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*Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator*

June 6, 2013

Jennifer & Peter Eckel
40 Seashore Ave.
Peaks Island, ME 04108

RE: 40 Seashore Avenue, Peaks Island – 084-D-005, 006 & 007 – IR-2 Residential Zone- Permit #2013-01067 – unpermitted decks

Dear Mr. & Ms. Eckel,

I have completed my zoning review of your building permit application (#2013-01067) for your house at 40 Seashore Avenue, Peaks Island. At this point I cannot approve your permit.

Part of the proposed work is to remove the existing 240 square foot deck on the south side of the house and rebuild it in the same footprint, and remove the 297 square foot deck on the west side and replace it with a landing and stairs to grade from the main floor. Both the right half of the 240 square foot deck and the 297 square foot deck are nonconforming as to the minimum side setback of twenty feet [section 14-145.11(c)(3)]. In order to be able to use the nonconforming footprints, the decks would have had to have been permitted. In checking both our files of old building permits and the assessor's pre-1957 card, I found no record of the two decks being permitted. Since they were not permitted, they are not legal and therefore they need to be removed. A deck can be built on the south side but it must meet the setback requirements. Since the twenty foot side setback encroaches on the left side of the house, the proposed landing and steps do not meet the setback and cannot be built.

Your permit is on hold until we receive revised plans that show that the footprint of the house meets the setback requirements. Also the shed meets the required setbacks for an accessory structure that is 144 square feet or less, but it was never permitted. It should be permitted after the fact as part of this permit.

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. Since your property falls within the Shoreland Zone, it is a full variance appeal. I have attached the variance appeal application and a handout that outlines the appeal process.

Please feel free to contact me if you have any questions.

Yours truly,

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

Cc. file