



# PORTLAND MAINE

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

June 7, 2007

Fred Panico  
Planning / Design Associates  
9 Alexander Drive  
Windham, ME 04062

RE: 33 Huntington Avenue – 409 C030 – R3 – Conditional Use Application to add an accessory dwelling unit

Dear Mr. Panico,

This letter is a follow up to the telephone conversation we had yesterday. You submitted a revised plan on June 5, 2007 for the garage addition and accessory dwelling unit for Robert Stewart's application for the Zoning Board of Appeals for a conditional use to add an accessory dwelling unit to his house at 33 Huntington Avenue. Your revised plan and letter addresses many of the concerns I had on the plan and letter you submitted on May 9, 2007. Your revised plan has raised a new concern though. In trying to create a greater amount of gross floor area in the house so that the accessory dwelling unit may be bigger, you have proposed an addition to the house, which would create a second floor. Section 14-90(d)(3) of the ordinance states that the setback for a side yard for a two-story building is fourteen feet. The site plan that you submitted for the addition shows the side yard setback as nine feet, so your proposal to put a second floor on the existing house does not meet the required setback. Section 14-47 of the ordinance gives a definition of what constitutes a story. Since the side setback does not allow you to add a second story to the existing house, you are not able to create as much gross floor area. As a result, the area of the proposed accessory dwelling unit exceeds the thirty percent maximum square footage allowed. We will need to see a revised plan that meets the criteria under section 14-88(a)(2) for an accessory dwelling unit.

I am sending a copy of this letter to Robert Stewart. Please feel free to call me at 874-8709 if you have any questions.

Sincerely,

Ann B. Machado  
Zoning Specialist  
(207) 874-8709

