

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Patric Santerre, Chair
Catherine Decker, Secretary
Nan Sawyer
Julie Brady
Joe Lewis
Kimberly Boggiatto
William Hall

September 30, 2002

John C. Walker, P.A.
1321 Washington Avenue
Portland, ME 04103

RE: 10 Marlborough Road
CBL: 209-F-7, 8, 9, 12, 13
ZONE: R-3 Zone with Stream Protection overlay

Dear Attorney Walker,

As you know, at its September 19, 2002 meeting, **the Board of Appeals voted 5-1 to grant with conditions** your Variance Appeal requesting a 48' setback from the high water mark instead of the required 75' (section 14-453). The applicant also requested a side setback of 6.0' instead of the required 8' (section 14-90). This would be for the purpose of erecting a 360 square foot, two level deck. The conditions imposed were as follows.

- (a) The board granted relief from section 14-453 (Stream Protection Zone) to permit a setback of 48 feet from the high water mark, instead of the 75 foot setback required by the ordinance.
- (b) The two-level deck depicted on the plans filed with the application may be erected, but that structure shall conform to the side setback requirement of eight feet.

Conditions of the Variance:

- (a) The deck which is authorized by the variance may not increase the floor area nor the volume of the existing structure by more than 30 per cent (30%).
- (b) The deck authorized by this section will be deemed to be the "one-time expansion" authorized by Port. Mun. Code, section 14-453.
- (c) The future enclosure of the said deck is deemed to be permitted by this variance.

Should you have any questions please do not hesitate to contact either Jodine Adams, Office Manager or myself.

Enclosed you will find a copy of the Boards decision.

Sincerely,

Marge Schmuckal
Zoning Administrator