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Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

October 18, 2012

Carolyn Rideout
142 Sunset Road
Cliff Island, ME 04019

Re: 142 Sunset Road, Cliff Island – 109B B018 & 109B B041 – IR-1 Island Residential Zone – permit #2012-10-5202 – 20' x 12' boathouse/shed

Dear Ms. Rideout,

This letter is a follow up to the telephone conversation that we had today. I have completed my review of the building permit application to build a twenty foot by twelve foot boathouse/shed on your property at 142 Sunset Road, Cliff Island. Since the proposed boathouse/shed does not meet the zoning requirements of the IR-1 zone, I must deny your permit.

The proposed boathouse/shed does not meet the rear or side setback requirements of the IR-1 zone. The required rear setback is thirty feet, and the required side setback is twenty feet [sections 14-145.5(c)(2) & 14-145.5(c)(3)]. The distances that you provided on the plot plan for the size of the lot do no match up with the distances on the deed (Book 13073, Page 233) that you provided. Your plot plan gives the distance of the lot along the northerly side of the cemetery as a total of 76'5". The deed gives this distance as 51'9". In other words your left side property line is 24'8" closer to the house then shown on the plot plan. Instead of having the 32'1" that you gave on the plot plan as the side setback to the shed, you only have 7'5". This does not meet the required 20' side setback. You have not given the distance from the shed to the rear property line. You have only shown the 22' to the mean high tide which is beyond your rear property line, so the proposed shed is less than 22' to the rear property line. Since the proposed shed is not meeting the required 20' side setback and the 30' rear setback, the permit is denied.

Your property also falls within the Shoreland Zone. Section 14-449(a) states that "all principal and accessory structures shall be set back at least seventy-five feet horizontal distance, from the normal high water line of water bodies". Your plot plan gives the distance for the mean high tide as twenty-two feet. Your proposed shed does not meet this condition, so the permit is denied.

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. I have enclosed the Variance Appeal Application and a sheet that explains the application process. Since this property falls within the Shoreland Zone, section 14-449(a)(2) requires that the plans of the development be based on a boundary survey prepared by a licensed professional. This boundary survey should include the property lines of the property based on the deed, and the footprint of any existing structure and the proposed structure. The survey should also show the 75' setback and the 250' setback from the average high tide. Our office is required to provide the Department of Environmental Protection with the complete application and variance request information at least twenty days prior to the scheduled Zoning Board of Appeals hearing.

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

Yours truly,

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