



PORTLAND MAINE

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Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

December 12, 2012

Jerome and Erin Devlin
71 Read Street
Portland, ME 04103

RE: 65-73 (called 71) Read Street – 155-E-015 (the “Property”) – R-3 Zone

Dear Mr. & Mrs. Devlin,

I am in receipt of your request concerning the legal use of the Property. The Property is currently located entirely within the R-3 residential zone.

Our files showing approved permits and building history has several permits showing the trail of allowed uses. In January, 1990 a permit was applied for and issued to change the use of the Property from three (3) residential dwelling units to four (4) residential dwelling units. The Zoning Administrator at that time indicated that the underlying zone was R-5. The R-5 Zone allows multifamily dwellings. The R-5 Zone required 6,000 square foot of land area per dwelling units. The Property has 29,250 square foot of land area. The permit was approved for the four residential dwelling units.

Apparently the zone was changed soon after January, 1990 to the R-3 zone, which is a single family zone. Subsequently, a permit was applied for and approved in December, 2009. The current legal recognized use of the building is four (4) residential dwelling units.

Because the underlying zone changed to a zone that would not allow a four unit building, this office considers the use to be “legally nonconforming”. The Property went through the correct procedures and procured the appropriate permits for the use of the building. When there is a zoning change that would not allow the current use, there is no authority to force property owners to convert to the current zoning. We consider the use to be legally nonconforming. The use is still legal. The change of the zone did not negate the previously approved use. The City still legally considers the approved use to be four (4) residential dwelling units.

The Property still has all rights afforded under the Ordinances. Section 14-385 allows the Property to be rebuilt in the same footprint with the same use if the building were destroyed by fire or other catastrophe, if such rebuild is done within 1 year of the catastrophe. I have attached a copy of that section of the Ordinance.

If you have any questions regarding this matter, please do not hesitate to contact me at
(207) 874-8695.

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal". The signature is written in a cursive style with a large, stylized "M" and "S".

Marge Schmuckal
Zoning Administrator

Enclosures

Permit # _____ City of Portland BUILDING PERMIT APPLICATION Fee 15.00 Zone _____ Map # _____ Lot # _____
 Please fill out any part which applies to job. Proper plans must accompany form.

Owner: Reginald Rouse Phone # 773-5225
 Address: 24 Wadsworth Street
 LOCATION OF CONSTRUCTION 71 Reed Street
 Contractor: Frank Chasler Sub: _____
 Address: Dyke Farm Rd SP 04106 Phone # 774-7001
 Est. Construction Cost: _____ Proposed Use: 4 units
 Past Use: 3 units
 # of Existing Res. Units _____ # of New Res. Units _____
 Building Dimensions L _____ W _____ Total Sq. Ft. _____
 # Storeroom _____ # Bedrooms _____ Lot Size _____
 Is Proposed Use: Seasonal _____ Condominium _____ Conversion _____
 Explain Conversion Change of use - 3 units to 4 units per 2 units of main

For Official Use **PERMIT ISSUED**
 Date: 1/10/92
 Inside Fire Alarm _____
 Sign Code: 110030
 Time Limit: _____
 Estimated Cost: _____
 Name: LANE CO
 City: City of Portland
 Zoning: R-5
 Street Frontage Provided: _____
 Provided Setback: Front _____ Back _____ Side _____
 Review Required:
 Zoning Board Approval: Yes _____ No _____ Date: _____
 Planning Board Approval: Yes _____ No _____ Date: _____
 Conditional Use: _____ Variance _____ Site Plan _____ Subdivision _____
 Shoreland Zoning: Yes _____ No _____ Floodplain: Yes _____ No _____
 Special Exception _____
 Other (Explain): OK with 1-18-92

Foundation:
 1. Type of Soil: _____
 2. Set Backs - Front _____ Rear _____ Side(s) _____
 3. Footings Size: _____
 4. Foundation Size: _____
 5. Other: _____

Floor:
 1. Sills Size: _____ Sills must be anchored.
 2. Girder Size: _____
 3. Lally Column Spacing: _____ Size: _____
 4. Joists Size: _____ Spacing 16" O.C.
 5. Bridging Type: _____ Size: _____
 6. Floor Sheathing Type: _____ Size: _____
 7. Other Material: _____

Exterior Walls:
 1. Studding Size _____ Spacing _____
 2. No. windows _____
 3. No. Doors _____
 4. Header Sizes _____ Span(s) _____
 5. Bracing: Yes _____ No _____
 6. Corner Posts Size _____
 7. Insulation Type _____ Size _____
 8. Sheathing Type _____ Size _____
 9. Siding Type _____ Weather Exposure _____
 10. Masonry Materials _____
 11. Metal Materials _____

Interior Walls:
 1. Studding Size _____ Spacing _____
 2. Header Sizes _____ Span(s) _____
 3. Wall Covering Type: _____
 4. Fire Wall if required _____
 5. Other Materials _____

Ceiling:
 1. Ceiling Joist Size _____
 2. Ceiling Strapping Size _____ Spacing _____
 3. Type Ceiling: _____
 4. Insulation Type _____ Size _____
 5. Ceiling Height: _____

Roof:
 1. Truss or Rafter Size _____ Span _____
 2. Sheathing Type _____ Size _____
 3. Roof Covering Type _____

Chimneys:
 Type: _____ Number of Fire Places _____

Heating:
 Type of Heat: _____

Electrical:
 Service Entrance Size: _____ Smoke Detector Required: Yes _____ No _____

Plumbing:
 1. Approval of soil test if required: Yes _____ No _____
 2. No. of Tubs or Showers _____
 3. No. of Flushes _____
 4. No. of Lavatories _____
 5. No. of Other Fixtures _____

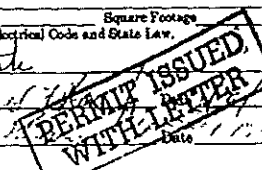
Swimming Pools:
 1. Type: _____
 2. Pool Size: _____ x _____ Square Footage _____
 3. Must conform to National Electrical Code and State Law.

Permit Received By: Monte

Signature of Applicant: _____

Signature of CEO: _____ Date: _____

Inspection Dates: _____



3/1/91 White-Tax Assessor Yellow-GPCOG White Tax-CEO 1/9/91 City of Portland GPCOG 1989

71 Reed

PERMIT ISSUED

City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 09-1392 Issue Date: DEC 31 2009 CEI: 155 E015001

Location of Construction: 71 READ ST	Owner Name: DEVLIN JEROME E & BRIN M D	Owner Address: 71 READ ST # 3 <i>City of Portland</i>	Phone:
Business Name:	Contractor Name: Mc Construction	Contractor Address: 386 Fore St. Suite 304 Portland	Phone: 2077742330
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Multi Family	Zone: <i>R-3</i>
Past Use: 4 unit residential <i>legal use</i>	Proposed Use: 4 unit residential - 2 Car garage w/ vestibule, living room above garage, bathroom 1st level <i>4 d.v.</i>	Permit Fee: \$920.00	Cost of Work: \$89,800.00
Proposed Project Description: 2 Car garage w/ vestibule, living room above garage, bathroom 1st level <i>Attached.</i>		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>*See Conditions</i>	INSPECTION: Use Group: <i>R-2</i> Type: <i>SB</i> <i>IBC 2003</i>
		Signature: <i>(KG)</i>	Signature: <i>(Signature)</i>
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)	
		Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	
		Signature: _____ Date: _____	

Permit Taken By: Ldobson	Date Applied For: 12/08/2009	Zoning Approval		
<ol style="list-style-type: none"> This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. Building permits do not include plumbing, septic or electrical work. Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work.. 		Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> <i>OK w/conditions</i> Date: <i>12/8/09</i> <i>AFM</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date: <i>ABM</i>

CERTIFICATION

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

Sec. 14-385. Restoration or reconstruction within an existing footprint of damaged nonconforming building or premises.

A nonconforming building, or building of nonconforming use, damaged by fire, explosion, flood, riot, act of the public enemy, accident of any kind, decay or otherwise may be restored or rebuilt only where:

- (a) The restoration or reconstruction is of a building which is nonconforming only as to land area, setbacks or any other dimensional requirements; and
- (b) Where the restoration or reconstruction will occur entirely within the existing footprint and previous shell of the building and will not create a new nonconformity; and
- (c) Restoration or reconstruction occurs within one (1) year of the initial damage where such damage is sudden and accidental; or
- (d) Restoration or reconstruction necessitated by decay must be completed within one (1) year of the demolition of the building or the commencement of the restoration or reconstruction, whichever occurs first.

For the purpose of this section, the footprint of a building is the perimeter of the foundation supporting a structure.

(Code 1968, § 602.17.E; Ord. No. 89-88, 7-19-88; Ord. No. 284-99, §2, 5-17-99, enacted as an emergency to take effect immediately pursuant to Article II, Sec. 8 of the Portland City Charter)

*Editor's note--Ord. No. 89-88, adopted July 19, 1988, amended this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 89-88.

Jerome and Erin Devlin

71 Read Street, Apt. #3

Portland, Maine 04103

207-210-4655

Marge Schmuckal, Zoning Administrator

City of Portland

389 Congress Street

Portland, Maine 04101

Dear Ms. Schmuckal:

Re: Request for Zoning Determination Letter

We are requesting a Zoning Determination Letter to explain why our property located at 71 Read Street in Portland, Maine with Chart/Block/Lot identification (155E015) is classified as Legal Nonconforming(Grandfathered Use) and what, if any, implications that has on the use of our four unit apartment building in the future. Please reference the 1957 zoning change that created this classification. This letter will be submitted to the TD Bank Appraisal Department as supporting evidence for refinancing said property. The bank has informed us that there is no specific format for the letter; however, it must be signed, dated and on official Portland City letterhead. Our window of opportunity to complete the refinancing is nearing an end; therefore, to expedite the process, would it be possible to call us to pick up the letter instead of mailing it?

Thank you.

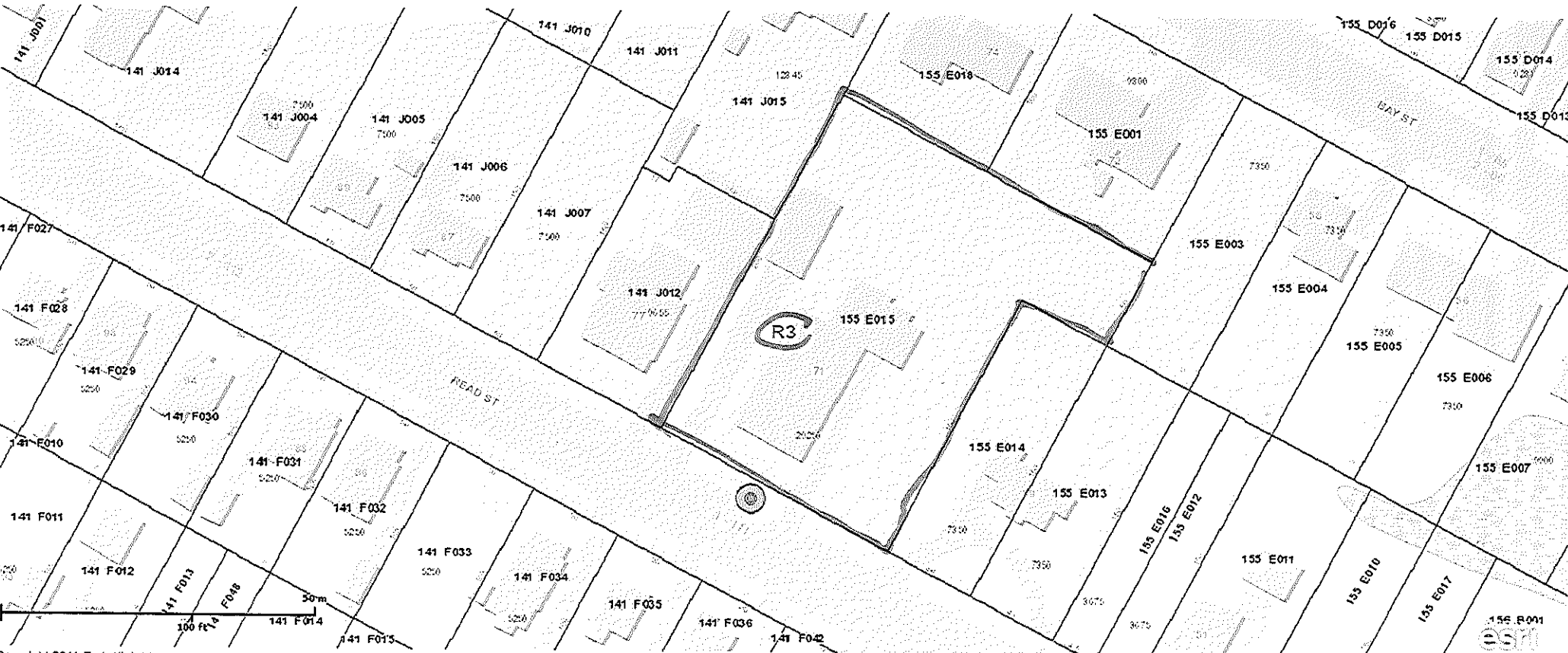
A handwritten signature in cursive script that reads "Erin Devlin".

RECEIVED

DEC 06 2012

Dept. of Building Inspections
City of Portland Maine

71 Read Street



Assessor's Office | 359 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

Applications

Doing Business

Maps

Tax Relief

Tax Roll

Q & A

CBL 155 E015001
Land Use Type FOUR FAMILY
Property Location 71 READ ST
Owner Information DEVLIN JEROME E & ERIN M DEVLIN JTS
 71 READ ST # 3
 PORTLAND ME 04103
Book and Page 26327/333
Legal Description 155-E-15
 READ ST 65-73
 29250 SF
Acres 0.6715

Current Assessed Valuation:

[browse city services a-z](#)

[browse facts and links a-z](#)

TAX ACCT NO. 22050 **OWNER OF RECORD AS OF APRIL 2012**
 DEVLIN JEROME E &
 ERIN M DEVLIN JTS
 71 READ ST # 3
 PORTLAND ME 04103
LAND VALUE \$87,900.00
BUILDING VALUE \$330,300.00
HOMESTEAD EXEMPTION (\$10,000.00)
NET TAXABLE - REAL ESTATE \$408,200.00
TAX AMOUNT \$7,682.32



Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

Best viewed at 800x600, with Internet Explorer

Building 1
Year Built 1905
Style/Structure Type OLD STYLE
Stories 2
Units 4
Bedrooms 8
Full Baths 5
Total Rooms 13
Attic UNFIN
Basement FULL
Square Feet 5466



[View Sketch](#) [View Map](#) [View Picture](#)

Outbuildings/Yard Improvements:

Building 1
Year Built 1930
Structure GARAGE-WD/CB
Size 20X20
Units 1
Grade C
Condition F

Building 1
Year Built 1930
Structure SHED-FRAME
Size 20X20
Units 1
Grade C
Condition F

Sales Information:

Sale Date	Type	Price	Book/Page
9/9/2008	LAND + BUILDING	\$0.00	26327/333
11/1/1998	LAND + BUILDING	\$207,500.00	14267/219

[New Search!](#)

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

INVOICE FOR PERMIT FEES

Application No: 201265549	Applicant: DEVLIN JEROME E & ERIN M DE
Project Name:	Location: 71 READ ST
CBL: 155 E015001	Development Type:
Invoice Date: 12/06/2012	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00	On Receipt

Previous Balance **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Zoning Determinations	1	\$150.00
		<u>\$150.00</u>
	Total Current Fees:	+ \$150.00
	Total Current Payments:	- \$150.00
	Amount Due Now:	\$0.00

Bill to: DEVLIN JEROME E & ERIN M DEVLIN JTS
 71 READ ST # 3
 PORTLAND, ME 04103

CBL 155 E015001
Application No: 201265549
Invoice Date: 12/06/2012
Invoice No: 39287
Total Amt Due: \$0.00
Payment Amount: \$150.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.