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

September 3, 2010

Ed and Megan Tumavicus

RE: 77 Prospect Street – 124-A-5 & 6 – R-3 Zone

Dear Mr. & Mrs. Tumavicus,

I am in receipt of your request for a determination regarding an allowance to use section 14-433 which states: “Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards, ***provided that the normal applicable yard requirements cannot be met ...***”. That section goes on to allow as close at five (5) feet to the rear property line. It is further understood that the new addition that is being proposed for the future will be for an accessory dwelling unit.

My determination is based upon plans submitted including a copied survey from Brad R. Lodge, a professional land surveyor. The survey is dated May 18, 1994 with a job number 4021. Along with the submitted survey, a plan sketch was provided to indicate where the new addition would be located in reference to the property lines.

It is noted that this property was developed in the early 1900s according to the Assessor’s records. It is further noted that in July 1994, a permit for an addition on the rear was issued using section 14-433 allowing a six (6) foot rear setback.

The applicant has submitted further information and pictures to back up claims that an addition could not easily be attached more to the middle of the existing building without much work to reconstruct the interior of the existing building. Such work would include changing interior stairways both to the second floor and to the basement.

Based upon all of this information, I have determined that the applicant would be allowed a continuation of a six (6) foot rear setback under the qualifications of section 14-433 instead of a required twenty-five (25) rear setback as stated under 14-90(d)2. This determination makes it allowable to use the six (6) setback without an appeal to the Zoning Board of Appeals.

This determination shall not be misconstrued to be an approval to build at this time. A conditional use appeal is required for the allowance of an accessory dwelling unit. After any Zoning Board of approvals, separate building permits and site plan review shall also be required.

This determination is only for the suggested future addition. If there are any significant changes to the proposed addition, it may render this determination invalid.

If there are any questions regarding this determination, please feel free to contact me at 874-8695.

You have the right to appeal my decision. You have 30 days from the date of this letter in which to file an appeal. If you wish to exercise your right to appeal, please contact this office for the necessary paperwork to do so.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: file