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Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

October 30, 2014

Joshua Green &
Kandice Chuh
131 New Island Avenue
Peaks Island, ME 04108

Re: 131 New Island Avenue, Peaks Island – 085-G-003 – IR-2 Island Residential Zone – Permit #2014-02458 – unpermitted deck

Dear Mr. Green & Ms. Chuh,

I have reviewed your application to permit the 9'10" by 16' deck and 3'9" by 4'8" shower area that was built at your property without a building permit. I am denying your permit because the structure does not meet the setback and lot coverage requirements.

131 New Island Avenue, Peaks Island is located in the IR-2 Island Residential Zone. Section 14- 145.11(c) spells out the minimum required setbacks. The minimum required front setback is twenty-five feet, and the minimum required rear setback is twenty-five feet. The plot plan that was provided with the permit appears to have given the front and rear setbacks from the edge of the streets and not from the property lines. Where the proposed deck sits on the lot, the lot is only fifty feet deep. The deck is 20'8" long. If you subtract that from 50', the difference is 29'4". The 25' front and rear setbacks cannot be met.

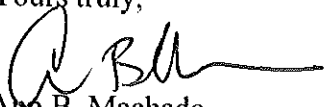
Section 14-145.11(d) states that the maximum lot coverage is twenty percent of the lot. The lot is 5,550 square feet. The footprint of the existing structure is 1,116 square feet. The deck and shower area is adding 174.8 square feet. The new footprint would be 1290.8 square feet which covers 23.3% of the lot. This exceeds the allowable lot coverage of twenty percent.

You need to bring your property into compliance. Since the deck and shower area does not meet the required setbacks or allowable lot coverage, it cannot be permitted and it needs to be removed. You have thirty days to remove the deck.

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. If you decide to file an appeal you may contact our office for the necessary paper work.

Please feel free to contact me at 874-8709 or at amachado@portlandmaine.gov if you have any questions.

Yours truly,

A handwritten signature in black ink, appearing to read 'A B Machado', with a long horizontal flourish extending to the right.

Ann B. Machado
Zoning Specialist