



# PORTLAND MAINE

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

TO: CHAIR AND ZONING BOARD MEMBERS

FROM: MARGE SCHMUCKAL, ZONING ADMINISTRATOR

SUBJECT: APPEAL CONCERNING 236 PLEASANT AVE

DATE: DECEMBER 2, 2010

Mr. Bagley purchased this property on September 17, 1975. He purchased the property as a legal two family dwelling. Apparently Mr. Bagley changed the use of the property from the legal two unit to an illegal 3 unit around 1989. Mr. Bagley did not take out the required permits at that time to change the use. Apparently the Assessors pick up the change in 1989. Mr. Bagley is misplacing the responsibility for the notification to the Inspections Department when he placed the blame for knowing the apartment was there on the Assessor's Department. The Assessor's job is to assess property on what is there whether it is legal or not. It is the owner's responsibility to take out all the permits for the new unit through the Inspection Services Department.

Our records do not show any permits for the change of use, nor electrical permits, nor plumbing permits. The most recent permit is for a fire escape to the 2<sup>nd</sup> floor on 7/11/91. Mr. Bagley did sign for that permit himself and stated that the use was a two family.

If the Zoning Board of Appeals decides to grant this variance, I would respectfully request that the granting of the variance be conditioned. I understand the family and health issues involved. I would request that the third floor unit be removed when it is no longer required for a family member and/or when the current owner sells the property.