

Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

August 30, 1995

Mr. Michael Carr  
131 New Island Avenue  
Peaks Island, ME 04108

035-6-001  
RE: 85-G-1 & 2  
See → Veterans St/Spruce St.  
Peaks Island

Dear Mr. Carr,

This letter is in response to your faxes dated July 19, 1995 and August 29, 1995. As explained to you previously, my zoning determination was based entirely on the present Land Use Code. According to that code, the definition of "building height", as outlined in Section 14-47, states that "the vertical measurement from grade to a level midway between the level of the eaves and the highest point of pitched roofs...For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves." It is reasonable to use an "average" grade if there is a grade level difference. The proposed plan meets the requirements of the Land Use Code.

The definition of grade you refer to is from an entirely different code, The BOCA Building Code. It is not usually appropriate to pick and choose definitions from different codes when enforcing a specific ordinance. It is more appropriate to use the definitions of the specific ordinance that is being used.

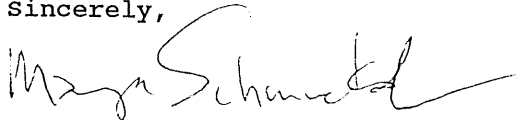
You also stated that the owner did not state the type of roof on the proposed structure. It was not necessary as the type was shown on the plans.

Our office has addressed the problem of on site debris and it has been removed. However, our Code Enforcement Officer will be inspecting on a regular basis to stay on top of this problem.

In response to your inquiry regarding building permits, they are valid for as long as work is progressing. Should work cease for more than six months, the permit becomes invalid unless a time extension is filed. It is my understanding that work at referenced site is on going.

To answer your question about building codes, Mr. Sam Hoffses reviewed and approved the submitted plans as meeting the 1993 BOCA Building Code. Our Code Enforcement Officer, Arthur Rowe, will be on site to ensure that work is being done as per approved plans.

Sincerely,

A handwritten signature in cursive script, appearing to read "Marge Schmuckal".

Marge Schmuckal  
Zoning Administrator

cc: Joseph Gray, Dir, PUD  
P. Samuel Hoffses, C, Insp Svcs  
Arthur Rowe, CEO