



# PORTLAND MAINE

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*Penny St. Louis - Director of Planning and Urban Development  
Marge Schmuckal, Zoning Administrator*

June 9, 2011

Lien Mai  
88 Cumberland Avenue  
Portland, ME 04101

CC: Todd Manter, PO Box 4132, Portland, ME 04101

RE: 88 Cumberland Ave. - 13-M-008 – R-6 Zone – permit application #2011-05-1221

Dear Lien Mai,

I am in receipt of a permit application concerning your property located at 88 Cumberland Avenue. You have asked to replace an existing entry stairway and to add an additional 8 foot deck to this property. Your permit is being denied because your proposal can not meet the required setbacks. It is also understood that currently your stairs into the right side entry do not currently have a landing before entry through the door. This office would allow a minimum landing of 3 feet by 3 feet to bring the entry up to minimum building codes. However, this office cannot allow a deck 8 feet long.

Your entry way is currently 2 feet from the side property line based upon a Class D survey submitted. Section 14-139.d.3 requires a minimum side yard setback of 10 feet. You are legally nonconforming for your existing structure, but you cannot increase your nonconformity (other than to permit the minimum under Building Codes to bring the entryway up to minimum safety standards –section 14-440).

I also want to point out that the legal use of this property is 5 residential dwelling units. Your Class D survey plan states that the building is a six unit building. Your contractor confirmed that there are only 5 residential units in the building. Please note that if there is a sixth unit, it must be removed immediately.

As stated above, your permit application is denied based on deficiencies meeting the Land Use Zoning Ordinance. If you wish to revise your application so that your proposal will meet the Ordinances, please bring in revised plans. You have the right to appeal my decision concerning this matter. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Very Truly Yours,  
Marge Schmuckal, Zoning Administrator