



CITY OF PORTLAND

February 25, 2005

Ralph DeSarno
219 Hicks Street
Portland, ME 04103

RE: 215-221 Hicks Street – 296-B-14,15,16 – R-5 Zone – application #05-0189

Dear Mr. DeSarno,

I am in receipt of your permit application to construct a new building for an additional dwelling unit therefore creating a total of three dwelling units on this lot. Your permit is denied because the application is incomplete and because your proposal is not meeting the requirements of the R-5 Zone in which it is located.

Section 14-117(a)2 of the Zoning Ordinance requires 6,000 square feet of land area per dwelling unit or a total of 18,000 square feet of land area. Your property is only 9,000 square feet of land area. This same section of the ordinance states that this type of proposal is subject to a site plan review. There is no evidence that you have submitted a completed site plan application to the planning division. All zoning issues are a threshold item prior to any other approvals.

Your plan submittal is very deficient. Stamped, scaled site plans are a requirement. I am attaching a copy of our requirements that are attached to our permit applications. ALL requirements shall be met before a full review can be made. I am also sending a copy of a site plan application.

You have the right to appeal my decision concerning lot size. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file a practical difficulty variance appeal. Please note that variances are very difficult to have granted by the Zoning Board of Appeals. The State has imposed strict guidelines on all variances within the State.

If you have any questions concerning this letter, please do not hesitate to call.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal". The signature is fluid and cursive, with the first name "Marge" written in a smaller, more compact script than the last name "Schmuckal".

Marge Schmuckal
Zoning Administrator

CC: Sarah Hopkins, Planning Division
File.