

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Patric Santerre, Chair
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Nan Sawyer
Julie Brady
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Kimberly Boggiatto
William Hall

September 30, 2002

John C. Walker, P.A.
1321 Washington Avenue
Portland, ME 04103

RE: 10 Marlborough Road
CBL: 209-F-7, 8, 9, 12, 13
ZONE: R-3 Zone with Stream Protection overlay

Dear Attorney Walker,

As you know, at its September 19, 2002 meeting, **the Board of Appeals voted 5-1 to grant with conditions** your Variance Appeal requesting a 48' setback from the high water mark instead of the required 75' (section 14-453). The applicant also requested a side setback of 6.0' instead of the required 8' (section 14-90). This would be for the purpose of erecting a 360 square foot, two level deck. The conditions imposed were as follows.

- (a) The board granted relief from section 14-453 (Stream Protection Zone) to permit a setback of 48 feet from the high water mark, instead of the 75 foot setback required by the ordinance.
- (b) The two-level deck depicted on the plans filed with the application may be erected, but that structure shall conform to the side setback requirement of eight feet.

Conditions of the Variance:

- (a) The deck which is authorized by the variance may not increase the floor area nor the volume of the existing structure by more than 30 per cent (30%).
- (b) The deck authorized by this section will be deemed to be the "one-time expansion" authorized by Port. Mun. Code, section 14-453.
- (c) The future enclosure of the said deck is deemed to be permitted by this variance.

Recording of Variance:

Pursuant to 30-A M.R.S.A., subsection 4253 (5), **this Certificate must be recorded in the Cumberland County Registry of Deeds within 90 days** from the date of the final written approval of the variance or the variance will be void. Evidence of such recording shall be provided to the Zoning Administrator with a copy of the Certificate which bears evidence of its being recorded.

The permit application, which is presently on file, will be on hold until a revised plan showing the approved setbacks and copy of the certificate of variance recording is provided to this office.

Should you have any questions please do not hesitate to contact either Jodine Adams, Office Manager or myself.

Enclosed you will find a copy of the Boards decision.

Sincerely,

Marge Schmuckal
Zoning Administrator