



# PORTLAND MAINE

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

September 4, 2009

Stewart M Moss  
P.O. Box 1682  
Gray, ME 04039

RE: 224 Island Avenue, Peaks Island – 087-W-007 – IR-2 Zone – Permit #09-0965

Dear Mr. Moss,

I am in receipt of your permit application to change the use of your property on Peaks Island from a single family to a single family with an accessory dwelling unit. Your permit application is on hold based upon the requirements of the IR-2 Zone in which your property is located.

Please note that the use you are seeking, the addition of an accessory dwelling unit, is a conditional use appeal before the Zoning Board of Appeals. I am enclosing a copy of section 14-145(a) which outlines the requirements that you must meet to obtain such an appeal. Your current application submittal indicates that several of the conditions are NOT being met. An accessory dwelling unit requires 30,000 square feet of land area for this use. Your lot is shown to have only 3,810 square feet which is significantly under the requirement. There is also a requirement that the accessory unit be no more than 35% of the gross floor area of the principal building. My quick calculations based on the minimal amount of information that you provided, shows that the accessory unit will have approximately 505 square feet of area out of a total of 1000 square feet of building area. That is half of the existing structure instead of the maximum 35% allowed.

There is another requirement that either the accessory unit or the principal dwelling unit shall be occupied by the owner of the lot, except for bona fide temporary absences. The mailing address given to the City for assessment purposes and for this permit application is in Gray, Maine.

Before the Zoning Board of Appeals can grant this type of Conditional Use Appeal, you shall first obtain variances for any condition(s) that you can not meet.

It may be easier to revise your plans to instead show a new area handicap area for your father with out kitchen facilities. Under such conditions, this office could approve a

permit without the need for a Conditional Use Appeal. This office would be glad to work with you to redesign your plans to meet the current ordinances.

I am enclosing section 14-145 (a) of the Ordinance with the requirements for an accessory dwelling unit.

Your current application is on hold until this office receives revised information, or receives an application for a Variance and/or Conditional Use Appeal(s).

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: File

enclosure