

**From:** "Rachel Conly" <rachel@tjwhome.com>  
**To:** <amachado@portlandmaine.gov>  
**Date:** 12/19/2006 5:04:45 PM  
**Subject:** 19 Merriam Street, Peaks Island

RE: permit 06-1780, 19 Merriam Street Peaks Island

Good Morning Ann,

Thank you for forwarding me a copy of the letter which you sent to Susan Yturraspe regarding a permit for 19 Merriam Street. I am, to say the least, extremely concerned about your specific request for the removal of a portion of Susan's existing house. As I mentioned previously, the removal of this portion, the existing kitchen, would increase other "non-conformities" of the house, making occupation of her home illegal without an extensive remodel. This would be an unreasonable financial hardship to bestow upon Susan, particularly since she purchased the house in its current condition.

In addition, I have worked as an architectural designer for nearly 4 years on Peaks Island. In my experience, I have seen many "existing non-conforming" homes issued permits for the construction of remodels and renovations. I am aware that most of these homes have been without historical records in the city archives. A good number of these existing non-conformities were likely built without city knowledge, and therefore are without record. On the other hand, I have also been told on several occasions by city employees that many of the Peaks Island microfiche documents seem to be "missing" from the files. In either case, since I have never experienced, nor heard of, a request for the removal of an existing non-conforming interior space on Peaks Island, I can only surmise that a lack of records has served to benefit permit applicants in the past. Perhaps with nothing to raise an eyebrow, or make comparisons to, the process is streamlined in favor of the unknown. Ironically, the good intentions of previous 19 Merriam Street owners to work "above board" with the city, have now become obstacles. Unfortunately, for Susan, her house has documentation dating back as far back as 1933. This is a rare example, and one which seems to be a burden rather than a blessing.

Based on the possibility of "missing" files, I do not think one can say with certainty whether additional documents were, or were not, ever generated. Even if the files for 19 Merriam Street are "complete", it is unjust to make it incumbent upon Susan to pay for the infractions of another's negligence. Negligence which could be as easily attributed to the lack of follow through on the part of the presiding code enforcement officer at the time, as it could be to a prior owner of the property in question. In either case, Susan was clearly not involved as she purchased the house in the year 2000; two years after the code enforcement officer noted a violation. Your notification letter to Susan, dated 12.18.06, says "it came to my attention that part of the single story addition in the rear of the house was never permitted". It is a misleading statement. From your own notes, the city has known about this issue since 1998. It is not new information, but neglected information. If the issue was, in fact, never resolved, it is

irresponsible and unjust that the city would wait nine years to enforce a penalty, especially upon a subsequent owner, for an infraction that they were well aware of. As such, your request seems capricious and an effort to compensate for the departments own inefficiencies.

In response to your letter, we will recommend to Susan that she hire a lawyer and make an appeal within the 30 days allowed. While we will continue to pursue the appeals process in order to meet the time restraints, in the meantime, we would appreciate the opportunity to find a solution which is less burdensome on our customer. Please let me know if you are in the position to further discuss any alternatives.

Thank you for your time, Rachel

Rachel Conly  
Architectural Designer  
Thompson Johnson Woodworks  
115 Island Avenue  
Peaks Island, Maine 04108  
207.766.5919 (ph)  
207.766.5297 (fx)

CC: <jbourke@portlandmaine.gov>, <mes@ci.portland.me.us>, <harvey@tjwhome.com>

**FAX**



To: Rachel Conley  
Fax Number: 766-5297

From: Ann Mahato

Fax Number:

Date: 12/14/06

Regarding: 19 Merriam St.

Total Number Of Pages Including Cover: 6

Phone Number For Follow-Up: 874-8709

**Comments:**

practical difficulty appeal  
ZBA application process; schedule

City Of Portland, Maine  
Inspections Division Services  
389 Congress St Room 315 Portland Me 04101-3509  
Phone: (207) 874-8703 or (207) 874-8693  
Fax: (207) 874-8716  
<http://www.portlandmaine.gov/>

**FAX**



To: Rachel Conly  
Fax Number: 766-5297

From: Ann Machado  
Fax Number: 874-8716

Date: Dec 18, 2006

Regarding: 19 Merriam St, Peaks Island

Total Number Of Pages Including Cover: 3

Phone Number For Follow-Up: 874-8709

**Comments:**

Rachel - Here is a copy of the letter  
that I sent to Susan Yturraspe.

Ann

City Of Portland, Maine  
Inspections Division Services  
389 Congress St Room 315 Portland Me 04101-3509  
Phone: (207) 874-8703 or (207)874-8693  
Fax: (207) 874-8716  
<http://www.portlandmaine.gov/>

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

## Current Owner Information

<b>Card Number</b>	1 of 1
<b>Parcel ID</b>	085 J017001
<b>Location</b>	15 MERRIAM ST <del>37</del> 15
<b>Land Use</b>	SEASONAL
<b>Owner Address</b>	YTURRASPE SUSAN M 15 MERRIAM ST PEAKS ISLAND ME 04108
<b>Book/Page</b>	15589/295
<b>Legal</b>	85-J-17 MERRIAM ST PEAKS ISLAND 2800 SF

## Current Assessed Valuation

<b>Land</b>	<b>Building</b>	<b>Total</b>
\$120,300	\$90,500	\$210,800

## Property Information

<b>Year Built</b>	<b>Style</b>	<b>Story Height</b>	<b>Sq. Ft.</b>	<b>Total Acres</b>	
1900	Old Style	1.5	1152	0.064	
<b>Bedrooms</b>	<b>Full Baths</b>	<b>Half Baths</b>	<b>Total Rooms</b>	<b>Attic</b>	<b>Basement</b>
2	1		4	None	Pier/slab

## Outbuildings

<b>Type</b>	<b>Quantity</b>	<b>Year Built</b>	<b>Size</b>	<b>Grade</b>	<b>Condition</b>
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## Sales Information

<b>Date</b>	<b>Type</b>	<b>Price</b>	<b>Book/Page</b>
07/11/2000	LAND + BLDING	\$135,000	15589-295
10/01/1996	LAND + BLDING	\$78,900	12771-323

## Picture and Sketch

<a href="#">Picture</a>	<a href="#">Sketch</a>	<a href="#">Tax Map</a>
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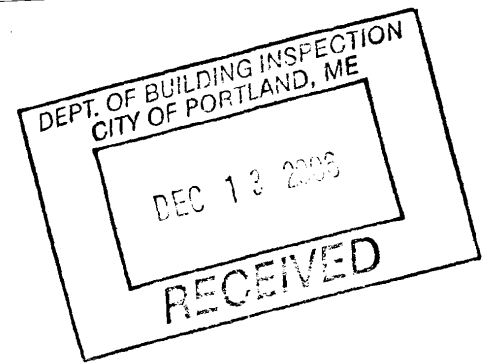
[Click here to view Tax Roll Information.](#)

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

**New Search!**



Thompson Johnson Woodworks  
 115 Island Avenue, Peaks Island, Maine 04108  
 207.766.5919



**window and door schedule Yturraspe Residence 12.12.06**

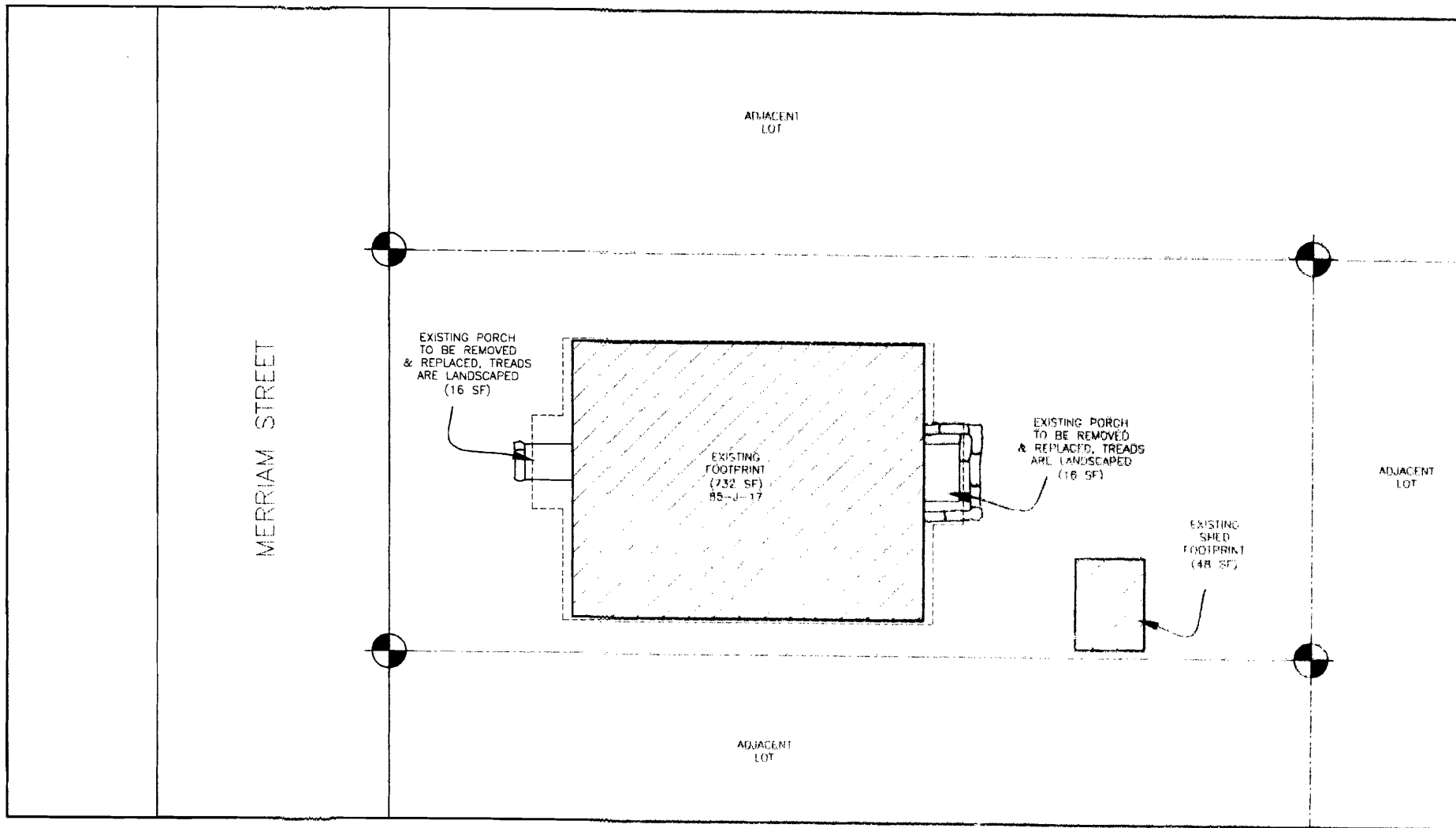
19 Merriam Street, Peaks Island, Maine

**Door Schedule**

QTY	DOOR	MANFCT.	Call Number	finish	grill(s)/panels	GLASS	OPER	Nominal		JAMB	HARDWARE	Notes
								WIDTH	HEIGHT/S			
1	A	Le Page		pre-primed wood	4 lights, sdl	temp., low E, w/ argon	RH	36"	80"	v.i.f	bronze	screen door
2	B	Brosco		pre-primed wood	4 panel	NA	pocket	30"	80"	v.i.f	USB10	
1	C	Brosco		pre-primed wood	4 panel	NA	RH	28"	80"	v.i.f	USB10	
1	D	Brosco		pre-primed wood	4 panel	NA	RH	24"	80"	v.i.f	USB10	
1	E	Le Page		pre-primed wood	4 lights, sdl	temp., low E, w/ argon	pair, RH, LH	60"	80"	v.i.f	bronze	screen door
1	F	Brosco		pre-primed wood	4 panel	NA	LH	24"	80"	v.i.f	USB10	
1	G	Brosco		pre-primed wood	4 panel	NA	RH	32"	80"	v.i.f	USB10	
2	H	Brosco		pre-primed wood	4 panel	NA	LH	30"	80"	v.i.f	USB10	
2	I	Brosco		pre-primed wood	4 panel	NA	RH	30"	80"	v.i.f	USB10	

**Window Schedule**

QTY	WIN.	MANUFCT.	finish	grill(s)/panels	GLASS	OPER	Nominal		JAMB	HARDWARE	Notes
							WIDTH	HEIGHT/S			
8	1	Le Page	pre-primed wood	4 lights, sdl	low EII, W/ argon	dbl hung	28"	58"	v.i.f.	USB10	screen
4	2	Le Page	pre-primed wood	4 lights, sdl	low EII, W/ argon	casement, R	28"	44"	v.i.f.	USB10	screen, egress
4	3	Le Page	pre-primed wood	4 lights, sdl	low EII, W/ argon	fixed	28"	44"	v.i.f.	USB10	screen
6	4	Le Page	pre-primed wood	4 lights, sdl	low EII, W/ argon	casement, L	28"	44"	v.i.f.	USB10	screen, egress
5	5	Le Page	pre-primed wood	4 lights, sdl	low EII, W/ argon	awning	19 1/2"	19 3/4"	v.i.f.	USB10	screen, matches exist.



Ⓐ Site Plan  
 $\frac{3}{32}'' = 1'-0''$

NOTE:  
 1. ALL WORK TO BE DONE WITHIN EXISTING FOOTPRINT  
 2. SEE PAGE A6 FOR SQUARE FOOT CALCULATIONS