



Planning & Urban Development Department

Jeff Levine, AICP, Director

Ann Machado, Zoning Administrator

December 7, 2015

Paul Bulger, Esq.
Jewell & Bulger, P.A.
477 Congress Street, Suite 1104
Portland, ME 04101-3453

Re: Interpretation of § 14-118(a)(5)(a) for Christopher Hickey at 12-14 Alba Street, 133-C-013

Dear Attorney Bulger,

I am in receipt of your letter, dated December 1, 2015, requesting a determination that your interpretation of § 14-118(a)(5)(a) as it relates to 12-14 Alba Street, Portland Maine (the "Property") is correct.

I have researched the history of the Property. The pre-1957 Assessor's card shows that the building was used as a residential four (4) unit building. This use appears to have been maintained until there was a fire in 1986. At that point the building was vacated. The building remained vacant for at least three years and therefore lost the nonconforming right to be four dwelling units. The Zoning Board of Appeals confirmed this on April 20, 1989 by upholding the Building Inspection Services decision that the nonconforming use was abandoned one year after the building became vacant. On May 25, 1989, the Zoning Board of Appeals granted a space and bulk variance to allow the building to be converted to a two family dwelling. On June 1, 1989 a building permit (#002167) was issued for interior renovations to make the building a two family. The front of the building has been occupied by these two dwelling units since then with the rear of the building remaining empty.

12-14 Alba Street is located in the R-5 residential zone. § 14-118(a)(5) allows the use of a space that has existed as of September 3, 2008 "to accommodate additional dwelling units" as long as certain conditions are met. § 14-118(a)(5)(a) states that "this section shall under no conditions permit more than four dwelling units on a lot and shall not allow more than two additional dwelling units above what would otherwise be permitted". The legal use of the Property is a two family based on the space and bulk appeal that was granted on May 25, 1989 and the building permit that was issued on June 1, 1989. Since this is the legal use of the Property, it is the permitted use and therefore two more dwelling units could be added to the property under § 14-118(a)(5)(a), and the interpretation as stated in the letter dated December 1, 2015 is correct.

If you have any questions regarding this matter, please do not hesitate to contact me.

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

Jeff Levine, AICP, Director

Ann Machado, Zoning Administrator

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado", with a long horizontal flourish extending to the right.

Ann B. Machado

Zoning Administrator

City of Portland, Maine

amachado@portlandmaine.gov

207.874.8709