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

March 20, 2008

Ms. Ellen Rutter &
Mr. Richard Rust
461 Woodford Street
Portland, ME 04103

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

Dear Ms. Rutter & Mr. Rust,

This letter is a follow up to our telephone conversation from earlier today. As I told you, there is no record of a permit being applied for to build the existing ten-foot by ten-foot deck on the rear of your property. Since no permit was applied for, the deck is not legal and you have no right to it. Your property is located in the R-5 residential zone. Section 14-120(d)(3) of the ordinance states that the side setback for a single story structure is eight feet. The plot plan submitted with the permit gave the side yard setback to the deck as seven feet, three inches, so it does not meet the side setback requirement. Section 14-120(b) lists the minimum lot area required per dwelling unit in the R-5 zone as 3,000 square feet. The square footage of your lot is 2,200 square feet. Section 14-388 of the ordinance says “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.” Your lot does not conform to the required area per dwelling unit, so you may not enlarge your building by adding a deck. Since a permit was not issued to build the deck and section 14-388 does not allow you to expand your building, the deck must be removed.

As I also told you on the phone, 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 have enclosed the necessary paper work that is required if you choose to file an appeal. If you do not appeal, the deck must be removed within thirty days to bring your property into compliance.

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

Yours truly,

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