



# PORTLAND MAINE

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

TO: CHAIR AND ZONING BOARD MEMBERS

FROM: MARGE SCHMUCKAL, ZONING ADMINISTRATOR

SUBJECT: 68 DEVONSHIRE STREET – 119-F-1 – R-5 ZONE

DATE: MAY 1, 2009

There was an approval for an addition to the original building at 68 Devonshire Street that was reviewed and approved in November of 1988. The reviews and approvals consisted of a site plan review, a zoning review, and a building code review. The attached zoning review sheet showed that there was a 20' required rear yard setback and that a 20' rear yard was shown on the plans. There were occupancy permits issued based on the approved permit.

It has just recently come to the attention of the property owners and this office that the rear yard setback is less than what was originally stated. Currently the Land Use Zoning Ordinance allows a process for setback reductions for the siting of mislocated single-family, owner-occupied residential structures under section 14-437. I cannot use that section in regards to this "long-term and extended care facility". Therefore they are here before the Board under a practical difficulty variance.