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

November 19, 2007

Wade Smith
836 Washington Avenue (8 Cedar Court)
Portland, ME 04103

RE: 836 Washington Avenue (Unit 8) – 170 B017008 - R-5 – build an 8' x 20' deck –
Permit #071396.

Dear Mr. Smith,

I have reviewed your application to build a twenty foot by eight foot deck at your condominium at 836 Washington Avenue (Unit 8), and I must deny it for two reasons. The first reason is that your condominium does not meet the minimum land area per dwelling unit requirement in the R-5 residential zone. The minimum land area per dwelling unit for a property with three or more residential units is 6,000 square feet per dwelling unit (section 14-117(2)(a)). There are twelve residential units on the property, and the size of the lot is 46,624 square feet. To meet the land area per dwelling unit requirement, the lot would need to be 72,000 square feet, so 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 your permit is denied. Also, the minimum side yard setback in the R-5 residential zone is eight feet for a one story structure (section 14-120(d)(3)). The setback provided on the plan is seven feet, so the proposed deck does not meet the side setback requirement and must be denied.

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. Please contact our office at 874-8709 for the necessary paper work if you decide to file an appeal. If you choose not to file an appeal, you are entitled to get most of your money back if you bring in the original receipt you got when you applied for the permit.

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

Yours truly,

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