

84-5-005  
Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

June 15, 1995

RE: 46 Torrington Ave., Peaks Island (084-S-005)

Ric Weinschenk  
16 Park Circle  
Cape Elizabeth, ME 04107

Dear Mr. Weinschenk,

As per our recent conversation, your application to construct a deck addition and new pantry/refrigeration addition can not be issued because of the following:

1. The required 25' front yard setback can not be met. Instead, a 9' setback is shown.
2. The required 20' side yard setback can not be met. Instead, a 7' setback is shown.
3. This IR-2 Zone has a maximum lot coverage requirement of 20%. Your present coverage (prior to your proposed additions shown), is over 22% which is over the maximum allowed. Any further additions shall not be allowed because of this provision.

If this work has already been completed, it will be necessary to remove any work that violates the above requirements. However, you do have the right to appeal. It will be necessary to apply for an appeal within thirty (30) days of the receipt of this letter.

If you have any further questions, please do not hesitate to contact this office.

Sincerely,

Marge Schmuckal  
Zoning Administrator

/el

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
P. Samuel Hoffses, Chief of Inspection Services  
Arthur Rowe, Code Enforcement Officer

84-5-005  
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Planning and Urban Development  
Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

June 19, 1995

Ric Weinschenk  
16 Park Circle  
Cape Elizabeth, ME 04107

Re: 46 Torrington Point  
Peaks Island  
084-S-005

Dear Mr. Weinschenk,

It has come to our attention that work has continued at the above address after you were given a verbal order to stop work. You also were given a written notice, dated June 15, 1995, by Marge Schmuckal, Zoning Administrator, regarding the need to discontinue work and to remove everything that had been built. You do have the right to appeal.

Sincerely,

Arthur Rowe,  
Code Enforcement Officer

9-18-96, No change M 1,  
10-16-96 No change M 1  
10-30-96 Stone dust has been put down. Problem  
with deck has been corrected.  
12-12-96 addition is still on.  
4-10-97 Addition not removed  
6-10-97 Addition not removed  
6-12-97 Removed addition

46 Torrington P.I. 084-S-005

**RIC WEINSCHENK**

ARCHITECTURAL DESIGN INTERIORS PLANNING

16 PARK CIRCLE, CAPE ELIZABETH, MAINE 04107 (207) 767-3800 FAX (207) 775-7703

**Marge Schmuckal  
City of Portland**

Dear Marge,

To follow up on our conversation Thursday July 6 - 1995, and to put on paper that which we discussed relative to the deck built on my property located at 46 Torrington Ave., Peaks Island, the following was agreed:

File 

1. The deck built constitutes a structure and therefore is not permitted at this location.
2. A similar size area of concrete, brick, stone or a combination there of is not considered a structure and is allowed without permit.
3. No permit is required for 3 foot tall fences, a garden trellis, or replacing the old porch including the stairs there to.
4. Starting next week, we will begin the process of removing the decking. Concrete, and/ or stone will be installed in its place. The railing to the deck (same location as the former picket fence) will remain as the fence. The trellis will remain as well as the elevated porch which replaced the old one. Weather and labor permitting we should be completed within a few weeks.

Sorry again for any inconvenience this project has caused you and your office.

Yours Truly

  
**Ric Weinschenk**

received 7/28/95

Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

August 2, 1995

Ric Weinschenk  
16 Park Circle  
Cape Elizabeth, ME 04107

RE: 46 Torrington Avenue  
Peaks Island (84-S-005)

Dear Mr. Weinschenk:

As discussed with you previously, your deadline to appeal my decision as outlined in my June 15, 1995 letter, has passed. You have decided not to go to the Board of Appeals. Therefore, the new structure must be removed immediately.

In response to your recent letter undated, but received 7-28-95, item #1 is correct. The new deck built constitutes a structure and does not meet the requirements of the Land Use Ordinance and therefore must be removed.

Item #2 needs more explanation. As I explained to you, ground patios consisting of patio pavers, a concrete slab, or stone dust, is not considered a structure and would not require a permit. If brick were used to build up and create a structure, it would then require a permit and would need to meet the requirements of the Land Use Ordinance. If you have any questions on this please make sure our office is notified, so that any future issues can be avoided.

Item #3 is also basically true. However, the exact replacement of the old porch and stairs is allowable maintenance. However, any change in the structure or any change in its placement outside of the original footprint, would necessitate a building permit and would require a review. Property fences do not need a permit, but must meet certain requirements in the Land Use Ordinance, such as being no higher than 4 feet within 25 feet of the streetline or public way. A garden trellis does not need a permit. If a fence or a garden trellis is incorporated into a deck structure, it may be considered part of the deck and need a review. Please check with our office first if that is intended. I do consider fences and railings quite different nature and use.

Please also note that your holding tank must be kept readily accessible for require service and pumping.

As discussed with you on June 20th when you were in my office, I expect immediate action on your part to start removing the illegal structures in a timely manner. I am pleased that your letter stated that you would begin removal work soon. Our Field Inspector will be inspecting the site on a regular basis.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marge Schmuckal". The signature is written in dark ink and is positioned above the typed name.

Marge Schmuckal  
Assistant Chief of Inspection Services  
Zoning Administrator

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
P. Samuel Hoffses, Chief of Inspection Services  
Arthur Rowe, Code Enforcement Officer

JENSEN BAIRD GARDNER & HENRY

ATTORNEYS AT LAW

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(1914-1987)

YORK COUNTY  
OFFICE

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JAMES N. KATSIAFICAS  
JULIANNE CLOUTIER  
MILDA A. GASTNER  
EMILY A. BLOCH  
ANNE H. JORDAN  
BARRY P. FERNALD  
SALLY J. DAGGETT  
SUSAN C. STEINER

November 18, 1996

Marge Schmuckal  
Zoning Administrator  
Inspections Services  
City of Portland  
City Hall  
389 Congress Street  
Portland, ME 04101

File

RE: 46 Torrence Avenue, Peaks Island (84S-005)

Dear Marge:

Ric Weinschenk informs me that one of the building inspectors who inspected the above-referenced property said that all of the concerns of your department relating to the patio located in front of the house had been resolved. Also, he indicated that there was nothing further that Mr. Weinschenk must do to address the City of Portland's concerns with respect to the patio. Please advise if that is not the case.

Thanks for your help in this matter.

Very truly yours,

Peter W. Greenleaf

cc: Ric Weinschenk

PWG/jb/2

