



# PORTLAND MAINE

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

September 14, 2009

Margaret Stevens Jacks &  
Grant L. Jacks, III  
529 Overbrook Road  
Baltimore, MD 21212

Re: 51 Congress Street – 014 K009 – R-6- deck – permit #09-0847

Dear Ms. & Mr. Jacks,

I have reviewed the building application to add an 8' x 8' deck and a 3'6" x 5'6" landing off the third floor of the rear of the building extending over the existing barn. The proposed addition does not meet the lot coverage, so I must deny the application.

51 Congress Street is located in the R-6 residential zone. Section 14-139(d)(3) gives the side setback for a three story structure as 10'. The setback given for the distance from the right side property line to the proposed landing is 9'. Although 10' is required, section 14-433 allows the side setback to be reduced to 5' for an addition if the principal structure existed as of July 19, 1988 and the normal applicable yard requirements can't be met. Since the landing needs to be at 9' because of the existing conditions of the third floor, the side setback can be reduced to 9' under section 14-433.

Section 14-139(e) gives the maximum amount of lot coverage as 50%. The lot is 3960 square feet, so 1980 square feet of the lot can be covered by the footprint of any structure. The total footprint of the existing structures is 2296.78 square feet which is 57.9% of the lot. The proposed deck and landing would add 24.22 square feet to the footprint for a total of 2321 square feet which covers 58.6% of the lot. Since the proposed lot coverage is over the maximum allowable lot coverage of 50%, I must deny the permit.

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 appeal. If you should fail to do so, my decision is binding and not subject to appeal. You may contact our office for the necessary paper work that is required to file an appeal. If you choose not to file an appeal, you are entitled to get most of your money back if you bring in the original receipt you got when you applied for the permit.

Please 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