



# PORTLAND MAINE

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

Jeff Levine, AICP, Director  
Marge Schmuckal, Zoning Administrator

October 11, 2012

Gina Kostopoulos  
5 Bramblewood Drive  
Portland, ME 04103

Re: 5 Bramblewood Drive – 377 E006 – R-3 Residential Zone – Permit #2012-10-5099  
–daycare as home occupation

Dear Ms. Kostopoulos,

In reviewing your application to add a daycare as a home occupation, I noticed on your floor plans that there are two kitchens in the home, one on the main floor and one on the lower level. Our records show the legal use of the property as a single family home or a single dwelling unit. Section 14-47 defines a dwelling unit as “one (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit”. In other words a dwelling unit has one kitchen. A second kitchen in a building changes the use of the building from one dwelling unit to two dwelling units. I have researched our records, and there is no record of a second kitchen being added to the building. Since the use of the building is one dwelling unit, the second kitchen is illegal and needs to be removed.

In our telephone conversations about the second kitchen, you have stated that the kitchen was there when you purchased the property, and your intention is to use it for the daycare you have applied for under a home occupation. Section 14-410 of the ordinance states “the purpose of a home occupation is to allow the secondary and incidental use of a residence for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with the residential character of the neighborhood”. The key word here is that a home occupation is a secondary use of a residence. A residence is a dwelling unit that has one kitchen. You cannot have a second kitchen for the home occupation because it is not a primary use.

Your application meets all the other criteria for a daycare as a home occupation for six children plus two children after school. I am signing off on the permit for zoning with the condition that the second kitchen needs to be removed before the certificate of occupancy is issued for you to operate a daycare as a home occupation. Section 14-47 of the

ordinance defines kitchen facilities as “facilities used for the preparation of meals, including refrigerators and devices used for the cooking and preparation of food”. In one of our telephone conversations you said that there was a full sized refrigerator and a stove in the lower level. These would have to be removed along with any sink and other device used for cooking and preparation of food.

The permit will now be moved forward in the review process to a plan reviewer who looks at the use under building code requirements. They may also contact you if they have any questions.

You have the right to appeal my decision regarding the second kitchen. If you wish to exercise your right to appeal, you have thirty (30) days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

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

Yours truly,

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