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DEPARTMENT OF PLANNING AND DEVELOPMENT
NOTICE OF VIOLATION

July 2, 2003

James Company, LLC
1041 Ocean Avenue
Portland, Maine 04103

Location: 1041 Ocean Avenue
CBL: 415-B-002

CERTIFIED MAIL: 70020510000333123659

Dear James Company, LLC;

It has come to the attention of this office that an illegal unit has been added above the auto body garage located at the above stated property address. This office has no record of a building permit being issued to this location to alter the existing legal use at this time of a "auto garage". I have included the documentation from the permit and certificate of occupancy issued back in June/July of 1995 from this office. It does not make any reference to an apartment above the garage.

The property is in violation of Section 14-52 of the Portland Zoning Ordinance as stated below;

Section 14-52 Conformity Required: *No building or structure shall be erected, altered, enlarged, rebuilt, removed or used, and no premises unless in conformity with the provisions of this article.*

This is also a Violation in pursuant to Section 107.1 of the 1999 BOCA Building Code: *An application shall be submitted to the code official for the following activities, and these activities shall not commence without a permit being issued in accordance with Section 108.0 (see attached); construct or **alter a structure**, construct an addition, demolish or move a structure, **make a change in occupancy**, install or alter any equipment which is regulated by this code, move a lot line which affects an existing structure.*

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A of M.R.S.A. Section 4452 and Section 14-57 of the Portland Zoning Ordinance. This constitutes an appealable decision pursuant to Section 121.5 of the City of Portland Building Code.

You have thirty (30) days in which to vacate this unit and remove all kitchen facilities. A re-inspection will occur on August 4, 2003. You will be contacted with a time to meet with me on site to confirm the discontinuation of the illegal unit.

You have the right to appeal this decision (section 14-472). If you wish to pursue an appeal you may contact Marge Schmuckal, Zoning Administrator at 874-8695 to appear before the Zoning Board of Appeals.

If you have any questions you may contact me at 874-8707 to discuss this matter further.

Sincerely,

Jodine L. Adams
Code Enforcement Officer

Cc: Marge Schmuckal, Zoning Officer, Michael J. Nugent, Inspection Services Manager