need to apply for a change of use permit and the proposed use would have to be a permitted or conditional use within the R-3 residential zone.

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

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado".

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

Cc. file



e-mail inspectors(s)

View Permit

Delete

Save

Close

Print Invoice

Date: 08/26/2013 Time: 6:00 AM

Appl. Type: Complaint Inspector: Chuck Fagone

Type: Zoning Violation

Appl ID: 26185

Parcel Id: 128 G025001 Address: 41 BAY VIEW DR District Nbr: 5

Total Outstanding: \$0.00
Electrical Required? No

Census Tract: 18
Fire Required? No

DRC Required? No

Add Outcome

Score: 0 Status: Invalid Complaint Next Insp Due By:

Notes: Per inspection, complaint is invalid. No proof or evidence of the lady running a B&B or of renting out rooms. Two bedrooms on the second floor and one on the first. Her daughter and sister from California were present. Ran DMV check on vehicles and they are registered to the address. She stated that it's a neighbor dispute. Closing as invalid.

Created By: psf Mod By:
Create Date: 08/26/2013 Mod Date:

CreatedBy: lodbson CreateDate: 08/21/2013 ModBy: GEF ModDate: 08/26/2013
CreateTime: 3:04 pm ModTime: 12:00 am

New Inspection

Violation This Inspection

Violations All Inspections



e-mail Inspector(s)

View Permit

Delete

Save

Print Invoice

Close

Date: 09/12/2013 Time: []

Inspector: Chuck Fagone

Total Outstanding: \$0.00

Appl. Type: Complaint

Inspector: Chuck Fagone

Electrical Required? No

Type: Zoning Violation

Inspector: Chuck Fagone

Fire Required? No

Appl ID: 26165

Inspector: Chuck Fagone

DRC Required? No

Parcel Id: 128 G025001

Inspector: Chuck Fagone

Violations Required? No

Address: 41

Inspector: Chuck Fagone

Violations Required? No

BAY VIEW DR

Inspector: Chuck Fagone

Violations Required? No

District Nbr: 5

Inspector: Chuck Fagone

Violations Required? No

Score: 0

Inspector: Chuck Fagone

Violations Required? No

Status: Violations Exist

Inspector: Chuck Fagone

Violations Required? No

Next Insp Due By: []

Inspector: Chuck Fagone

Violations Required? No

Notes: Per information provided by neighbor, its clear that the room in the house is being rented on a short term basis as the owner admitted this in an e-mail and its advertised on the internet. I spoke to the owner today and advised that she needed to stop renting and advertising as its against code. She stated that she had some obligations through the end of September and would like to keep them. I advised that at this time if she continues to rent the city will take court action.

Inspector: Chuck Fagone

Violations Required? No

Created By: psf

Inspector: Chuck Fagone

Violations Required? No

Create Date: 09/12/2013

Inspector: Chuck Fagone

Violations Required? No

Mod By: []

Inspector: Chuck Fagone

Violations Required? No

Mod Date: []

Inspector: Chuck Fagone

Violations Required? No

Created By: psf

Inspector: Chuck Fagone

Violations Required? No

Create Date: 09/12/2013

Inspector: Chuck Fagone

Violations Required? No

Create Time: 1:05 pm

Inspector: Chuck Fagone

Violations Required? No

Mod By: []

Inspector: Chuck Fagone

Violations Required? No

Mod Date: []

Inspector: Chuck Fagone

Violations Required? No

Mod Time: []

Inspector: Chuck Fagone

Violations Required? No

Violations All Inspections

Inspector: Chuck Fagone

Violations Required? No

New Inspection

Inspector: Chuck Fagone

Violations Required? No

Violation This Inspection

Inspector: Chuck Fagone

Violations Required? No

Violations All Inspections

Inspector: Chuck Fagone

Violations Required? No

Shawn Gagne

From: "Shawn Gagne" <terranova@maine.rr.com>
To: "shawn gagne" <sgagne2@maine.rr.com>
Sent: Monday, September 09, 2013 7:42 PM
Subject: Fwd: Shawn

Sent from my iPhone

Begin forwarded message:

From: VIRGINIA FOX <ginfox@gmail.com>
Date: September 9, 2013, 6:50:17 PM EDT
To: Shawn Gagne <terranova@maine.rr.com>
Subject: Shawn

The rental of our spare room, as I've mentioned to you, was always intended to be temporary, June till late September, (which is when we begin the construction of a sun room.)There is nobody here with a car this week. There will be no guests next week, and few after that.

I remain disappointed that we could not have had a reasonable conversation about your concerns, which we'd have been happy to address, however I hope that this information will prevent you from interacting with our guests and making threats to me.

Ginny