



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*

January 15, 2010

Alex Dylan Fisher
16 City Point Road
Portland, ME 04108

RE: 16 City Point Road, Peaks Island – 087-S-009 – IR-2 Zone with a Shoreland Overlay

Dear Mr. Fisher,

I am in receipt of a permit to make alterations at 16 City Point Road on Peaks Island. This permit can not be issued at this time because of violations witnessed on the property. It is important to know that this property is located within a Shoreland Overlay which strictly regulates expansions of square footage and volume. Because the original structure was constructed prior to Shoreland regulations, the Land Use Zoning Ordinance limits the amount of expansion to no more than 30 % of floor area and volume after January 1, 1989 during the lifetime of the structure (section 14-382(f)1). The 30% increase is both a City and State requirement. It is also based upon the structure and not the ownership.

In 1999, the previous owner, Covey Johnson, maximized the 30% floor area and there is approximately 200 cubic footage of volume left to use. A recent inspection by our Code Enforcement Officer revealed unpermitted changes to the structure. There is now a door and a deck off the 2nd floor. This work violates the maximum 30% allowance under the Land Use Ordinance. These changes must be removed before any permits are allowed on the property.

This new application does not discuss additional volume changes for a false door enclosure along the road. Since that work is considered volume, you must apply for permits and meet the requirements of Shoreland Zoning.

It has also been stated to inspectors while visiting the island that you wish to raise the structure. Please note that prior to such work, this office requires a permit application with all the required information in order to review such an endeavor for compliance under the applicable ordinances.

If you wish to alter your seawall (raise it higher) approval from the City and State, it will be necessary to reapply to both the City and State showing exactly what you will be altering from the original approval. This must be done prior to any alterations.

It will be necessary to submit a plan of action to remove the illegal 2nd floor deck and door within ten days of the receipt of this letter. I will glad to make an appointment to review the history of the property with you. We can also go over any alterations you may want to do concerning the property.

I am also enclosing the occupancy permit that was issued after the alterations done to the building in 1999. Please note that it addresses the issue of expansion limitations.

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: Denis O'Brien, 136 So. Freeport Road, Freeport, ME 04032
Penny Littell, Director of Planning and Urban Development
Suzanne Hunt, Code Enforcement Officer
File