



Permitting and Inspections Department
Michael A. Russell, MS, Director

Legalization of a Nonconforming Dwelling Unit

Section 14-391 – In effect March 24, 2004

Applies to:

A building that is nonconforming to the number of dwelling units per the current zoning ordinance. This does not apply to rooming units. This applies only to a building in the following zones: R-3, R-4, R-5, R-6, R-7; or B-1, B-1(b), B-2, B-2(b), or B-3.

Fee:

There is a \$300 application fee for each dwelling unit to be legalized and a \$100 Certificate of Occupancy (C of O) fee for the property. The Certificate of Occupancy fee will be refunded if legalization cannot be approved.

Required Submissions:

1. A plot plan showing the shapes and dimensions of the lot and all structures, including the distance from property lines and other important features, such as parking areas and the driveway.
2. Dimensioned floor plans showing all dwelling units in the building, stairs, common areas and exits.
3. The applicant shall provide sufficient evidence to determine:
 - a. That either the nonconforming dwelling unit existed prior to 4/1/95, or the structure was originally designed and built to accommodate more than the number of units presently in use. This can be shown with an original building permit. These are available in Rm 315 of City Hall.
 - b. The applicant neither constructed nor established the nonconforming dwelling unit.

Examples of records that are accepted as evidence to show a unit existed prior to 4/1/95 include:

- Historic tax assessment record
- Housing inspection record
- Purchase and sale agreement
- Mortgage inspection document
- City street directory record (such as Polk's, available at the public library)
- Public utility records and
- Notarized affidavits.

The sufficiency of submitted evidence is at the discretion of the Zoning Administrator.



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Application for Legalization of Nonconforming Dwelling Unit

Project Address: 183-185 Whitney Avenue, Portland, ME

Tax Assessor's CBL: 186A D 7
Chart # Block # Lot #

Number of legal dwelling units: 2

Requested number of units to be legalized: 1

Total number of units: 3

Applicant Name: Mackenzie Simpson Phone: (207-310-0221)

Address: PO Box 11583, Portland, ME 04104 Email: macpsimpson@gmail.com

Owner Name (if different): Dana French Phone: (207-838-3428)

Address: 1315 Willow Place SE, Atlanta, GA 30316 Email: Danajfrench@yahoo.com

I hereby certify that I am the owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature:  Date: 08/08/17

This is a legal document and your electronic signature is considered a legal signature per Maine state law.

Review of this application will not begin until the permit payment is received. This is not a permit. Work may not commence until the permit is issued.

Review Process:

1. The application is reviewed to determine if the application is complete and the submitted materials sufficiently meet all requirements.
2. An inspection appointment is scheduled with the applicant. The inspection will determine if the nonconforming dwelling units and common areas comply or can be brought into compliance with the City Housing Code and the NFPA Life Safety Code – Fire Prevention Code. The applicant will be provided with a list of items to bring the building into compliance, this may require an additional permit application if construction alterations are needed. The building must be brought into compliance before a Certificate of Occupancy will be issued.
3. Abutting property owners and those within 300 feet of the structure are sent a notification of the application to legalize the dwelling units. Any objection from a qualified person must be submitted in writing to the Zoning Administrator within ten (10) business days of notification.
4. If a timely and formal objection is received from a qualified person, or if the Zoning Administrator determines that the submitted application does not sufficiently satisfy all requirements, then the Zoning Board of Appeals (ZBA) is required to act on the application. The applicant has 30 days to file a Conditional Use Appeal with the ZBA from the date the objection is received or the date of the Zoning Administrator's decision. All ZBA appeal application, processing, and notification fees apply and shall be paid by the applicant.
5. After the permit is approved, and prior to the issuance of the Certificate of Occupancy, final inspections may need to be scheduled to ensure that the building is in compliance with all housing and fire codes.



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Electronic Signature and Fee Payment Confirmation

This is a legal document and your electronic signature is considered a legal signature per Maine state law. You will receive an e-mailed invoice from our office which signifies that your electronic permit application has been received and is ready for payment. Please pay by one of the following:

- Electronic check or credit card: portlandmaine.gov/payyourpermit
- Over the phone at (207) 874-8703
- Drop off to Room 315, City Hall
- Mail to:

**City of Portland
Permitting and Inspections Department
389 Congress Street, Room 315
Portland, Maine 04101**

By signing below, I understand the review process starts once my payment has been received. After all approvals have been completed, my permit will be issued via e-mail. Work may not commence until permit is issued.

Applicant Signature: _____

Date: 08/08/17

I have provided electronic copies and sent them on: _____

Date: 08/21/17

NOTE: All electronic paperwork must be delivered to permitting@portlandmaine.gov or with a thumb drive to the office.

If you or the property owner owes taxes or user charges on property within the City, payment arrangements must be made before a permit application is accepted.