

Ann Machado - Re: 209 Steven Avenue, Portland

From: Ann Machado
To: Howard
Date: 10/22/2015 8:29 AM
Subject: Re: 209 Steven Avenue, Portland
CC: Brian Desjardins; John Branson; Steve Ruskai; Tammy Munson

Howard -

I did not say that the City is not allowed to tear down the part of the building in the right of way. I said that someone would need to look at the building records to see when that part of the building was built. If it is encroaching on the city right of way, then it might come down to a discussion between the City's Corporation Counsel and your lawyer.

Under section 14-385 of the ordinance, you are allowed to rebuild a nonconforming structure in the same footprint and shell within two years of a fire. Despite this, if the building encroaches on the right of way, there might be some discussion at that time with our Corporation Counsel about the encroachment.

I am not a lawyer, so I don't have all the answers.

Ann

Ann Machado
Zoning Administrator
Planning & Urban Development
Portland, Maine
(207) 874-8709
>>> Howard <howardyee@yahoo.com> 10/21/2015 8:29 AM >>>
Good morning Ann,

Thank you for your response, so I gather that the city is not allowed to tear down part of the building if it decides to widen the street.

What happened when it catches fire, not that it really matter because the property sits on a very large lot, am I allowed to rebuild at the same structure to the same spot ?

Howard

Sent from my iPhone

> On Oct 21, 2015, at 8:12 AM, Ann Machado <AMACHADO@portlandmaine.gov> wrote:
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> Howard -
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> If the part of the building that may encroach on Ivy Street was built before 1957 when the current ordinance went in to effect, it is legally nonconforming.

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> As far as "adverse encroachment" I would suggest that you talk to your lawyer.

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> Ann

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> Ann Machado

> Zoning Administrator

> Planning & Urban Development

> Portland, Maine

> (207) 874-8709

> >>> Howard <howardyee@yahoo.com> 10/20/2015 9:36 AM >>>

> Good morning Tammy and Ann,

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> As I am using the above titled property to be used as collateral, Brian (email copied) of Norway Savings Bank has informed me that it encroaches on the side street Ivy, which is news to me. If it is, it was obviously grandfathered in as the building has been in existence for many years.

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> Brian's concern is that what happened when the city decides to widen the road making me torn down the part of the encroachment. I do not see any reason why the city would do that to a residential street, and I am sure the other properties on the same side would be affected too.

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> In any event, are we talking about "adverse encroachment" whereas legally the property has gained title to the extra areas ?

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> Your feedback to this issue is greatly appreciated

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> Howard

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> Sent from my iPhone

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