



# PORTLAND MAINE

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*Lee Urban- Director of Planning and Development  
Marge Schmuckal, Zoning Administrator*

July 12, 2007

Macey Orme  
PO Box 143  
Peaks Island, ME 04108

RE: 23 Prince Avenue, Peaks Island – 091 J007 – IR-1 – add a room over a deck –  
permit # 07-0804

Dear Ms. Orme,

I am in receipt of the application to add an eight by twelve foot room over part of the deck at the property at 23 Prince Avenue. The property is located in the IR-1 residential zone. According to section 14-145.5(d) of the land use ordinance, the maximum area of the lot that can be covered by structures is twenty percent of the area of the lot. The area of the lot is 5,000 square feet. Twenty percent of 5,000 is 1,000 square feet. The square footage of the house as it exists now is 1,313, which is over the maximum allowable lot coverage. I checked our records to see if there was a permit for the deck where the proposed eight by twelve foot room is to be placed. I cannot find a permit for the twelve by twenty one foot deck in our files. I cannot find a record of any permits for the house since the ordinance went into effect in 1957. When there are no permits on file, we default to the footprint of the building found on the assessor's pre-1957 card. That is what we consider as the legal shape and size of the building. The square footage of the building was 1035 square feet in 1951. This exceeds the allowable maximum square footage for the lot. Since the twelve by twenty foot deck did not exist in 1951 and was not legally permitted, any further increase in the footprint would increase the legal nonconformity regarding lot coverage. Your permit to build the twelve by eight foot room is denied based upon this information.

As I told you on the telephone the other day, if you can find a permit for the deck in your records then the deck would be legal and you would be able to enclose part of it. If you cannot find a permit 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 appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

If you have any questions regarding this matter please feel free to call me at 874-8709. I have enclosed a copy of the assessor's pre-1957 card.

Yours Truly,

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