

PORTLAND MAINE

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*Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

June 9, 2008

Gordon Labay & Duncan Labay
PO Box 10537
Portland, ME 04104

RE: 1457 Westbrook Street – 227-E-001 – R-2 Zone

Dear Mr. Labay,

This letter is in confirmation of my recent inspection of your property at 1457 Westbrook Street on June 2, 2008. I inspected the area of the illegal dwelling unit. I witnessed that the kitchen sink had been completely removed with the plumbing to the old sink area capped off. All other kitchen facilities such as stove and refrigerator were also removed at the time of inspection.

I will reiterate that the legal use of this property is a single family dwelling. No additional kitchen facilities shall be added in the future without the appropriate reviews and approvals. No separate areas shall be rented out to any individuals.

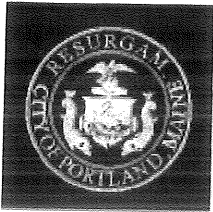
Please note that under a conditional use appeal, Zoning Board of Appeals can allow a subordinate dwelling unit within the principal dwelling as long as the listed conditions have been met as determined by the Board. However, no change of use is permitted without going through all the appropriate reviews and approvals.

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: file



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Lee Urban- Director of Planning and Development
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August 16, 2007

Gordon Labay &
Duncan Labay
PO Box 10537
Portland, ME 04104

775-5759 - no answer
June 5, 2007 - Determination letter
conditions are still the same.
603-490-4509
June 2nd Monday 10:00

RE: 1457 Westbrook Street – 227 E001 – R-2 – in law apartment

Dear Mr. Labay,

It has come to the attention of our office that you have an in-law apartment at your property at 1457 Westbrook Street. In researching our records, the most recent permit that I can find (permit # 000696) was issued in June of 1988 to add a one-story addition (15' x 27') to the existing house. The use of the property was listed as a single family. Since this is the most recent permit we have on file, the legal use of the property is a single-family dwelling and therefore, the existing in-law apartment is illegal.

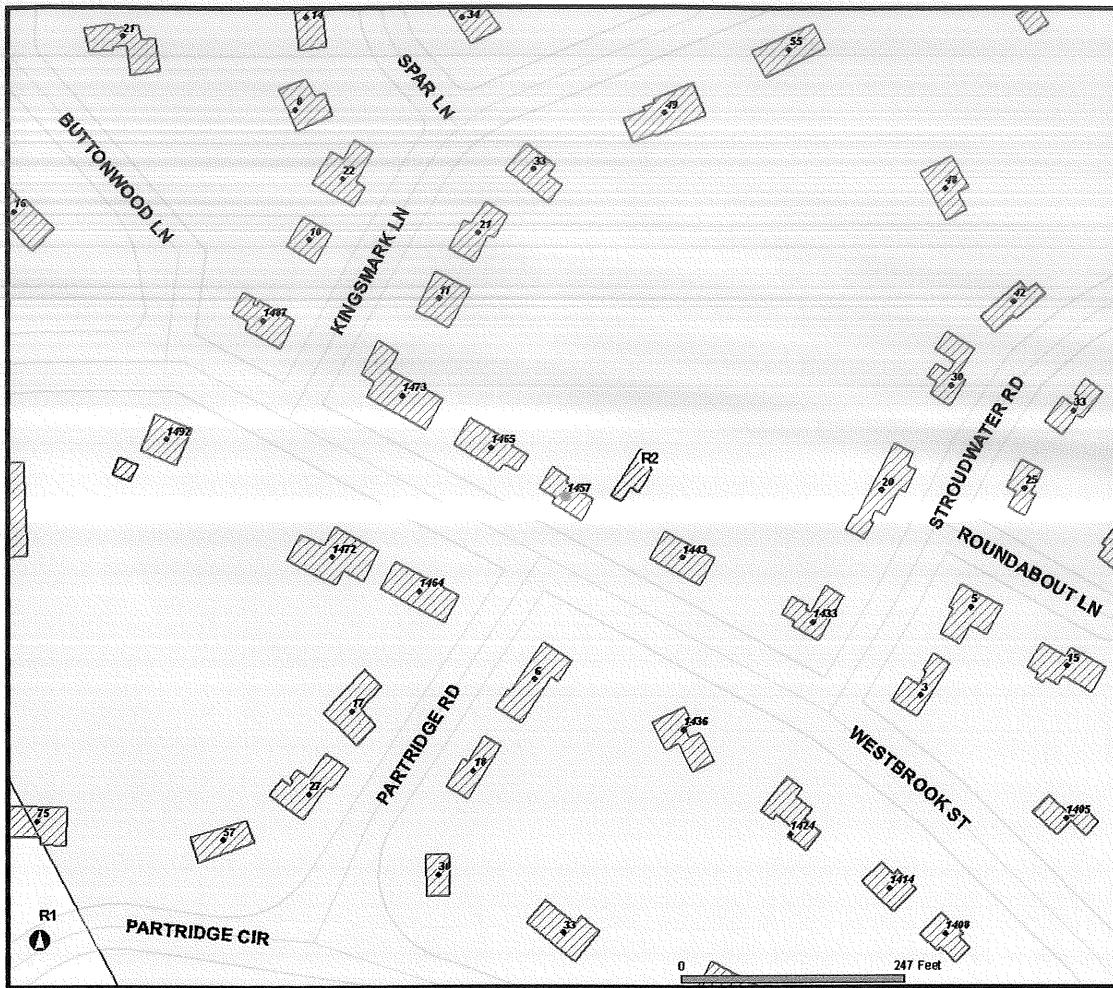
Section 14-78(a)(2) of the ordinance does allow for an accessory dwelling unit in a single-family home in the R-2 zone as a conditional use. The ordinance lists certain requirements that must be met in order to have an accessory dwelling unit, and it is the Zoning Board of Appeals that determines whether those requirements are met. I have enclosed a conditional use appeal application, the sheet that outlines the application process for the Zoning Board of Appeals and the conditions that must be met for an accessory dwelling unit in the R-2 zone.

You have thirty days from the date of this letter to bring your property into compliance. You have two choices. You can file a conditional use appeal application within the thirty-day period to try to legalize the accessory unit, or you must remove the in-law apartment because it is not legal. If neither action is taken within the thirty-day period, we will turn the matter over to our corporation counsel.

Please feel free to call me at 874-8709 if you have any questions.

Yours truly,

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



City of Portland
GIS



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Portland, Maine
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227-E-001