June 20, 2013

Nicholas DeFries
12 Romasco Lane
Portland, ME 04101

Re: 12 Romasco Lane – 013-I-019 – R-6 Residential Zone – Permit #2013-01241 – unpermitted deck and egress stairs & landings

Dear Mr. DeFries,

This letter is a follow up to the telephone conversation that we had yesterday. Part of the work that is proposed on the permit is to remove the existing landings and stairs off the rear of the building, and add a second and third floor deck over the existing ground floor deck. The existing and proposed decks go right to the rear property line with no rear setback and the side setback for the existing deck is about 1.4 feet.

12 Romasco Lane is located in the R-6 residential zone. The minimum rear setback [section 14-139(a)(4)(b)] is twenty feet. The minimum required side setback [14-139(a)(4)(c)] is ten feet. The proposed second and third floor decks do not meet either setback. Since the ground floor deck was existing, I researched our files and the assessor's property cards to see if it was permitted. There was no permit for the deck and no footprint of the deck on any of the assessor's cards dating back to the early 1950's. Since the deck was not permitted, it is not legal and since it does not meet the required setbacks it cannot be permitted after the fact. You have thirty days to bring your property into compliance by removing the deck.

As I also told you yesterday, you have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to file an appeal. If you should fail to do so, my decision is binding and no longer subject to appeal. I have already emailed you the Practical Difficulty Variance Application.

Please feel free to contact me at 874-8709 or at amachado@portlandmaine.gov if you have any questions.

Yours truly,

Ann B. Machado
Zoning Specialist