

## **Ann Machado - 51 Hammond Street - permit #2013-02409 - demolition & rebuild rear of building**

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**From:** Ann Machado  
**To:** alx.lehnen@gmail.com  
**Date:** 11/12/2013 11:11 AM  
**Subject:** 51 Hammond Street - permit #2013-02409 - demolition & rebuild rear of building

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Alex -

I have completed my zoning review of the permit application and at this point I cannot sign off on the permit.

These are the issues that need to be addressed:

1. The site plan may not be accurate. It gives the property line as "according to City of Portland parcel viewer". The City of Portland parcel viewer is not to be used as a site plan. It gives the apparent shape of the lot, but the location of the building on the lot is not based on a boundary survey and therefore may not be accurate. The site plan also locates the existing fence and says "apparent property line". Fences are not property lines. The shape and dimensions of the lot are based on the deed. To determine the correct shape of the lot and the location of the structures on it, you may need a boundary survey done based on the deed description.
2. A correct site plan is important because the existing footprint is nonconforming. The legal existing footprint is 43' x 13' with the enclosed 6' x 8' addition on the side. The current minimum side setback is 10'. Your site plan shows the proposed setback as 3'1". Since this footprint was existing, you could rebuild the single story rear section on the existing footprint. If you want to add a story, you need to use section 14-386(b). This allows you to go up an additional story as long as the new floor area created does not exceed 80% of the first floor footprint. The second part of this section states that the additional floor area needs to be created by "raising the existing roof configuration the minimum amount required to create an additional story of habitable space". The existing roof on the rear of the house (16' long section) is a shed roof. You cannot change this section to a gable roof.
3. A survey is important because you might be able to go up a story over the rear 16' x 13' section with a gable roof if the side setback is a minimum of 5'. This would be using section 14-433.
4. Finally, the existing deck is not permitted. We have no record of it in our building files. Since it is not permitted, it is not legal. It does not meet the 10' side setback so it needs to be brought into compliance.

Please feel free to contact me. It would probably make sense to set up a meeting so we can go over your plans and the ordinance, so you can make the necessary adjustments to move this permit forward.

Ann Machado

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