

Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Planning & Development
Lee Urban, Director



CITY OF PORTLAND

December 3, 2003

Donna Tyler Cummings
244 Danforth Street
Portland, ME 04102

RE: 246 Danforth Street – 057-G-006 – B-1 zone using the R-6 requirements.

Dear Donna,

I am in receipt of your letter expressing concerns regarding the new owner's potential design of their living space. There are several issues that you have raised.

The Zoning Board of Appeals approved a single family use on an under sized lot. The appeal was for the size of the lot not the size of the potential dwelling unit. The underlying zone permits the use for a single family. Garages are considered a normal accessory use for any residence. The ZBA did not approve any specific floor layout. The submitted floor plan did not show room layouts. I do not view your concerns about a potential garage as an invalidation of the Zoning Board's final ruling.

When the applicants apply for a building permit to show how they will be rehabbing this structure, I will be reviewing the plans for zoning compliance. Others within our division will be reviewing the submittal for building code compliance. If the new owners choose to create a garage within the rear of the building, this office will request to see rights for access to that garage. An accessory garage within the existing footprint would not create any new or increased zoning nonconformities. I do not foresee a zoning issue. However, this letter should not be construed as a final determination. I can not make any determination without a specific application with plans before me.

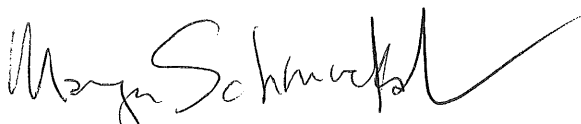
There are no written minutes of the Zoning Board meeting. There is a tape recording which we submit to the City Clerk's office for safe keeping. If you want to review that tape, please let me know so that I can have it available for your listening use.

I must also point out that by law, there is only a thirty (30) day window in which to appeal the outcome of the Zoning Board of appeals. Any appeal of their decision is before Superior Court.

The appeal at 246 Danforth Street was approved on September 18, 2003. The window to appeal this Zoning Board of Appeals decision to Superior Court has long passed.

However, you have the right to appeal this letter and any determinations that have been made within it. If you wish to exercise your right to appeal, you have thirty (30) 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. Please contact this office for the necessary paperwork that is required to file an appeal.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal", with a long, sweeping flourish extending to the right.

Marge Schmuckal
Zoning Administrator

Cc: file