



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)*

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

October 29, 2008

Gary Brookman  
39 Lafayette Street  
Portland, ME 04101

RE: 39 Lafayette Street – 014 C011 – R-6 – rebuild 10' x 16' shed – permit #08-1267

Dear Mr. Brookman,

This letter is in response to the letter that I received from you on October 24, 2008. In your letter, you requested that I reconsider your application (#08-1267) to rebuild a ten-foot by sixteen-foot shed that was non-conforming to the rear and side setback requirements of the R-6 zone. In your letter, you argue that the ten-foot by sixteen-foot shed was “legally non-conforming.” The only building permit that I could find in our records was for an eighteen-foot by eighteen-foot two car garage that was applied for on August 25, 1924. I found no documentation of a detached structure on the property other than the referenced garage. I researched not only the building records but also those of the Tax Assessor. Since our files show no record for a ten-foot by sixteen-foot shed permit and it was not listed on the pre-1957 assessor’s card, it is not considered a legal or legally nonconforming structure. You have not provided any evidence of its existence prior to 1957. As a result, you may only rebuild the shed using today’s land use requirements.

PLEASE NOTE: There is a proposal pending with the Planning Board and ultimately the City Council to change the ordinance in the residential zones to allow a detached accessory structure with a ground coverage of 144 square feet or less to be located a minimum of five feet from the rear and side property lines.

As I said in the letter I sent you on October 20, 2008, you have the right to appeal my decision to the Zoning Board of Appeals. If you choose to appeal, our office must receive the application by November 19, 2008 since you only have thirty days to appeal.

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

Yours truly,

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

Cc. file  
Penny Littell  
Marge Schmuckal