

**Department of Permitting and Inspections**

Ann Machado, Zoning Administrator

March 23, 2016

Christopher Simpson
71 Leland Street
Portland, ME 04103

Re: 71 Leland Street - 135-E-023 – R-5 Residential Zone – illegal dwelling unit

Dear Mr. Simpson,

You submitted a request for a Zoning Determination Letter on March 17, 2016 asking me to confirm that the legal use of the building at 71 Leland Street is three dwelling units. The legal use of a building is based on the most recent certificate of occupancy or building permit that has been issued for the property. I have researched our records and found two building permits. The first permit is dated June 15, 1926. The description of new work is "to put 10' dormer on one side of roof...", and the proposed use of the building is two families. The second permit was issued June 15, 1959. The description of new work is "to demolish existing front steps and construct new front steps...", and the permit lists the last use and proposed use of the building as two families. Since the most current building permit on file states the use as a two family, this is the legal use of the property.

You stated in your request for a letter of determination that the building is being used as a three unit. Since this is not the legal use of the building, you need to bring the property into compliance. You can do this by applying for a permit to change the use to three dwelling units or by removing the illegal dwelling unit including the kitchen and all the associated kitchen equipment.

The Property is located in the R-5 Residential zone. This zone allows for multi-family dwellings (three or more dwelling units) under section 14-117(a)(2) of the ordinance. Subsection (a) of this section 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 record, the lot is 4,777 square feet. It does not meet the minimum land area per dwelling unit requirement to be a multiplex, so you cannot apply for a change of use permit to change the building to a legal three unit.

Section 14- 391 outlines a process by which you can legalize a nonconforming dwelling unit if you can meet certain criteria. I have included the application to legalize a nonconforming dwelling unit. The application explains the process and the conditions that have to be met, and it includes section 14-391 of the ordinance.

You have thirty days from the date of this letter to bring the property into compliance. You can do this by either submitting an application to legalize the nonconforming dwelling unit or removing the third unit. Our office will be following up with you at the end of the thirty days.



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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 file an appeal.

Please let me know if you have any questions.

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
Department of Permitting and Inspections
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