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

August 16, 2007

Melissa & Michael Davis
31 Hillcrest Avenue
Portland, ME 04102

RE: 31 Hillcrest Avenue – 260 D017 – R-3 – dwelling unit

Dear Mr. & Ms. Davis,

In the voicemail that you left me yesterday, you said that you had an apartment at your property at 31 Hillcrest Avenue and that you wanted to know if you could rent the space as a business office. Your property is located in the R-3 residential zone, and it does not allow business uses. The R-3 zone also does not allow a two family dwelling. Our records show that the house was built in 1991 as a single-family home (permit #91-2457). There is no record since then that shows that the property was changed to a two family. Since the most recent permit on file has the use as a single family, the apartment is illegal.

Section 14-88(a)(2) of the ordinance does allow for an accessory dwelling unit in a single-family home in the R-3 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-3 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 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