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

May 22, 2008

John & Angela Fusco
1492 Washington Avenue
Portland, ME 04103

RE: 1492 Washington Avenue – 347 C040 – R-3 – illegal dwelling unit

Dear Mr. & Mrs. Fusco,

It has come to our attention that you have an illegal dwelling unit at your property at 1492 Washington Avenue. When Tom Markley inspected the property on May 20, 2008, he found three dwelling units in the building. According to our records, the legal use of the property is two dwelling units.

On June 28, 1999, you applied for a permit (#99-0746) to do repair work to your garage. At that time Marge Schmuckal, the Zoning Administrator, sent you a letter informing you that the legal use of your property is a two family dwelling. She told you that you needed to apply for a permit to show the change of use from three illegal units to two legal units and remove the third dwelling unit by removing all the kitchen equipment. On August 20, 1999 you applied for a permit (#99-0917) to change the use of the property from three units to two units by combining the second and third floor as one unit and removing the kitchen on the third floor. The third unit should have been removed at this time.

1492 Washington Avenue is located in the R-3 residential zone. Section 14-87 lists the permitted uses in the R-3 residential zone and a three family dwelling is not a permitted use. Section 14-391 of the ordinance outlines a process where properties with existing illegal dwelling units may be recognized as a legal nonconforming use. I have enclosed a copy of the application for Legalization of Nonconforming Dwelling Units that explains what you need to do to apply. It also includes a copy of section 14-391 of the ordinance. If the zoning administration cannot approve the application based on the evidence submitted or if an owner of any property within 300' of the structure objects, then the applicant can file a Conditional Use Appeal to the Zoning Board of Appeals. If the application is denied, then you will be required to remove the illegal dwelling unit.

You have thirty days to submit an application for Legalization of Nonconforming Dwelling Units or remove the illegal unit by removing the kitchen including all the kitchen equipment. We have scheduled an inspection on June 19, 2008 to ensure that the property has been brought into compliance with the legal use.

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

Yours truly,

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