



Ann Machado <amachado@portlandmaine.gov>

Illegal Kitchen at 2 Stroudwater Rd.

1 message

Ann Machado <amachado@portlandmaine.gov>

Tue, Jul 11, 2017 at 9:39 AM

To: suzanne.macleod@maine.rr.com

Cc: Jason Duval <jduval@portlandmaine.gov>

Suzanne -

I apologize, I was in the middle of responding to your email when I sent it by mistake before it was complete. Here is the email:

Jason Duval forwarded your email to me. I am the Zoning Administrator and hopefully I can answer your questions.

Our office received the following complaint about the property around June 5, 2017:

Constructed new kitchen & new staircase without any permits. Looks like a two family without any change of use applications submitted. Listed online as "multi-generational" on the real estate pages. Property is currently for sale.

As a result, Jason Duval, Code Enforcement officer, inspected 2 Stroudwater Road on June 16, 2017 and found that the property has two kitchens and a second staircase. A search of our records showed a permit from 2005. Permit 050214 was issued on March 9, 2005 for "The letting of two rooms within an existing dwelling unit (section 14-404)". There were two conditions in the Zoning approval of the permit that addressed kitchen facilities. The first stated that "there shall be no increase in the bathroom and/or kitchen facilities in the dwelling, and no such facility shall have been constructed in the immediately preceding two (2) years". The second condition stated "This is NOT an approval for an additional dwelling unit. You SHALL NOT add any additional kitchen equipment including, but not limited to items such as stoves, refrigerators or kitchen sinks, etc. without special approvals". A certificate of occupancy was issued on March 18, 2005 for the two rooms to be let. (Permit and certificate of occupancy attached). There are no permits in our files to install a second kitchen or add a second staircase. Since neither is permitted they are not legal, and the property has to be brought into compliance.

2 Stroudwater Road is located in the R-2 Residential zone. Section 14-77 lists the uses permitted in the zone. The zone basically allows single family homes. Section 14-47 defines a dwelling unit as as, *One (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit*. It defines a single family dwelling as: *Dwelling, one-family: A detached building used exclusively for occupancy by one (1) family*. The legal use of 2 Stroudwater Road is a single family home with two rental rooms. Since permit 050214 specifically stated that the property was a single family home and a dwelling unit is a self-contained unit with one kitchen, a second kitchen is not permitted and it must be removed.

Section 14-78(a)(2) does allow an accessory dwelling unit within the principal unit. This is a conditional use that requires approval by the Zoning Board of Appeals. There are certain criteria that need to be met to be approved. I have attached the section. Although zoning considers this an accessory unit, the building code considers it a separate unit that must meet the required fire separation between units. Please let me know if you would like to pursue the Conditional Use appeal to add an accessory unit. We will need to receive your application within thirty days of July 7, 2017, the date of the Notice of Violation.

As far as the second set of stairs that was added without a permit, you need to apply for an after the fact permit or remove them. You have thirty days from the date of this email to bring the stairs into compliance.

Please let me know if you have any questions.

Thank you.

Ann

Ann Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
(207) 874-8709

3 attachments



050214.PDF

12K



050214closeout.pdf

47K



R-2 Conditions for Accessory Dwelling Unit.pdf

101K