



CITY OF PORTLAND

April 16, 2002

Dwight Brackett
84 Country Lane
Portland, ME 04103

RE: 127 Pennell Avenue – 347-B-004 – R-3 Zone

Dear Mr. Brackett,

I am in receipt of your application to construct a single family dwelling 28' x 40' with an attached two car garage. Your permit is not meeting the current dimensional requirements for the R-3 zone. Your permit has been denied.

First, in the R-3 residential zone, there is a requirement of no more than 25 percent lot coverage for structures. This lot is 7,500 square feet in size. 25 percent of 7,500 is 1,875 square feet. My calculations show that the actual lot coverage of building area is 1,946 square feet which is over the maximum allowance. This actual lot coverage also does not count in several rear steps from the rear slider. These steps are shown only on your building plans and not on your site plan.

This application is also being denied because of these same steps off the rear slider. Your submitted plot plan shows exactly 25 feet from the rear of the building to the rear property line. In order to have a rear slider with an exit, it will be necessary to install rear steps. This is not shown and would be impossible under zoning. The structure would be closer than 25 feet to the rear property line. This problem should be resolved now and not later after construction. This violation of the setback would be a variance appeal to the Zoning Board of Appeals. Again, this problem should be resolved now and not be a burden upon a future property owner.

I am also unsure as to why this side of Pennell Avenue is not considered a subdivision. I need some confirmation with our legal staff. It appears to me that three new lots have been created and more than one lot line has been changed.

Please note that Building Code issues are still being resolved at this point and there may be other code requirements that you would be required to meet.

Your permit has been denied and will not be issued until all items have been resolved.

Please note that you have the right to appeal my decision. If you wish to exercise your right to appeal, you would have 30 days from the date of this letter in which to do so. Please contact this office for the necessary paperwork for such an application.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: Mike Nugent, Inspection Services
Jay Reynolds, Planning
Penny Littell, Corporation Counsel
Maggie Lane Development, LLC., P.O. Box 10127, Portland, ME 04104
File