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

March 30, 2009

Edward & Karen Rea
122 Pine Street
Portland, ME 04102

Re: 122 Pine Street – 062 B008 – R-6 – enclose porch & add deck – permit #09-0221

Dear Mr. & Mrs. Rea,

I am in receipt of your application to enclose an existing porch and add a deck on the side of your building at 122 Pine Street. After reviewing the application, I must deny it because it does not meet the zoning requirements of the zone.

Your property is located in the R-6 zone. Section 14-139(1)(d)(4) of the ordinance gives the required side yard on a side street as ten feet. The proposed five foot by three foot ten inch deck addition is only five feet from the side property line on the side street.

The side porch and steps that you propose to enclose are also located five feet from the side property line on the side street. Section 14-427 of the ordinance allows a porch that encroaches on a yard setback to be enclosed with the majority of the enclosure being of glass, if the porch had a roof over it and it existed since June 5, 1957. The porch was built before June 5, 1957, but it does not have a roof over it, so it cannot be enclosed.

Section 14-139(1)(e) states that the maximum allowable lot coverage for a lot with less than twenty dwelling units is fifty percent. Your lot is 2,500 square feet, so the maximum allowable lot coverage is 1250 square feet. Currently without the addition, the existing footprint of your building is 1401 square feet (56%) which is already over the maximum allowable lot coverage. The deck addition would add 19.15 square feet which would bring the lot coverage to 56.8% of the lot.

In doing my research of the property, I could not find a permit for the 170 square foot rear deck. If we cannot find a permit for an addition in our files, we use the pre-1957 assessor's card to determine what the footprint of the building was before the ordinance went into effect in 1957. The pre-1957 assessor's card does not show a rear deck. There is only a five foot by four and a half foot landing shown. We also check the Sanborn Map from 1954. The footprint from this map does not show a rear deck. The rear deck puts the building over the allowable maximum lot coverage, and it does not

meet the required ten foot side setback. Since there is no record of a permit for the rear deck and it did not exist before 1957, it is illegal and must 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.

If you do not file an appeal or if your appeal is not successful, you will have thirty days to bring your property into compliance. Please feel free to call me at 874-8709 if you have any questions.

Yours truly,

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