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

October 4, 2010

Patrick Dezong
85 Gray Street
Portland, ME 04101

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

Dear Mr. Dezong,

I have finished my review of your permit application to replace the existing second floor deck and stairs at 85 Gray Street. At this point I must deny your permit.

The deck and stairs at 85 Gray Street are nonconforming because they do not meet the required setbacks and lot coverage. 85 Gray Street is located in the R-6 residential zone. The required rear setback is twenty feet [section 14-139(d)(2)]. The plot plan gives the rear yard setback to the deck as four feet. The required side yard setback is ten feet [section 14-139(d)(3)(a)]. The plot plan gives the distances to the abutting buildings as eleven feet on the left and six feet on the right. The proposed stairs and deck need to be ten feet from the property lines. Finally, the maximum allowable lot coverage for the R-6 zone is fifty percent [section 14-139(e)]. The lot is 1969 square feet. The existing building, bay windows, and front entry cover 1060 square feet. The proposed deck and stairs cover 250 square feet of the lot. The total square footage would be 1310 square feet which would cover 66.5% of the lot.

Part of our review process when we receive an application to replace a structure that is nonconforming is to see if the structure was originally permitted. I have researched our files and I cannot find a permit to build an eight foot by twenty-three foot deck and a three foot by fourteen foot set of stairs. If the deck and stairs were not permitted, the deck is not legal, and it cannot be rebuilt. The property must be brought into compliance. You have thirty days from the date of the letter to do this. Our office will work with you to achieve compliance, but since there is no permit for the original deck, it needs to be removed.

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 file an appeal. If you should fail to do so, my decision is binding and no longer subject to appeal. You may contact our office for the necessary paper work if you decide to file an appeal.

Please feel free to contact me at 874-8709 if you have any questions.

Yours truly,

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

Cc. file