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

January 8, 2010

Gregory Gay
12 Tarbell Street
Portland, ME 04103

Certified Mail 7009 0820 0001 4189 2393

Re: 12 Tarbell Street – 332 E038 – R-3 – 16' x 20' single story addition – permit #09-1235

Dear Mr. Gay,

This letter is a follow up to the letter I sent on November 18, 2009 which you said you never received. I have reviewed your application to build a single story, twenty by sixteen foot addition on the rear of the house. At this point I must deny the permit.

12 Tarbell Street is located in the R-3 residential zone. The required rear setback in the zone is twenty-five feet [Section 14-90(d)(2)]. The plot plan shows the rear setback to the proposed addition as twenty feet. Since it does not meet the required setback, the permit is denied.

In reviewing the permit application, it came to my attention that the existing deck on the rear of the house has never been permitted. We have no record in our system for a deck having been built. When we cannot find a permit for a structure, we default to the pre-1957 assessor's record. The pre-1957 assessor's record shows a six by twenty foot deck on the left rear side, but not the deck that exists now. Since the existing deck was not built before 1957 and there is no record of it being permitted, it is illegal.

The property must be brought into compliance. Since the setback for the existing deck does not meet the required twenty-five foot rear setback, it cannot be permitted after the fact. Since it cannot be permitted, 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 decisions. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to appeal. If you should fail to do so, my decisions are binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

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

Yours truly,

Ann B. Machado
Zoning Specialist
207-874-8709