



# PORTLAND MAINE

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

April 1, 2008

Julia and Martin Evans  
95 Canco Road  
Portland, ME 04103

RE: 95 Canco Road – 141 F019 – R-3 – unpermitted addition – permit #08-0242

Dear Mr. And Mrs. Evans,

In reviewing your application to raise the roof of your garage, it came to my attention that part of your existing house was built without a permit. In looking at our records, when the house was built in 1941, the area that connected the garage to the house was five feet wide by eight and a half feet deep. At some point the depth of that area was expanded by six feet to add thirty square feet of structure to the rear of this connector. There is no record of a permit for that thirty square foot addition. Since it was added without a permit, it is not legal, and it must be legalized or removed.

Section 14-90(d)(2) of the ordinance states that the required rear setback for the R-3 residential zone is twenty-five feet. The site plan submitted with the permit shows that the rear setback to the thirty-foot addition is eleven feet. Since the addition does not meet the required rear setback, this office cannot approve a permit “after the fact”.

The ordinance under Section 14-90(b), states that the minimum lot area required per dwelling unit is 6,500 square feet. The square footage of the lot for 95 Canco Road is 5251.6 square feet according to the site plan. Therefore, the lot is legally nonconforming. The ordinance, under section 14-388, states that a building that is nonconforming as to area per dwelling unit cannot be enlarged unless the building can be made to conform to the land area per dwelling unit requirement. Since the lot is legally nonconforming as to land area per dwelling unit, you cannot enlarge the existing building, so once again this office cannot approve a permit “after the fact”.

You have thirty days from the date of this letter to bring your property into compliance. 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 necessary paper work that is required to file an appeal. To appeal section 14-90(d)(2) you need to fill out the practical difficulty appeal application. To appeal section 14-388, you need to

fill out the variance appeal application. If you choose not to file the appeals, then you will have to remove the thirty-foot addition to bring the house into compliance.

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

Yours truly,

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