



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

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

December 7, 2010

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

Re: 7 Luther Street, Peaks Island – 087 E025 – I-R2 Island Residential Zone –
unpermitted deck – Permit #10-1005

Dear Ms. Noonan-Kaye,

This letter is a follow up to the email correspondence that we had on August 26, 2010. You applied for a permit (#10-1005) to rebuild a 12' x 8' deck with stairs on the side of your house at 7 Luther Street, Peaks Island. In checking the zoning for the permit I discovered that the existing deck that you were trying to rebuild was not permitted. Since it was not permitted, it is not legal and you have no right to it.

The proposed 12' x 8' deck does not meet all the zoning requirements. 7 Luther Street, Peaks Island is located in the I-R2 Island Residential Zone. The required rear setback is twenty-five (25) feet [section 14-145.11(c)(2)], but the setback for the proposed deck is twenty-four (24) feet. The maximum amount of land that the footprint of your structure can cover is twenty (20) percent [section 14-145.11(d)]. Twenty (20) percent of your lot is 880 square feet. The footprint of the existing structure is 943 square feet. The proposed deck and stairs would add 128 square feet for a total of 1071 square feet which covers 24.34 percent of the lot.

You need to bring your property into compliance. Since you cannot permit the deck under the zoning requirements, you must remove the deck. You have thirty days from the date of this letter to bring the property into compliance. If there is an existing door, you might be able to build steps that meet the minimum building code requirements to get from the door to grade. You would have to submit a revised plan showing this.

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. I have enclosed the necessary paper work that is required if you choose to file an appeal.

Please feel free to call me if you have any questions.

Yours Truly,

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