



# PORTLAND MAINE

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

June 24, 2008

Julie Vickers  
Gale McGee  
55 Candlebrook Lane  
South Portland, ME 04106

RE: Anderson Avenue, Little Diamond Island – 105 J017 – IR-2 – adding bathroom & kitchen area to outbuilding – permit #08-0651

Dear Ms. Vickers & Ms. McGee,

I have reviewed your application to add a bathroom and kitchen area to the twenty-foot by thirty-two foot outbuilding on your property at Anderson Avenue on Little Diamond Island. I am writing you to inform you that your application has been denied.

According to our records, the permit (#00563) to build the outbuilding was issued on May 9, 1986. The use for the outbuilding was given as a “1 story building to be used for storage of fishing gear.” Your property is located in the Shoreland Zone. Your plot plan gives the setback to the shed from the high water mark as ten feet. Section 14-449 of the ordinance states that all principal and accessory structures must be set back at least seventy-five feet from the normal high water line. Since the outbuilding was built before this section of the ordinance went into effect, the use of the building as storage for fishing gear is legally nonconforming. Since the building is legally nonconforming, the use cannot be changed to add a bathroom and kitchen area. The use must remain as a building for the storage of fishing gear.

In addition, the serving area that you proposed to add to the building constitutes a kitchen. Under the land use ordinance, the addition of a kitchen and bathroom to the building creates a dwelling unit. The IR-2 zone only allows for single-family dwellings. Under section 14-145.9(a)(1) of the ordinance, you can add an accessory dwelling unit within the principal single-family dwelling providing that you can meet the criteria listed under this section. The second condition listed under this section states that your lot must be 30,000 square feet. Your lot size is 26,388 square feet, so you do not meet the criteria for lot size. This is a conditional use, so if you wanted to pursue it, you would have to appeal to the Zoning Board of Appeals. Since you do not meet all the criteria, you would have to make a separate appeal first for a variance in the required lot size for an accessory dwelling unit.

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. Since your property is located in the shoreland zone, if you choose to file an appeal, our office is required to notify the Department of Environmental Protection of the specific variance request well in advance of the Board of Appeals hearing. If you wish to file an appeal you may contact our office for the necessary paper work. If you choose not to file an appeal, you are entitled to get most of your money back if you bring in the original receipt you got when you applied for the permit.

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

Yours truly,

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