



# PORTLAND MAINE

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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 not 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 than 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,

A handwritten signature in black ink, appearing to read 'Ann B. Machado', written in a cursive style.

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



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*Jeff Levine, AICP, Director  
Marge Schmuckal, Zoning Administrator*

December 13, 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 – Incomplete Variance Appeal Application

Dear Ms. Rideout,

This letter is a follow up to a voice mail that I left you a few weeks ago. Our office received your Variance Appeal Application on November 15, 2012. I reviewed the application and concluded that the application was incomplete. More information needs to be submitted before you can appear before the Zoning Board of Appeals.

You need to provide a boundary survey that is prepared by a licensed professional. This is a requirement under section 14-449(a)(2) because your property is located within the Shoreland Zone. The boundary survey needs to include the following:

1. The property lines based on your most current recorded deed
2. The footprint of any structures on the property including the boathouse/storage shed
3. The 75' setback and the 250' setback from the high tide.
4. If the property is within a flood zone, the flood zone needs to be located on the survey

Your appeal cannot move forward without this survey. This needs to be completed as soon as possible because the boathouse/storage shed was built without a permit and it is within the 75' setback. The appeal needs to happen in a timely fashion because the structures on the property need to be brought into compliance.

Also on the deed you submitted, you have crossed out the total distance of the rear property line and changed the number. If the distance on the recorded deed is not accurate, then you need to record a corrective deed. You cannot just change it on the existing deed.

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

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado". The signature is fluid and cursive, with a long horizontal stroke at the end.

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

Cc file

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DEC 28 2012

Dept. of Building Inspections  
City of Portland Maine

P.O. Box 98

Cliff Island

ME 04019

Dec. 17, 2012

City of Portland  
Inspections Div - Rm 315  
389 Congress St  
Portland, ME 04101-3509

Re: variance appeal application

Dear Ann Machado:

Thank you for your letter regarding the appeal application for the boathouse. I cannot afford to have a survey done. Please mail back to me my 11 copies of my appeal application, and a refund of my \$100. Also, if possible, because I will not be receiving a building permit, could I have a refund of my \$80.

Thank you and Merry Christmas.

Sincerely,

Carolyn Rideout

If possible, please also return my application for a building permit -

Ann, I'm sorry, I didn't realize the setback was 250' from the high tide. I couldn't possibly drag even a small boat, that distance, up a wacky slope and over a 12' vertical ledge.



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*Jeff Levine, AICP, Director  
Marge Schmuckal, Zoning Administrator*

January 8, 2013

Carolyn Rideout  
142 Sunset Road  
Cliff Island, ME 04019

Re: 142 Sunset Road, Cliff Island, - 109B B018 & 109B B041 – IR-1 Island Residential Zone – Request to withdraw Variance Appeal Application.

Dear Ms. Rideout,

This letter is a follow up to the letter I received on December 28, 2012. In this letter you stated that you could not afford a survey and requested that I return your 11 copies of the appeal application and the \$100 application fee. The application fee is nonrefundable [section 14-472(b)(1)]. I have enclosed ten of the copies of the application; we need to keep one for our files.

In your letter you also requested that you get a refund of your \$80 building permit fee because the permit for the boathouse cannot be issued. I have forwarded this request to the Inspections Division Director. You will not get a complete refund, but you may get a partial refund. We need to keep the original application for our records, but I have made a copy of the application which I have enclosed.

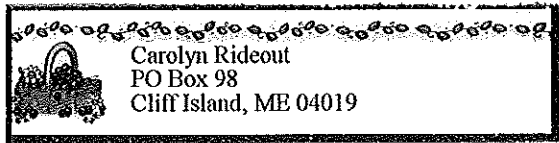
You need to bring your property into compliance. Since the boathouse cannot be permitted, it needs to be removed. We understand that it is the middle of winter right now, but the boathouse needs to be removed as soon as possible. Please submit a timeline to our office within three weeks for when the structure will be removed.

Finally, at the end of your letter you talked about the 250' Shoreland setback. I just want to be clear that the Shoreland Zone extends 250' from the high tide, but a structure only needs to be located 75' measured horizontally from the high tide.

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

Yours truly,

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



January 15, 2013

City of Portland  
Inspections Div. - Rm 315  
389 Congress St.  
Portland, ME 04101

Att. Ms Ann Machado

Re: Bathhouse/shed

Dear Ms. Machado:

Thank you for your letter of Jan. 8, 2013. I have a few questions about buildings that are 'grandfathered'. I am confused by what to see around me - for instance -

A small, one-story cottage, built years ago, about 10'-15' from the shore, on a ledge, with low-land and swamp on 3 sides, bought by someone, about the year 2000. They tore down the small building, except for the chimney. The chimney was on the shore side of the building. They built a huge 2-story mini-mansion around the chimney. Now the new house is much closer to the shore.

Another house, maybe 25'-30' from the shore, about 2008, additions to the house itself, plus a huge porch (about 2 to 2 Cape Cod houses), make the house now about 2 times as large.

Another property - 2 old dilapidated houses. One building removed. The other building torn down, and a new, separate house built about 20' closer to the shore than the original ones. That house now is about 30' from the shore.

Another house, about 10 feet from the shore, was to be demolished about 1992. Now they are totally remodeling it.

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Dept. of Building Inspections  
City of Portland Maine

Three more small buildings, built about 1990-2000, by the same family, about 20' x 16', lived in during the summer, all between 10' and 30' from the shore, only one could possibly be considered as 'grandfathered' in by a small (6' x 6'?) hut built nearby by a 12 yr. old child.

Could you please clarify for me the laws regarding the above?

My main question would be — <sup>started as a platform about 1940</sup>

Could my ~~boat~~ boat house/shed, be considered 'grandfathered' by the nearby, remaining foundation, built by my great-uncle about 1904 for an art studio?

Thank you.

Sincerely,  
Caryn R. Deoet.





Carolyn Rideout  
PO Box 98  
Cliff Island, ME 04019



January 22, 2013

Ann Machado  
City of Portland  
Inspections Div - RM315  
389 Congress St.  
Portland, ME 04101

Re: Boathouse/Shed  
RE: Questions in Jan 15 letter

Dear Ms. Machado:

Thank you for your letter of January 8, 2013.  
I look forward to the answers to my questions  
in my letter of January 15, 2013.

Regarding your letter of January 8, 2013,  
I have talked with my carpenter, and we should  
be able to start work on the Boathouse/Shed  
during the months of March and April, if the  
snow is gone, and there is not too much  
wind and/or rain.

Can the building be relocated about  
90 feet from high tide, and about 25 feet  
from any other boundary?

Thank you, and Best Wishes,

Carolyn Rideout.

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Dept. of Building Inspections  
City of Portland Maine



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Jeff Levine, AICP, Director  
Marge Schmuckal, Zoning Administrator

February 5, 2013

Carolyn Rideout  
PO Box 98  
Cliff Island, ME 04019

Re: 142 Sunset Road, Cliff Island, - 109B B018 & 109B B041 – IR-1 Island Residential Zone – shed/ boathouse

Dear Ms. Rideout,

This letter is a follow up to the two letters I received from you, one dated January 15, 2013 and one dated January 22, 2013.

Regarding your letter dated January 15, 2013, you seem to have concerns about buildings that have been built on properties around you. You are welcome to come in to the Inspections Division, Room 315, at City Hall and look at the files for the properties that you are concerned about. If after your research, you find that things have been built without permits, then you can file a complaint with our front staff, but you would need to provide the addresses of the properties. As far as your question about the boathouse/shed that was built without a permit, the platform you mention that was built in 1990 was built without a permit, so it was not legal and the footprint is not legal. You also mention a foundation left from an art studio built around 1904. This foundation is not "grandfathered" (legally nonconforming). Under section 14- 385, if a building is nonconforming, and it is demolished, it needs to be rebuilt within one year or it loses its nonconformity. Since the art studio has been gone for over a year, the foundation cannot be used to build on.

In your letter dated January 22, 2013, you state that your carpenter can start work on the boathouse/shed during March and April, weather permitting. The building either needs to be relocated to meet the zoning requirements of the IR-1 Island Residential Zone and the Shoreland Zone or it needs to be removed. If you are planning to relocate it, you need to apply for a new building permit showing the new location of the shed. Since the property is in the Shoreland Zone, as part of your application you need to provide a boundary survey done by a professional surveyor that shows the property lines based on your most current deed, existing structures, the location of the proposed shed, the 75' setback from the high tide and the flood zone if the property is in the flood zone. We cannot approve the permit without a boundary survey.

You need to bring your property into compliance. You either need to submit a new permit to relocate the boathouse/shed or remove it. You have a month to submit the new

application to relocate the shed or to submit a letter stating that you will remove the shed by the end of April of 2013 at the latest.

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

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado". The signature is fluid and cursive, with the first name "Ann" being the most prominent.

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

Re: 142 Sunset Rd.

109B-B-018 1/2 0411



Carolyn Rideout  
PO Box 98  
Cliff Island, ME 04019



2-19-13

City of Portland  
Inspections Div, Rm 315  
389 Congress St.  
Portland, ME 04101

Att: Ms Anna Machado

RE: Boathouse

Dear Ms Machado:

Thank you for your letter of Feb. 5.  
The carpenter and I will tear down  
the Boathouse by the end of April,  
weather permitting.

Thank you.

Sincerely,  
Carolyn Rideout.

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FEB 20 2013

Dept. of Building Inspections  
City of Portland Maine