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

January 11, 2008

Herbert Mason Sears
72 Veranda Street
Portland, ME 04103

RE: 72 Veranda Street – 431 J001 – R-5 – illegal dwelling unit

Dear Mr. Sears,

Mike Menario, one of our inspectors, inspected your property at 72 Veranda Street in December. During the inspection he found that you had an illegal dwelling unit at the property. He spoke to you about coming into the Inspections Division at City Hall to talk to us about what you could do to try to legalize the illegal unit. This letter is just a follow up to that inspection.

During his inspection, Mike Menario found three dwelling units at 72 Veranda Street. In checking the records for property at 72 Veranda Street, the most recent document that I found was a Verification of Legal Number of Units sheet done by the Marge Schmuckal, the zoning administrator, on August 4, 1998. According to this sheet, the legal number of dwelling units was two. Since this is the most recent document on file, the legal use of the property is two dwelling units. The third dwelling unit is illegal and it must be legalized or removed.

Section 14-117 of the ordinance states that the required land area per dwelling unit required for a multiplex in the R-5 zone is 3,000 square feet. Your lot is 3211 square feet, so you do not have the land area per dwelling unit to apply for a change of use permit to legalize the third unit.

Section 14-391 of the ordinance outlines a process where properties with existing illegal dwelling units may be recognized as a legal nonconforming use. 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.

I have enclosed an application for Legalization of Nonconforming Dwelling Units. You have thirty days from the date of this letter to submit this application to our office. If we have not received an application within thirty days, you will be required to remove the illegal unit.

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

Yours truly,

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