



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

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

April 12, 2010

Mr. & Mrs. Richard Rust
461 Woodford Street
Portland, ME 04103

RE: 461 Woodford Street – 176 B003 – R-5 – illegal deck – permit #08-0249

Dear Mr. & Mrs. Rust,

This letter is a follow up to the conversation that I had with Mrs. Rust on April 6, 2010.

On March 19, 2008, you applied for a permit (#08-0249) to build a roof over an existing deck at the rear of your building at 461 Woodford Street. In reviewing the application, I found that the original deck had not been permitted when it was built. It could not be permitted “after the fact” because it did not meet the minimum required side setback of eight (8) feet [section 14-120(1)(d)(3)(a)]. It also could not be permitted because it did not meet section 14-388 which stated 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.” The minimum land area per dwelling unit requirement is 3,000 square feet in the R-5 zone [section 14-120(1)(b)], and your lot size is 2,200 square feet.

I sent you a letter on March 20, 2008 informing you of this and giving you a thirty day period to appeal my decision or remove the deck. On September 8, 2008, I sent you a follow up letter telling you since you did not file an appeal, you needed to remove the deck.

You need to bring your property into compliance. The City Council repealed section 14-388 on January 4, 2010. You need to apply for a building permit to permit the deck “after the fact”. The deck must meet the requirements of the R-5 residential zone including the eight (8) side setback. You have thirty days to apply for the permit for the deck or remove it.

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

Yours truly,

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