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

January 21, 2009

Ralph Ashmore
20 Welch Street
Peaks Island, ME 04108

Re: 16 Whitehead Street, Peaks Island – 084 N004 – IR-2 – permit #09-0028

Dear Mr. Ashmore,

I'm writing this letter as a follow up to the conversation we had at the counter on January 16, 2009. In reviewing your application (#09-0028) to add a dormer and deck, enclose part of the porch and do interior renovations, I needed to make sure that the existing porch had been permitted. In researching our records, I could not find any building permits for this property. When there are no permits on file, we look at what the footprint was on the 1951 assessor's card which is from before the ordinance went into effect in 1957. This is what we consider the legal footprint of the building. The assessor's card showed that the front porch did exist in 1951, but the six foot by eight foot single story room on the rear of the building did not exist. Since the six foot by eight foot room did not exist on the 1951 card and there is no permit for it, it is not legal, and the property must be brought into compliance.

16 Whitehead Street, Peaks Island is located in the IR-2 residential zone. Section 14-145.11(c) of the ordinance gives the minimum required side setback as twenty feet. The plot plan submitted with the application shows the side setback to the six foot by eight foot room as eleven feet. Section 14-145.11(d) gives the maximum lot coverage as twenty percent of the lot. The lot is 4,109 square feet, so the maximum lot coverage is 821.8 square feet. The footprint of the building that existed on the 1951 assessor's card is 1,054 square feet which is already over the allowable maximum lot coverage. The six foot by eight foot addition makes the building more nonconforming. Since the six foot by eight foot room does not meet the side setback or the maximum lot coverage, it cannot be permitted under today's standards. Unless you can find a record of a building permit for the six foot by eight foot room, you will need to remove it to bring the property into compliance.

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. Please contact this office for the necessary paperwork if you decide to file an appeal.

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If you have any questions regarding this matter, please feel free to call me at (207) 874-8709. I have enclosed a copy of the assessor's pre-1957 card.

Yours truly,

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

Cc. Thomas Kipp
file