



# PORTLAND MAINE

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

February 14, 2011

Grace Noonan-Kaye  
7 Luther Street  
Peaks Island, ME 04108

Re: 7 Luther Street, Peaks Island – 087 E025 – IR-2 Island Residential Zone – Permit #10-1005

Dear Ms. Noonan-Kaye,

This letter is a follow up to the letter I sent dated December 7, 2010 and the letter you sent in response that our office received January 6, 2011. There appears to have been some confusion about the permit that was applied for and the work that was actually done.

Martin Simpson applied for a permit (#10-1005) on August 17, 2010 to “build a deck to replace existing” at your property at 7 Luther Street, Peaks Island. The plot plan showed a “proposed replacement deck” measuring 12’ x 8’ with a set of stairs coming off of it that measured 4’ x 8’. This “proposed replacement deck” was located on the right side of the house where the existing sliding glass doors were shown. The framing plan and elevation plans also showed a deck of this size. I have enclosed copies of what was originally submitted. It is this “proposed replacement deck” that I was referring to in my later dated December 7, 2010. From the way the application was worded, I thought that the 12’ x 8’ deck already existed and the permit was just to rebuild it.

I know that you were aware that the proposed 8’ x 12’ deck with the stairs did not meet the zoning requirements for IR- 2 zone. We had talked on the telephone about this and exchanged emails. I was waiting to hear if you were going to file a practical difficulty appeal to build the deck or just put stairs in from the sliding door. It appears from the letter that we received January 6, 2011 that you decided not to appeal and instead replaced the existing stairs.

Even though you ended up just replacing the existing stairs, you still need a permit to do that. You need to revise your original application. The plot plan needs to show the footprint of the original stairs, and if the replacement stairs are larger, the difference needs to be show on the plot plan. We also need a framing plan and elevation plans for the stairs. This needs to be submitted even if the replacement stairs have already been

built. A permit was never issued to replace just the stairs. You have thirty days to revise your original application and submit the new plot plan and stairs.

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

Yours truly,

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

Cc file