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*Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator*

July 29, 2013

Jeanne & James Fenton, Jr.
70 Middle Road
Cumberland Center, ME 04021

Re: 18 Rosemont Avenue – 184 C012 – R-5 Residential Zone – nonconforming dwelling unit

Dear Mr. & Ms. Fenton,

On June 13, 2013, Code Enforcement Officer, Chuck Fagone inspected your property at 18 Rosemont Avenue. During his inspection, he found that there were three dwelling units in the building. Our records show that the legal use of the property is a two family. The most recent permit from 2005 (#05-1654) to repair and replace the existing front entrance listed the use as a two family. Earlier permits on file also list the use as a two family. Since the legal use of your property is a two family dwelling, you need to bring your property into compliance.

18 Rosemont Avenue is located in the R-5 Residential Zone. Multi-family units are allowed in the R-5 Zone. Section 14-117(a)(2)(a) states that the land area per dwelling unit requirement for a multi-family is six thousand (6,000) square feet. 18 Rosemont Avenue is 6,000 square feet. Since you do not meet the land area per dwelling unit requirement to have three dwelling units, you cannot apply for a change of use permit to add a third dwelling unit to legalize the use of the property.

Section 14-391 outlines a process by which you can legalize a nonconforming dwelling unit if you can meet certain criteria. I have enclosed 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 to bring your property into compliance. You need to either apply for the legalization of the nonconforming dwelling unit or remove the illegal unit which includes removing the third kitchen including all the equipment.

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 file an appeal. If you should fail to do so, my decision is binding and no longer subject to appeal.

Please feel free to contact me with any questions.

Yours truly,

Ann B. Machado
Zoning Specialist
(207) 874-8709

Cc. Chuck Fagone
File