JEWELL & BULGER, P. A.
Attorneys at Law
477 Congress Street
Suite 1104
Portland, ME 04101-3453

Thomas F. Jewell
Paul S. Bulger

E-mail: tjewell@jewellandbulger.com

Telephone: 207-774-6665
Fax: 207-774-1626

February 27, 2018

Ann Machado, Zoning Administrator
City of Portland
389 Congress Street
Portland, Maine 04101

Re: 77 Pleasant Avenue

Dear Ann:

Please accept this letter together with the Application for Legalization of Nonconforming Dwelling Units for the above property.

This property is currently approved for four residential units. However, since April 1, 1995, this property has been occupied by five residential dwelling units.

It appears that this property has been used as six units since at least 1977 when the property was acquired by David A. Smith. A copy of the purchase and sale, show a "five-unit apartment building" was being purchased. Not only does this contract show that five units existed as of at least 1977, but it also demonstrate when the Smiths bought the property it already had 5 units, so they are not the ones that installed the non-conforming unit.

In addition to the Purchase and Sale Agreement referred to above, we submit records from the City of Portland Assessors Office showing 5 units at the premises as of the early 1990's.

The most recent deed is from David and Cynthia Smith to 77 Pleasant Avenue LLC, dated June 30, 2011 and recorded in the Cumberland County Registry of Deeds in Book 28792, Page 108.

We submit that the documents submitted with this Application amply show that there were five units as of April 1, 1995 and that the Applicant did not create the illegal unit.
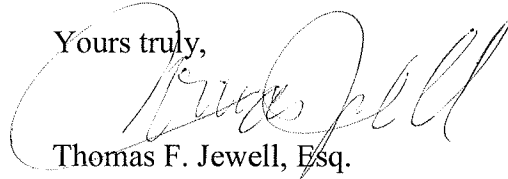
Conclusion:

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.

Ann Machado, Zoning Administrator
February 27, 2018

Thank you for your consideration of this matter.

Yours truly,

Thomas F. Jewell, Esq.

TFJ/t
Enclosures