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

December 30, 2010

Harold Shepard
469 Brighton Avenue
Portland, ME 04102

Re: 469 Brighton Avenue – 177-A-023 – R-5 Residential Zone – illegal dwelling unit

Dear Mr. Shepard,

This letter is a follow up to the telephone conversation that we had earlier today. As you know, in researching the use of the building as part of my review for the permit that you submitted to install the fire alarm at 469 Brighton Avenue, our records showed that the legal use of the property is twelve (12) dwelling units. The plan for the fire alarm system showed a thirteenth dwelling unit in the basement. Since the legal use of the building is twelve dwelling units, this dwelling unit in the basement is not legal. The use of your property needs to be brought into compliance.

469 Brighton Avenue is located in the R-5 Residential Zone. The land area requirement for a multiplex is 6,000 square feet of land area per dwelling unit [section 14-117(a)(2)(a)]. Your lot is 12,021 square feet. You would need a 78,000 square foot lot to be able to change the use of the property to thirteen dwelling units.

Your property needs to be brought into compliance. Since you cannot apply for a change of use, you need to remove the illegal dwelling unit. As part of removing the dwelling unit, you need to remove all the kitchen equipment including but not limited to the stove, the refrigerator, and the sink (if it is bigger than 17" x 19"). You have thirty days to bring the property into compliance. An inspection will be scheduled at this time to make sure that the kitchen has been removed and that the property has been brought into 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. I have enclosed a Practical Difficulty Appeal Application and a sheet that explains the application process for the Zoning Board of Appeals.

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