

# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)*

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

July 7, 2011

Lewis E. McDonald  
145 Auburn Street  
Portland, ME 04103

RE: 145 Auburn Street – 374-B-8 & 13 – R-3 Zone

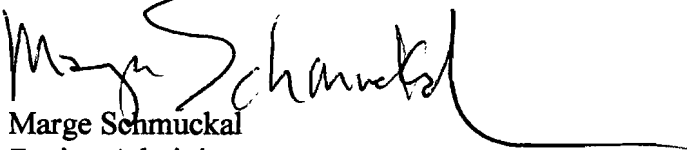
Dear Mr. McDonald,

I am in receipt of your response to my determination letter dated June 21, 2011. Please note that I am not intending to argue or “rehash” the issues outlined in my letter to you. I have explained why the Codes do not agree with your assessments of your property being “grandfathered” as two separate lots and other issues. My letter of June 21, 2011 still stands in its entirety.

I understand you have some medical issues that you must take care of immediately. If you cannot handle these zoning matters yourself, I urge you to contact an attorney to handle these matters for you so that you do not lose your right to appeal.

Section 14-472 clearly states that you must apply for an appeal within thirty (30) days of a building authority notice of determination. These matters cannot remain open for “an indefinite period of time to resolve this issue”. My determination and time frames for appeal still stand as stated in my June 21, 2011 letter to you.

Very truly yours,

  
Marge Schmuckal  
Zoning Administrator

Cc: Ann Machado, Zoning Specialist

**LEWIS E. MCDONALD  
145 AUBURN STREET  
PORTLAND, MAINE 04103**



**June 26, 2011**

**Marge Schmuckal – Zoning Administrator  
City of Portland  
Room 315 – 389 Congress Street  
Portland, Maine 04101**

**RE: 145-151 Auburn Street – 374-B-8 & 13 – R-3 Zone**

**Dear Ms. Schmuckal,**

**Thank you for your prompt reply covering the meeting I had with Ann Machado, you and myself as the owner of record of two lots located at 145-151 Auburn Street.**

**For openers, I do not believe I can meet your thirty day deadline, to resolve this issue. The reason for this I am undergoing medical test at Mercy Hospital for medical problems I am experiencing. I spent last week undergoing tests and more the week prior. As a matter of fact I am scheduled to be at Mercy Hospital this afternoon for more tests and more after that. If necessary I will furnish you with proof of these medical appointments. That being said, I have no choice to request of the zoning department an indefinite period of time to resolve this issue. Please advise me of your decision on this.**

**I would like to touch briefly on some of the points you touched upon in your letter to me. I have not expressed an interest to divide my property. I believe we have a complete breakdown of communication concerning my position. This may be my fault due to the way I have expressed my position.**

**I have two separate deeds to this property. Both lots are 75' X 225'. The City of Portland has correctly reflected both of these lots as two separate lots. I pointed this out to you when you at our meeting of June 16, 2011. I believe your response was, it merely indicated two parcels. I must admit this is confusing to me.**

**Years ago when I built a ranch style addition on my property to use as an accounting office the setback as dictated by the City of Portland was met. It has since been renovated and used as living quarters.**

***The boundary line separating these two lots runs thru a garage that has been there for about 75 years. I am of the opinion this boundary line is grandfathered under the zoning code.***

***In your letter to me you have made reference to "time share units" within the definition of dwelling unit. This is my home not a time share. Reference made to the State of Maine Law and the City's Land Use Zoning Ordinance to me is confusing as this is as it stands currently. I am grandfathered.***

***In order to satisfy the City of Portland I have removed a 27' swimming pool and had it taken to the dump due to it being on the boundary line. I will remove the building I built several years ago, located directly behind the garage as this is where the boundary line runs. At this point the property will be exactly as I bought it in 1983 with the boundary line going thru the grandfathered garage.***

***Needless to say, I am ruining a beautiful piece of property to satisfy the City of Portland, at a cost to me of several thousands of dollars.***

***In a nutshell, I bought two lots, clearly described by the City and two separate deeds. I must be honest, I had no idea the Zoning Administrator had the authority to reclassify my property into one lot without the permission of the homeowner. I have never requested or applied to the City to combine my two lots.***

***Thank you for consideration on this matter.***

***Sincerely,***

A handwritten signature in black ink that reads "Lewis E. McDonald". The signature is written in a cursive, flowing style.

**Lewis E. McDonald  
145-151 Auburn Street  
Portland, Maine 04101**

**CC: Ann B. Machado, Zoning Specialist**