



Planning & Urban Development Department

*Jeff Levine, AICP, Director**Ann Machado, Zoning Administrator*

February 22, 2016

Koharig Saribekian
31 Brookside Road
Portland, ME 04103Jim Fisher
Northeast Civil Solutions, Inc.
381 Payne Road
Scarborough, ME 04074

Re: 31 & 35 Rear Brookside Road – 158-A-006, 010 & 026 (the "Property") – R-2 Residential Zone and Shoreland Overlay Zone – illegal stairs and deck

Dear Ms. Saribekian,

This letter is in response to a letter and building permit application that I received from Jim Fisher, Northeast Civil Solutions, Inc. on December 8, 2015 regarding the Property. The letter was dated November 20, 2015, and the application is dated May 28, 2015. I spoke to Jim Fisher on December 11, 2015 and told him that I would follow up with a letter.

As I stated in my letter dated July 17, 2015 (attached), you erected the stairs and deck behind your house without a permit. In this letter, you were asked to submit an after the fact building permit or remove the structure within thirty days. I received the after the fact building permit application from Jim Fisher on December 8, 2015. The Property is located in the Shoreland Zone. The Existing Conditions Plan of 31 Brookside Road Portland Maine Prepared for Koharig Saribekian by Northeast Civil Solutions dated November 5, 2015 shows the seventy-five foot Shoreland setback from the highest annual tide. This plan shows that all but the top landing of the stairs is located within the seventy-five foot setback. § 14-449(a)(1) of the ordinance states:

- (a) *Principal and accessory structures:*
1. All principal and accessory structures shall be set back at least seventy-five (75) feet horizontal distance, from the normal high water line of water bodies, the upland edge of a wetland or associated tributary streams within a shoreland zone...

Since the two sets of stairs and the deck are located within seventy-five of the highest annual tide, they cannot be permitted and must be removed. I understand that you received a Permit By Rule from the Department of Environmental Protection, but this permit is issued under the National Resources Protection Act Permit By Rules Standards, Chapter 305. This is separate from the Shoreland Zone regulations which also have to be met.

Portland, Maine



Yes. Life's good here.

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You need to bring your property into compliance. Normally, you would have thirty days to bring your property into compliance, but since it is still winter, the deck and stairs need to be removed by May 1, 2016. An inspection will be scheduled at this time to confirm that the deck and stairs has been removed.

Please feel free to contact me with any questions.

Yours truly,

Ann B. Machado

Zoning Administrator

Planning and Urban Development Department

City of Portland Maine

207.874.8709