



PORTLAND MAINE

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*Penny St. Louis Littell - Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

October 5, 2010

Clifford Bagley
236 Pleasant Avenue
Portland, ME 04103

Re: 236 Pleasant Avenue – 133 G014 – R-5 – illegal dwelling unit

Dear Mr. Bagley,

You applied for a building permit (#10-0836) to replace the existing deck and fire escape at 236 Pleasant Avenue. On the application, you listed the use as a three family dwelling. Part of our zoning review is to check what our records show as the legal use of the property to make sure that the property is in compliance. The most recent building permit that we had on file for the property was from 1991 (#912856), when you applied to construct a fire escape. On the application, the past use and proposed use for the property was given as a two family. Since this is the most recent permit, the legal use of the property is a two family, not a three family.

Your property is located in the R-5 residential zone. The R-5 allows for multifamily dwellings but the land area requirement for a multiplex is 6,000 square feet per dwelling area [section 14-117(a)(2)(a)]. Your lot is 4,900 square feet, so you cannot add a third dwelling unit.

You need to bring your property into compliance. Since the third unit was not permitted and you do not have the land area per dwelling unit to add a third unit, you need to remove the third unit. The kitchen needs to be removed including the stove, refrigerator and the sink. You have thirty days from the date of this letter to remove the kitchen. An inspection has been scheduled on November 5, 2010 to make sure that the property is in compliance.

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 appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact our office for the necessary paper work if you decide to appeal.

Please feel free to call me at 874-8709 if you have any questions.

Yours truly,

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

Cc file