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

May 5, 2010

Cathleen Murray
91 Beckett Street
Portland, ME 04101

Re: 11 Second Street, Peaks Island – 085 K003,004 &005 – IR-2 – trailer

Dear Ms. Murray,

During our telephone conversation today, you asked me whether your brother could appeal my decision that the trailer could not be occupied since it constitutes a second dwelling unit which is not allowed in the IR-2 zone (section 14-145.10). I told you that anyone has the right to appeal, but section 14-473(c)(4), “Jurisdiction of Board of Appeals – Specified Variances prohibited”, states under section a. that “no use permitted in medium and high density residential districts shall be permitted in low density residential districts”. The IR-2 residential district is categorized as low density, and two family dwellings are only allowed in medium and high density districts, so this specific use variance is prohibited.

You do have the right to appeal, but since the granting of this variance is prohibited it is unlikely that the variance will be approved. 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. You may contact our office for the necessary paper work if you decide to file an appeal.

Your property needs to be brought into compliance. When I met with your brother Don Corbett yesterday, he told me that he wanted to just store the “trailer “on the property. I told him that the ordinance does allow one unregistered vehicle to be stored on the property [section 14-335(d)]. I told him that he needed to submit an affidavit by May 14, 2010 stating that the trailer would not be occupied in any fashion and that it would be kept locked. He also said that he would remove the tarp storage hut.

Please feel free to call me at 874-8709 if you have any questions.

Yours truly,

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