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

October 6, 2009

Phylis Crowe
36 Wellwood Road
Portland, ME 04103

RE: 36 Wellwood Road – 155 A013 – R-3 – deck – permit #09-1022

Dear Ms. Crowe,

This letter is a follow up to the meeting we had yesterday. In reviewing your permit application to enclose your twelve by twenty foot deck, my research shows that only half of the existing deck that you want to enclose was permitted. Permit #923949 was issued on July 23, 1992 to construct a ten by twelve deck off of the rear of your house. That is the most recent permit we have in our records for your property. Since the permit was for a ten by twelve foot deck, the ten by twelve foot section that was added was done without a permit and therefore it is not legal. Since it is not legal, you cannot enclose that section, and your property needs to be brought into compliance.

Section 14-388 of the ordinance states that “a building nonconforming as to the regulations governing area per dwelling unit shall not be enlarged unless such building, including such addition or enlargement, is made to conform to all the area per dwelling regulations of the zone in which it is located.” 36 Wellwood is located in the R-3 residential zone. Section 14-90(b) gives the minimum lot area per dwelling unit as 6,500 square feet. The lot is 5,000 square feet, so it does not meet the minimum lot area per dwelling unit and therefore the building cannot be expanded. Since it cannot be expanded, the ten by twelve foot section that was built without a permit needs to be removed.

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 file an appeal. If you should fail to do so, my decision is binding and no longer subject to appeal. I gave you the necessary paper work that is required if you choose to file an appeal.

You have thirty days to bring your property into compliance. As I said in our meeting yesterday, you can enclose the ten by twelve foot section of the deck that was permitted. You would just need to revise your permit.

Please call me at 874-8709 if you have any questions.

Yours truly,

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