



Permitting and Inspections Department  
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

November 2, 2016

### NOTICE OF VIOLATION AND ORDER TO CORRECT

Roslyn Shalett and Merrill Abramson  
23 Sanborn Street  
Portland, ME 04103

Re: 23 Sanborn Street – 375-B-005 – the “Property” – R-3 Zone – Single Family Home

Dear Ms. Shalett and Mr. Abramson:

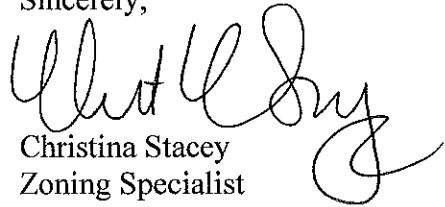
On October 26, 2016, this office inspected the above-referenced property and observed that you have added an additional dwelling unit to the Property. You have done so without permits in violation of section 14-463 of the City of Portland Code of Ordinances (attached), which requires that “no building or part thereof shall be constructed, altered, enlarged or moved unless a permit for such action has been issued by the building authority.” Additionally, and more significantly, a review of the Property and the City’s Code reveals that the addition of a second dwelling unit is likely prohibited in this case. Section 14-87 of the City’s Code explains that the R-3 Zone permits single family dwellings as a matter of right. Although an additional accessory dwelling unit may also be permitted with a conditional use approval from the Zoning Board of Appeals (which you do not appear to have received), such accessory dwelling units must have at least 2/3 of their floor-to-ceiling height above the surrounding ground level. Our inspection revealed that the additional dwelling unit on the Property is located entirely below grade (in the basement). Therefore, it does not meet the criteria for a conditional use. If you cannot demonstrate that the second dwelling unit was in existence prior to 1995 and qualifies for legalization under section 14-391 of the City of Portland Code of Ordinances (attached), then it is prohibited under the City’s Zoning Ordinance and must be removed. Within 30 days of the date of this letter, you must either apply for a legalization (if it qualifies) or bring your property into compliance by removing the basement kitchen and all equipment.

If you do not bring the property into compliance within 30 days of the date of this letter, the City will refer this matter to the City’s Corporation Counsel’s office for enforcement action. The City may be entitled to an order to correct the violations, civil penalties in the minimum of \$100 per violation per day, costs and fees, and other relief, under Section 1-15 of the City’s Code of Ordinances and 30-A M.R.S. § 4452.

You have the right to appeal this Notice of Violation and Order to Correct pursuant to section 14-472 within thirty days from the date of this letter. If you do not appeal, you may be barred from challenging my findings in the future. Please contact the Zoning Division for the necessary paperwork if you decide to file an appeal.

Please contact me with any questions. Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Christina Stacey". The signature is fluid and cursive, with a large, stylized initial "C".

Christina Stacey  
Zoning Specialist  
(207) 874-8695

[cstacey@portlandmaine.gov](mailto:cstacey@portlandmaine.gov)