



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

*Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator*

May 22, 2013

Rutherford Properties, LLC
90 High Street
South Portland, ME 04106

Re: 94 Pleasant Avenue – 131-K-011 – R-5 Residential Zone – illegal dwelling units

Dear Mr. Rutherford,

On April 29, 2013 Code Enforcement Officer George Froehlich and Roland Pinette, Fire Prevention inspected the property at 94 Pleasant Avenue. Their inspection confirmed that there are currently four dwelling units in the building. Our research of the files for the property (permits on microfiche, pre-1957 assessor's property card and the 1955 Street Directory) show that the legal use of the property is two dwelling units. Since we can find no evidence in our records to show that there was a permit to change the use of the building from a two family to a four family, the current use of the building is not legal and the property needs to be brought into compliance.

94 Pleasant Avenue is located in the R-5 Residential Zone. This zone allows multiplexes (three or more families), but section 14-117(a)(2)(a) states that "the land area requirement for a multiplex shall be six thousand (6,000) square feet of land area per dwelling unit". According to the assessor's page, the lot is 6,370 square feet. The property does not have enough land area per dwelling unit to apply for a permit to change the use from a two family to a four family.

There is an application process to legalize illegal dwelling units. Section 14-391 outlines the process and criteria for this application. I have enclosed a packet which consists of the application process, the application and section 14-391. You can review the application and see if you meet the criteria. If you meet the criteria, then you can submit the application.

You have thirty days from the date of this letter to bring your property into compliance. To bring it into compliance you need to either apply to legalize the nonconforming dwelling units or remove the two illegal units. To remove the dwelling units, you need to remove all the kitchen equipment including the stove, refrigerator and the sink and cap the plumbing for the sink at the wall. Please notify our office as soon as possible when you decide which option you will pursue.

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 file an appeal. If you should fail to do so, my decision is binding and no longer subject to appeal. If you decide to file an appeal, you may contact our office for the necessary paperwork.

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

Yours truly,

Ann B. Machado
Zoning Specialist
(207) 874-8709
amachado@portlandmaine.gov

Cc. George Froehlich
Roland Pinette
file