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*Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

March 31, 2008

Mark & Susan DeBellis
2006 Country Club Drive
Eustis, FL 32726

RE: 11 Oakland Avenue, Peaks Island – 084 C010 – IR-2 – rebuild deck – Permit # 08-0268

Dear Mr. & Mrs. DeBellis,

I am in receipt of your application to replace your existing deck at your house at 11 Oakland Avenue, Peaks Island. In researching the files for your property, I cannot find any record of the deck ever being permitted. The most recent permit on file (#0541) was to add the eight foot, nine inch by ten foot, nine inch shed to the rear of the building in July of 1979. That is the only permit we have since the zoning ordinance went into effect in 1957. The deck does not show up on the pre-1957 assessor's card, so therefore the deck is not legal and you have no right to it. You must bring your property into compliance.

The existing deck cannot be permitted because it does not meet the requirements of the IR-2 zone. Section 14-145.11(d) of the ordinance states that the maximum lot coverage allowed in the IR-2 zone is twenty percent of the lot. Your lot is 5,031 square feet, so twenty percent of that is 1,006.6 square feet. The footprint of the permitted part of the building not including the deck is 1,239 square feet, so your building is already non-conforming to the maximum allowable lot coverage. You are not allowed to make your property more nonconforming. Also, it is not clear that the deck would meet the rear setback of twenty-five feet - section 14-145.11(c)(2). The plot plan shows that the rear setback to the deck is twenty-five feet, but the numbers show that the rear setback is just less than twenty-four feet (23.63) to the deck and the steps are closer to the rear property line.

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 appeal. If you should fail to do so, my decision is binding and not subject to appeal. I have enclosed the necessary paper work that is required to file an appeal. If you choose not to file an appeal, you are entitled to get most of your money back if you bring in the original receipt you got when you applied for the permit. If you chose not to appeal, then the existing deck must be removed within thirty days to bring the 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