



# PORTLAND MAINE

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

June 16, 2010

Reinhold & Andrea Wappler  
PO Box 757  
South Freeport, ME 04078

Re: 21 Ivy Street – 177 I013 – R-5 – illegal deck

Dear Mr. & Ms. Wappler,

It has come to the attention of our office that the deck that is located on the right side of the property at 21 Ivy Street was never permitted and is therefore illegal.

In 2003, the previous owner, Jennifer McLaren, applied for a permit to split the lot that 21 Ivy Street is located on and create a new house lot for a two family structure (25 Ivy St.). During the review of the application, the Zoning Administrator, Marge Schmuckal, discovered that deck on the right side of 21 Ivy Street that wrapped around the rear of the building was not permitted. She listed as a condition on the permit that “the deck has not been approved by the City and should be made to conform to the City’s land use ordinance. It should be removed”. The rear part of the deck that extended beyond the back of the house was removed, but the rest of the deck on the side still remains.

21 Ivy Street is located in the R-5 residential zone. Section 14-120(d)(2) gives the minimum rear setback as twenty feet. The existing deck is located completely within the twenty foot setback. The property needs to be brought into compliance. Since the deck does not meet the rear setback, it must be removed. You have thirty days from the date of this letter to remove the deck.

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. If you decide to file an appeal, you may contact our office for the necessary paperwork.

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

Yours truly,

Ann B. Machado  
Zoning Specialist