

**Ann Machado** <amachado@portlandmaine.gov>

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**20 Dow St. - Permit 2017-01951**

5 messages

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**Ann Machado** <amachado@portlandmaine.gov>  
To: timg@gpmmaine.com

Fri, Dec 22, 2017 at 2:01 PM

Tim -

I have completed my initial review of your application and I need more information before I can sign off on the permit for zoning.

1. From the plans that you have provided it is not clear exactly what work you are proposing. Is the work only being done on the first floor deck and stairs? Is there any work being done that is connected to the second or third floor enclosed porches or open decks? Are the dimensions of the first floor deck remaining the same or are they changing?
2. The survey you provided shows a small corner of the existing porch encroaching onto the neighbors property. Is this encroachment being addressed with this permit?

I will wait to hear back from you.

Thank you.

Ann

Ann Machado  
Zoning Administrator  
Permitting and Inspections Department  
City of Portland, Maine  
(207) 874-8709

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**Tim Gebhardt** <timg@gpmmaine.com>  
To: Ann Machado <amachado@portlandmaine.gov>

Sun, Dec 24, 2017 at 10:58 PM

Hi Ann,

1. Work is being done on first floor deck. We are replacing what was existing. Deck and fence have been deteriorating for several years. 2nd and 3rd floor decks will just need deck boards replaced at some point.
2. Yes we will be addressing the encroachment with our neighbor.

Thank you,  
Tim Gebhardt

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Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

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**Ann Machado** <amachado@portlandmaine.gov>  
To: Tim Gebhardt <timg@gpmmaine.com>

Thu, Dec 28, 2017 at 11:28 AM

Tim -

Thanks for getting back to me.

You said that you're replacing the existing first floor deck. Can you submit a plan that shows the exact dimensions of the existing deck including the stairs to grade? Also I'm confused about the "Land Survey With Set Back" that you submitted. The survey shows the existing deck as in line with the rear of the building with the small bottom right corner encroaching onto the neighbor's property. I don't understand what the blue lines represent.

When you say you will address the encroachment with the neighbor what exactly do you mean?

Thank you.

Ann

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Zoning Administrator  
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**Tim Gebhardt** <timg@gpmmaine.com>  
To: Ann Machado <amachado@portlandmaine.gov>

Thu, Dec 28, 2017 at 1:40 PM

Hi Ann,

The deck had been deteriorating over the past several years. We have owned the home for 11 years and it was beginning to deteriorate then. Pieces of the deck, stairs, railing and fence had come off over the years due to weather and rot. When the survey was done a few months ago the fence had come down due to weather and the stair treads had holes in some of them and the deck was dilapidated and not the dimensions it originally was. We then discovered that the rear of the home was sagging so we had to install new support posts to avoid a catastrophic failure and at that time the rest of the 1st floor deck had to be removed as it was unsafe. The dimensions that I submitted for the new deck are exactly the same as what was existing when the deck was complete. The blue line represents what was existing. As for the encroachment issue, when the deck is built it will be built within our property.

Thanks,  
Tim

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**Ann Machado** <amachado@portlandmaine.gov>  
To: Tim Gebhardt <timg@gpmmaine.com>

Fri, Dec 29, 2017 at 11:02 AM

Tim -

Once again, thank you for your response.

From your email, it sounds like the deck has gotten smaller in size over time and that you want to restore it to its original size. I have researched the records for the property. One of the two building permits on the microfiche dated 7-15-12 was for the original building. It gave the size of the footprint as sixty feet long and eighteen feet wide. The only other building permit from around the time when the building was built was for work to two chimneys. The other building permits on file are the recent ones from 2016 and 2017. When there are no permits on file we turn to the assessor's cards from the 1950s, the 1980s and the 1990s. These cards show the footprint of the building at the time including porches and decks. The 1950s card shows a 10' x 23' foot section on the rear identified as "pch + 2s O.H.". The 1980s card shows the rear section as a 10' x 11' "2 S OFP" and a "10' x 12' "2 S OFP". The 1990s card shows the footprint for the rear section as a 7' x 12' "3 S OFP" and a 7' x 10' "2S /EFP". The current footprint on the assessor's data base shows the same same rear footprint - a 7' x 12' Open Frame Porch and a 7' x 10' Encl. Frame Porch. These records show that the footprint of the rear section has decreased overtime from 10' deep and 23' in 1950 to 7' deep and 22 feet long by 1990 through the present.

The property is located in the R-6 Residential Zone. Under section 14-139 the minimum rear setback is ten feet. The current footprint as shown on the survey is nonconforming to the rear setback of ten feet. The footprint of the rear section on the survey scales at about 8.5' by about 12' for the 3 story open porch and about 10' x 8.5' for the two story enclosed porch. The depth of the two section at about 8.5' is a little larger than the 7' depth shown on the 1990 and current assessor's footprint but smaller than what was originally there. These footprints show the overall footprint that includes the upper story open and enclosed porches.

It appears from other evidence that the footprint of the first floor porch that you are replacing is smaller than the upper floor porches. The Mortgage Loan Inspection Plan (attached) submitted as part of the Miscellaneous Appeal Application

that was approved by the Zoning Board of Appeals on 12/11/1997 shows the footprint of the first floor deck. The footprint on this plan scales at 7.25' deep and 16.75' long with a set of stairs 3.75' wide by 6.5' long extending off the left side of it towards the left rear corner of the building. The deck did not extend the full length of the building. It extended three feet off the right rear corner of the building. This is confirmed by a street view picture from Google Earth that shows the first floor deck from Horton Place (attached). There is no evidence to show that that the first floor deck extended to the rear property line or the full length of the building as shown by the blue lines added to the survey and the dimensions on the deck framing detail plan.

You need to rebuild the deck as it was shown on the Mortgage Loan Inspection Plan. Please submit revised plans for the deck footing detail and the deck framing plan. Also you said "that when the deck is built it will be built within our property". Can you please show on the deck framing plan how you are going to accomplish this? It appears that the deck cannot be an exact rectangle based on the survey.

Finally, you said "We then discovered that the rear of the home was sagging so we had to install new support posts to avoid a catastrophic failure and at that time the rest of the 1st floor deck had to be removed as it was unsafe". This work was done without a permit. You need to submit a revised permit application or project description that explains exactly what was done to support the rear of the house. Make sure that there are plans that show this as well.

Please submit the pdfs and the revised plans and project description directly to me. Let me know if you have any questions.

Thank you.


Ann

Ann Machado  
Zoning Administrator  
Permitting and Inspections Department  
City of Portland, Maine  
[\(207\) 874-8709](tel:2078748709)

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## 2 attachments

 **plot plan 10-28-97.pdf**  
36K

 **google earth picture.pdf**  
2917K