Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

July 13, 2001

Mary M. and David W. Walton
120 Douglass Street
Portland, ME 04102

RE: 77 Buca Run – 336-E-38 to 42 - R-2 zone

Dear Mr. And Mrs. Walton,

It has recently come to our attention that you are running a day care facility within your home located at 77 Buca Run. A search of our records indicate that we do not have any of the required permits to allow such a use at this location.

It is a requirement that you have a permit to allow a day care use. The number of children in your day care determines what type of permit and review are required.   If you are taking care of 6 or less children, you can be classified as a home occupation. There is a simple application and procedure for a home occupation. I have enclosed those guidelines. If you are taking care of 7-12 children, you would need to apply for a conditional use appeal to allow this size of daycare. I have attached the conditions required for this appeal. The conditional use appeal can only be approved by the Zoning Board of Appeals. I can supply more information if this is the route that you need to take to legalize your daycare. If you are taking care of 13 or more children, you would be in violation of the zoning criteria for daycare. The care of 13 or more children is not allowed in a residential home. Only structures that have not been used for a residential purpose within the last 5 years (churches, for example) would be allowed that extended daycare use.

It will be necessary to come in immediately within the next 10 days, or by July 25, 2001 to apply for the appropriate permits for approval. If we do not have an application from you within this time frame, it will be necessary for us to turn this matter over to our Corporation Counsel for further legal action.

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

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: Code Enforcement Officer (area 1)
       Jodine Adams, Office Manager
       File