



# PORTLAND MAINE

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

February 15, 2011

David Holmes  
467 Auburn Street  
Portland, ME 04103

John & Naomi Mermin  
83 Madeline Street  
Portland, ME 04103

RE: 83 Madeline Street – R-3 Zone – 180-D-001 & 021

Dear Mr. Holmes,

I am in receipt of your letter concerning an upward expansion for the building located at 83 Madeline Street. I cannot approve the application request as submitted because the proposal does not meet the requirements of the R-3 Zone in which this property is located.

First of all the submitted plot plan is not accurately showing setbacks. Portland's required setbacks are always measured to property lines, not apparent curb lines. Your submitted plot plan should be revised to show the correct setbacks. The submitted plot plan is not to scale. The submitted plans should be scalable. It is difficult for me to know the size of the new front entryway and how it is meeting the setbacks and requirements.

This lot is legally nonconforming for land area. The minimum area per dwelling unit in the R-3 zone is 6,500 square feet. The Assessor's records show the size of the lot to be 5,366 square feet. Because the lot does not have the required area per dwelling unit, nor the current required setbacks, an upward expansion on the existing footprint is limited by the Land Use Zoning Ordinance. Section 14-436 states: "For principal structures lawfully nonconforming as to land area per dwelling unit as of July 19, 1988: The floor area of the expansion shall be limited to no more than fifty (50) percent of the first floor footprint. The additional floor area shall be created in the uppermost floor by the use of dormers, turrets or similar structures needed to provide the minimum height required for habitable space while preserving the existing roof configuration to the maximum extent possible".

Your proposal is not meeting the requirement to create additional floor area in the uppermost floor. The new area is at a lower level above a front porch. The existing roof configuration of the front porch is being altered and not meeting another criteria of the ordinance.

Your application is on hold until you can submit drawings that can meeting the requirements of the Land Use Zoning Ordinance.

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

Marge Schmuckal  
Zoning Administrator