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

May 20, 2011

Tom Blackburn
Maine Construction Services
14 Hanover Street
Portland, ME 04101

Re: 16 Montrose Avenue – 176 H008 & 009 – R-5 – rebuild three story deck – permit #2011-05-1105

Dear Mr. Blackburn,

I have finished my review of your permit application to replace the three story deck at 16 Montrose Avenue. At this point I must deny your permit.

16 Montrose Street is located in the R-5 residential zone. The minimum required rear setback is twenty feet and the minimum required side setback for a two and half story structure is fourteen feet [section 14-120(d)(2 & 3)]. The plot plan shows a distance of 2'2" from the edge of the deck to the rear property line. The side setback is not given, but it appears to be less than fourteen feet.

When we receive an application to replace a structure that is nonconforming, we look to see if the structure was originally permitted. I have researched our files, and I cannot find a permit to build a five foot by twelve foot three story deck. I also looked at the pre-1957 assessor's card to see if the three story deck existed before 1957, but it did not. If the decks were not permitted, they are not legal. They must be removed to bring the property into compliance. You have thirty days from the date of the letter to do this. Our office will work with you to achieve compliance, but since there is no permit for the original three story deck, it 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. You may contact our office for the necessary paper work if you decide to file an appeal.

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

Yours truly,

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

Cc. File