

**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 (the "Property") – R-5 Residential Zone

Dear Mr. Simpson,

I am in receipt of your request for a zoning determination to determine the legal use of the Property. 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. There is one letter in our files dated April 29, 1997 that states that there are three dwelling units in the building. This letter is the result of a housing inspection which only addresses how the building is being used and any housing code violations in the building. It does not determine if the use as a three unit is legal or not. 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. 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 attached 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. If you submit an application to legalize the nonconforming dwelling unit and can meet the criteria, then the legal use of the building would become a three family with the issuance of a certificate of occupancy.

In conclusion, the legal use of this property is a two family. There is the possibility to change the legal use to a three family through the submission of an application to the Permitting and Inspections Department to legalize the nonconforming unit. Please let me know if you have any questions.

Portland, Maine



Yes. Life's good here.

**Department of Permitting and Inspections**

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado".

Ann B. Machado  
Zoning Administrator  
Department of Permitting and Inspections  
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