



**CITY OF PORTLAND**

**Application for Legalization of Nonconforming Dwelling Units**  
Section 14-391 – In effect March 24, 2004

Location/Address of Legalization: <u>144 Nevada St. Portland, ME - 04103</u>	
Tax Assessor's Chart/Block/Lot: <u>1 1</u>	
Owner Name: <u>Ayman Korika</u>	Cost of Work: \$ <u>          </u>
Address (if different than above):	
Fee: \$ <u>400.00</u> ( <del>\$300</del> per legalized unit & <del>\$75</del> per C of O)	
Telephone: <u>207-899-8269</u>	Total DUE:
E-Mail: <u>akorika3@gmail.com</u>	Total bldg. units: <u>3</u>
Requested # of Units to be Legalized: <u>1</u>	
Current # of Legal D.U.: <u>2</u>	
Attach evidence that each requested unit to be legalized existed as of 04/01/95.	
LIST evidence that you are submitting:	
<u>Electricity Bill - CMP</u>	
Attach evidence that the current owner/applicant neither constructed NOR established the non-conforming dwelling units to be legalized.	
LIST evidence that you are submitting:	
I hereby certify that I am the Owner of Record of the above property, or that the Owner of Record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.	
Signature of Applicant: <u><i>P. Korika</i></u>	Date: <u>3-7-16</u>
This is NOT a permit; you may NOT commence ANY work until the permit is issued.	



*City of Portland Land Use, Code of Ordinances Chapter 14*

**Sec. 14-391. Nonconformity as to number of dwelling units. (continued)**

(g) Action by Board of Appeals. The Board of Appeals shall treat applications filed under this section as an application for a conditional use (§14-474) applying the standards applicable to conditional uses as well as the requirements of this section.

(h) Dimensional and Parking Requirements. In making decisions under this section neither the Zoning Administrator nor the Board of Appeals shall apply the dimensional or parking requirements which would otherwise apply in the zones where

(i) Exclusions.

1. The provisions of this section shall not apply to rooming units (§14-47), but shall apply to efficiency apartments (§6-110(b)).
2. The Board of Appeals is without jurisdiction to grant any relief (including, but not limited to, variances) which would recognize the particular dwelling units which are the subject of this section as legal, nonconforming uses, except in strict compliance with each requirement of this section.

(j) Prior Judicial and Administrative Action. Decisions of any court or administrative body, including but not limited to, the Zoning Administrator, the Planning Board or the Board of Appeals made prior to the effective date of this section and which addressed the number of nonconforming dwelling units in a particular structure, will not bar relief under this section.

(Ord. No. 153-03/04, 02/23/04)

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\*Editor's note—Section 4 of Ord. No. 354-85, adopted Jan. 7, 1985, repealed the pre-2004 version of § 14-391, relative to the Board of Appeals permitting temporary nonconforming uses, which derived from Code 1968, § 602.17.K.



*City of Portland Land Use, Code of Ordinances Chapter 14*

**Sec. 14-391. Nonconformity as to number of dwelling units. (continued)**

6. In the absence of legally competent evidence, supported by records, (such as, but not limited to, Assessor's records, purchase and sale agreements, affidavits, deeds, mortgages, as well as reliable secondary sources, such as the Portland Director), that the conditions of subsections c(1), C(2), c(3), c(4), or c(5) can be met, the Zoning Administrator may not approve the application, but shall advise the applicant that the matter may be appealed to the Board of Appeals.

(d) Notice to Abutters. Upon receipt of a completed application, the Zoning Administrator will provide both the owners of abutting properties as well as the owners of property situated within 300 feet of the structure of the essential information contained in the application, along with a notice that they may object to the Zoning Administrator's acting on the application and require the applicant to appeal to the Board of Appeals. The notice shall be in conspicuous type and advise the abutters and owners of property within 300 feet that any objection must be submitted in writing to the Zoning Administrator within ten (10) days of the date of the notice

The failure of any property owner to receive the notice described above shall not invalidate any action by the Zoning Administrator. The Zoning Administrator shall promptly notify the applicant of receipt of the objection that the Zoning Administrator is without authority to proceed and advise the applicant that, within 30 days from receipt of the letter, an application may be filed to have the matter reviewed by the Board of Appeals as a conditional use.

(e) Approval of Application.

1. The Zoning Administrator may approve the application, provided: (i) the evidence presented satisfies all of the requirements of this section; (ii) the Office of Inspection Services and Fire Prevention Bureau have certified that the nonconforming units conform with or can be made to conform with the applicable codes; and (iii) no abutter nor person entitled to notice has requested that the application be referred to the Board of Appeals, instead of the Zoning Administrator.
2. Upon approval of the application and receipt of an additional fee in the amount of \$75.00 for each nonconforming dwelling unit which has been recognized as a lawful, nonconforming use, the Zoning Administrator will issue a certificate of occupancy.

(f) Disapproval of Application. In the event the application is not approved by the Zoning Administrator or in the event of a timely objection filed by a person qualified herein to file such an objection, the applicant, within (30) days from the decision of the Zoning Administrator or objection, may appeal the matter to the Board of Appeals as a conditional use.



Jeff Levine, AICP, Director  
Planning & Urban Development Department

Ann Machado  
Zoning Administrator

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**APPLIES TO:** Dwelling units (NOT rooming units) that are currently recognized by the City as illegal or nonconforming, and located within the following zones: R-3, R-4, R-5, R-6, or R-7; or the B-1, B-1(b), B-2, B-2(b), or B-3 Zones.

**FEE:** \$300 for each dwelling unit to be legalized by the applicant. When a permit is able to be issued, there is a requirement for a fee of \$75 for each Certificate of Occupancy (C of O) required for each unit to be legalized.

**REQUIRED SUBMISSIONS:**

1. A plot plan, drawn to scale, showing buildings(s), parking, easements, dumpsters, fencing, public ways and any other significant feature.
2. A dimensioned floor plan for every unit in the dwelling, whether or not it is the subject of the application.
3. The applicant shall supply competent evidence, such as assessor's records, purchase and sale agreements, affidavits, other public records and such that:
  - a. The nonconforming dwelling unit(s) existed as of 04/01/95
  - b. The structure was originally designed and built to accommodate more than the number of units presently in use.
  - c. The applicant neither constructed NOR established the nonconforming dwelling unit(s).
4. The nonconforming dwelling unit(s) must comply or be able to comply with the National Fire Protection Association Life Safety Code – Fire Prevention Code PRIOR to the issuance of the requested permit.
5. The nonconforming dwelling unit(s) must comply or be able to comply with the city's housing code PRIOR to the issuance of the requested permit.

**NOTIFICATION REQUIREMENTS:** Every application is subject to notifications to owners of abutting properties, as well as owners of properties situated within 300 feet of the structure, with the request to legalize nonconforming dwelling units(s). Any objection must be submitted in writing to the Zoning Administrator (ZA) within ten (10) days of the notice sent to them.



Jeff Levine, AICP, Director  
Planning & Urban Development Department

Tammy Munson, Director  
Inspections Division

**Electronic Signature and Fee Payment Confirmation**

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding this is a legal document and your electronic signature is considered a **legal signature** per Maine state law. You are also signifying your intent on paying your fees by the opportunities below.

I, the undersigned, intend and acknowledge that no permit application can be reviewed until payment of appropriate permit fees are **paid in full** to the Inspections Office, City of Portland Maine by method noted below:

Within 24-48 hours, upon receipt of an e-mailed invoice from Building Inspections, which signifies that my electronic permit application and corresponding paperwork have been received, determined complete, entered by an administrative representative, and assigned a permit number, I then have the following four (4) payment options:

- provide an on-line electronic check or credit/debit card (we now accept American Express, Discover, VISA, and MasterCard) payment (along with applicable fees beginning July 1, 2014),
- call the Inspections Office at (207) 874-8703 and speak to an administrative representative to provide a credit/debit card payment over the phone,
- hand-deliver a payment method to the Inspections Office, Room 315, Portland City Hall,
- deliver a payment method through the U.S. Postal Service, at the following address:

City of Portland, Inspections Division  
389 Congress Street, Room 315  
Portland, Maine 04101

Once my payment has been received, this then starts the review process of my permit. **After all approvals have been met and completed, I will then be issued my permit via e-mail.** No work shall be started until I have received my permit.

Applicant Signature:  Date: 3-7-16

I have provided digital copies and sent them on: \_\_\_\_\_ Date: \_\_\_\_\_

NOTE: All electronic paperwork must be delivered to [buildinginspections@portlandmaine.gov](mailto:buildinginspections@portlandmaine.gov) or by physical means ie; a thumb drive or CD to the office.