Permitting and Inspections Department
Michael A. Russell, MS, Director

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 01/22/18

Legalization of a Nonconforming Dwelling Unit

Section 14-391 – In effect March 24, 2004

Applies to:

A building that is nonconforming to the number of dwelling units per the current zoning ordinance. This does not apply to rooming units. This applies only to a building in the following zones: R-3, R-4, R-5, R-6, R-7; or B-1, B-1(b), B-2, B-2(b), or B-3.

Fee:

There is a $300 application fee for each dwelling unit to be legalized and a $100 Certificate of Occupancy (C of O) fee for the property. The Certificate of Occupancy fee will be refunded if legalization cannot be approved.

Required Submissions:

1. A plot plan showing the shapes and dimensions of the lot and all structures, including the distance from property lines and other important features, such as parking areas and the driveway.
2. Dimensioned floor plans showing all dwelling units in the building, stairs, common areas and exits.
3. The applicant shall provide sufficient evidence to determine:
   a. That either the nonconforming dwelling unit existed prior to 4/1/95, or the structure was originally designed and built to accommodate more than the number of units presently in use. This can be shown with an original building permit. These are available in Rm 315 of City Hall.
   b. The applicant neither constructed nor established the nonconforming dwelling unit.

   Examples of records that are accepted as evidence to show a unit existed prior to 4/1/95 include:
   - Historic tax assessment record
   - Housing inspection record
   - Purchase and sale agreement
   - Mortgage inspection document
   - City street directory record (such as Polk's, available at the public library)
   - Public utility records and
   - Notarized affidavits.

The sufficiency of submitted evidence is at the discretion of the Zoning Administrator.

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Application for Legalization of Nonconforming Dwelling Unit

Project Address: 120 Concord St

Tax Assessor's CBL: 131 (Chart #) H (Block #) 015 (Lot #)

Number of legal dwelling units: 2

Requested number of units to be legalized: 1

Total number of units: 3

Applicant Name: Michael Johnson **Phone:** (201) 359 - 5462

Address: 120 Concord St **Email:** mjohnson@ascendantdata.com

Owner Name (if different): _____ **Phone:** (_____) _____ - _____

Address: _____ **Email:** _____

I hereby certify that I am the owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: Michael Johnson Date: 9/6/2017

This is a legal document and your electronic signature is considered a legal signature per Maine state law.

Review of this application will not begin until the permit payment is received. This is not a permit. Work may not commence until the permit is issued.

Review Process:

1. The application is reviewed to determine if the application is complete and the submitted materials sufficiently meet all requirements.
2. An inspection appointment is scheduled with the applicant. The inspection will determine if the nonconforming dwelling units and common areas comply or can brought into compliance with the City Housing Code and the NFPA Life Safety Code – Fire Prevention Code. The applicant will be provided with a list of items to bring the building into compliance, this may require an additional permit application if construction alterations are needed. The building must be brought into compliance before a Certificate of Occupancy will be issued.
3. Abutting property owners and those within 300 feet of the structure are sent a notification of the application to legalize the dwelling units. Any objection from a qualified person must be submitted in writing to the Zoning Administrator within ten (10) business days of notification.
4. If a timely and formal objection is received from a qualified person, or if the Zoning Administrator determines that the submitted application does not sufficiently satisfy all requirements, then the Zoning Board of Appeals (ZBA) is required to act on the application. The applicant has 30 days to file a Conditional Use Appeal with the ZBA from the date the objection is received or the date of the Zoning Administrator's decision. All ZBA appeal application, processing, and notification fees apply and shall be paid by the applicant.
5. After the permit is approved, and prior to the issuance of the Certificate of Occupancy, final inspections may need to be scheduled to ensure that the building is in compliance with all housing and fire codes.

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Requirements for Electronic Submissions

In order to ensure the most expedient review of your application, please meet the requirements below for all submissions:

- **All applications must be submitted electronically via e-mail to permitting@portlandmaine.gov.** Paper applications will not be accepted.
- **Drawings sheets shall be submitted individually-- each PDF file shall contain no more than one drawing sheet.** Only PDF files are acceptable for plan review, and each file shall not exceed 5MB in size.*
- **Drawing files shall be named based on the drawing sheet number and name.** It is recommended to include a Category/Discipline letter (such as A for Architectural), a sheet number and a descriptive title (e.g., A1 Existing Exterior Elevation).
- **Revised file submissions must use the exact same file name as originally submitted.** The Electronic Plan Review software will recognize this submission as Version 2.
- **Supporting documents shall be submitted as an individual PDF file for each document (these documents may be multi-page PDF files) and named based on the document type** (e.g., "Deed", "Stormwater Report", "Permit Application", etc.). Searchable PDF files are requested for calculations, reports and other supporting documents.
- **A graphic scale or a scale to reference shall be included on each drawing sheet.**
- **Plans prepared by a design professional shall include a Code Analysis sheet**, referencing the Maine Uniform Building and Energy Code and Portland City Code, Chapter 10 – Fire Prevention and Protection, which includes National Fire Protection Association (NFPA) 1, Fire Code and NFPA 101, Life Safety Code. Chapter 10 of the City Code can be viewed at: http://www.portlandmaine.gov/citycode/chapter010.pdf.
- **Files shall be submitted via email to permitting@portlandmaine.gov. The email subject line shall include the project address and type of permit.** Multiple emails may be sent for one project if the files exceed the maximum file size.
- **Submissions should include all required documents and drawings as listed on the appropriate Submission Checklist sheet specific to the type of work being performed.**

For further information and to access PDF versions of this and other forms, visit the Permitting and Inspections Department online at **http://portlandmaine.gov/1728/Permitting-Inspections.**

*To download a free version of Adobe Acrobat Reader, please visit: https://get.adobe.com/reader/

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Electronic Signature and Fee Payment Confirmation

This is a legal document and your electronic signature is considered a legal signature per Maine state law. You will receive an e-mailed invoice from our office which signifies that your electronic permit application has been received and is ready for payment. Please pay by one of the following:

- Electronic check or credit card: portlandmaine.gov/payyourpermit
- Over the phone at (207) 874-8703
- Drop off to Room 315, City Hall
- Mail to:

City of Portland
Permitting and Inspections Department
389 Congress Street, Room 315
Portland, Maine04101

By signing below, I understand the review process starts once my payment has been received. After all approvals have been completed, my permit will be issued via e-mail. Work may not commence until permit is issued.

Applicant Signature: Michael Johnson Digitally signed by Michael Johnson DN: cn=Michael Johnson, o=self, ou=self, email=mjohnson@ ascendantdata.com,c=US Date: 2017.09.06 12:50:19 -04'00' Date: 9/6/2017

I have provided electronic copies and sent them on: Date: 9/6/2017

NOTE: All electronic paperwork must be delivered to permitting@portlandmaine.gov or with a thumb drive to the office.

If you or the property owner owes taxes or user charges on property within the City, payment arrangements must be made before a permit application is accepted.