



# PORTLAND MAINE

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

December 14, 2010

Linda Breggia  
10 Fleetwood Street  
Portland, ME 04102

Re: 10 Fleetwood Street – 185 D003 – R-5 residential zone – Illegal Bed & Breakfast

Dear Ms. Breggia,

It has come to the attention of our office that you are running a bed and breakfast at your single family home at 10 Fleetwood Street. Your property is located in the R-5 Residential Zone, and this is not a permitted use in the R-5 Residential Zone. You also do not have a Food Service Establishment License from the City Clerk's office to serve breakfast. You are currently operating a business in a residential zone illegally.

You applied for a Food Service Establishment License April 26, 2010 with the City Clerk's office to serve breakfast at your bed and breakfast. Our office was asked to check if zoning allowed a bed and breakfast at that address. On May 21, 2010 I wrote you a letter informing you that a bed and breakfast was not a permitted use in the R-5 residential zone and therefore you could not operate one. I also told you that section 14-404(e) allowed you to rent a maximum of two rooms within an existing dwelling unit.

You applied for a permit (#10-0679) on June 4, 2010 to rent two rooms in your single family home. The permit was issued on June 22, 2010 with conditions. You have not yet received your certificate of occupancy to rent two rooms. The inspection yesterday, December 12, 2010, revealed that all smoke and carbon monoxide alarms need to be installed to code. I have enclosed a copy of the inspection outcome comments from Nick Adams, code enforcement officer. You should not be renting any rooms without a certificate of occupancy. This permit only allows you to rent two rooms in your dwelling. It does not allow you to serve meals to the renters or advertise or run the premises as a bed and breakfast.

Since the bed and breakfast is not a permitted use, you need to bring your property into compliance. You have thirty days from the date of this letter to stop operating your property as a bed and breakfast. When you get your certificate of occupancy for permit #10-0679, you can only rent two rooms as allowed in the land use ordinance. The inspection yesterday showed that there are three rooms that can be rented on the second

floor. The two rooms that you indicated on the permit application (the two on the right side of the hall from the front stair) are not the same two that you indicated during the inspection yesterday (the second bedroom on the right and the single bedroom on the left). The two rooms for rent will be specified on the certificate of occupancy. Your website currently offers three rooms to choose from when making a reservation and under the accommodations section four rooms are shown.

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 the necessary paperwork you will need if you decide to file an appeal.

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 Alexandra Murphy  
file