



# PORTLAND MAINE

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

March 24, 2009

Philip Morgan  
30 Barkley Avenue  
Auburn, ME 04210

RE: 8 Ryefield Street, Peaks Island – 084 E005 – IR-2 – illegal deck & tent shed – permit #08-1580

Dear Mr. Morgan,

In my review of your permit application (#08-1580), it came to my attention that the eight by twenty foot deck and stairs off the rear of the building were never permitted. The twelve by twenty foot tent shed also was not permitted. If we cannot find a permit for the deck or tent shed, we use the footprint shown on the pre-1957 assessor's card to determine what the legal footprint was in 1957 when the ordinance went into effect. Neither the deck nor the tent shed were shown on the pre-1957 assessor's card. Since they were not permitted and were not shown on the pre-1957 assessor's card, they are not legal and the property must be brought into compliance.

The property is located in the IR-2 zone. Section 14-145.11(c)(2) gives the minimum rear setback as twenty-five feet. The rear setback to the deck is about eight feet, and the rear setback to the tent shed is twenty-three feet. Section 14-145.11(c)(3) gives the minimum side setback as twenty feet. The stairs from the deck are eleven and a half feet from the side property line. Section 14-145.11(d) gives the maximum lot coverage as twenty percent. Since the lot is 3,393 square feet, the allowable lot coverage is 678.6 square feet. The footprint of the existing structure is 1,151 square feet, so it is already over the allowable lot coverage.

The property is also located in the Shoreland Zone. Section 14-449(a) states that all principal and accessory structures must be setback at least seventy-five feet from the high water line. Both the deck and tent shed are located within the seventy-five foot setback from the high water line.

You have thirty days from the date of this letter to bring your property into compliance. Since the deck and tent shed do not meet the required setbacks or the maximum allowable lot coverage, and they are located in the shoreland zone, they cannot be permitted and therefore need 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. Terry Edwards  
file