



PORTLAND MAINE

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

February 11, 2011

Patrick DeLong
85 Gray Street
Portland, ME 04101

Re: 85 Gray Street – 057 D034 – R-6 – Practical Difficulty Appeal to rebuild deck & stairs – permit #10-1218

Dear Mr. DeLong,

You applied for a Practical Difficulty Appeal on November 1, 2010 after our office had denied your permit application (#10-1218) to replace the existing second floor deck and stairs at 85 Gray Street. I spoke to you after reviewing your appeal application and told you that I needed a more detailed plot plan that showed the exact setbacks from the property lines to the structure. You submitted a more detailed plot plan on November 5, 2010. After reviewing the new plot plan, I called you on November 8, 2010 to tell you that the dimensions that you provided on the plot plan to not match the numbers on your deed. Your deed states that the left side of your property is 48.85' deep and the right side is 49.88' deep. If you add the numbers up that you gave on the plot plan, the depth of the lot would be 58' which is 10' longer than what the deed says. Also the deck in question would start at 47' and extend 7' beyond your property. I told you that the Zoning Board of Appeals cannot hear an appeal unless you can show right, title and interest that shows the deck in question is on your property.

I spoke to you again on December 30, 2010. You said that you were planning to talk to Mercy Hospital, the property owner behind you, to see if they had a survey that showed your property. If that didn't work we talked about the fact that you might have to hire a surveyor to locate your property lines.

It is now February 11, 2011. You need to provide right, title and interest to show that the deck is on your property so you can proceed with your appeal. If you cannot provide this information, the appeal cannot move forward. You have thirty days from the date of this letter to provide right, title and interest for the land under the deck. If you cannot do this, the deck must be removed.

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