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

July 2, 2009

Charles Messer
PO Box 1980
Portland, ME 04101

Re: 1476 Forest Avenue – 298 B023 – R-3 – illegal dwelling units

Dear Mr. Messer,

This letter is a follow up to the conversation that we had at the counter on June 22, 2009.

In researching your property, the most recent permit we have on file (#99-0312) lists the use of the property as a “1 family”. This is the legal use of the property. As you know, Mike Menario, code enforcement officer, inspected your property at 1476 Forest Avenue on June 22, 2009 and found that there are two dwelling units in the garage in addition to the single family home. Since the legal use is a single family home, these two dwelling units in the garage are illegal.

1476 Forest Avenue is located in the R-3 residential zone. Section 14-87 lists the permitted uses in the R-3 zone. Section 14-88 lists the conditional uses that are allowed in the R-3 zone. Section 14-89 states that “uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited. Since multifamily dwellings are not enumerated in either section, they are not legal.

You have thirty days to bring your property into compliance. Section 14-391 allows you to legalize illegal dwelling units if you can meet certain criteria. Part of the criteria requires that you can provide evidence that the non-conforming dwelling units existed as of 4/1/95 and that you did not establish the nonconforming dwelling units. I gave you an application for Legalization of Nonconforming Dwelling Units on June 22, 2009. If you cannot meet the criteria required under section 14-391, then you must remove the two illegal units in the garage.

You have thirty days from the date of this letter to bring your property into compliance. We must have either received an application for Legalization of Nonconforming Dwelling Units within thirty days or the two illegal units must be removed.

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

Yours truly,

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

