Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator

July 3, 2008

Ronnie Bates
10 Wirt Street
Portland, ME 04103

RE: 10 Wirt Street , cor. Verrill Street – 299-E-6 & 7 – R-3 Zone – permit #08-0606

Dear Mr. Bates,

I am in receipt of your application to extend your deck at 10 Wirt Street toward the side yard closer to Verrill Street. Your permit is being denied based upon the current Land Use Zoning Ordinance.

Section 14-90(d)4 requires a minimum 20 foot side yard setback on a side street instead of the 8 foot that you are showing. You are also showing a 28 foot rear setback to a neighbor's fence. All setbacks are to your property line and not to fences. We would need you to confirm where your property lines are located with a revised plot plan.

Your permit is also being denied based upon your lot size. Currently your lot is legally nonconforming as to required lot size in the R-3 Zone in which this building is located. The R-3 Zone requires a minimum size of 6.500 square foot in size compared to the 5,648 square foot size of your property. Section 14-388 restricts any enlargement or additions unless your nonconforming lot is brought up to the current minimum lot size. This office is trying to work with the Planning Division to repeal this section of the Zoning Ordinance. We feel that it is overly restrictive on home owners who may want to make an enlargement while meeting all the other underlying zone requirements.

At this time for the reasons above, your permit is denied. If you would like to appeal my decision, you have thirty (30) days in which to exercise your right to do so. 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 an appeal. If you have any questions regarding this matter, please call me at 874-8695.

Very truly yours,

Marge Schmuckal, Zoning Administrator