

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

Richard Jendrasko
11 Kendall Street
Portland, ME 04103

RE: 11 Kendall Street - R-3 Zone - 431-G-001

August 28, 1997

Dear Mr. Jendrasko,

Thank you for your survey which delineates where the 75 foot setback is from the High Water Mark. Although we have not approved your building permit application, it appears that the proposed structure has already been erected. You extended a porch 8 feet closer to the high water mark while already being within the 75 foot setback from the HWM. This is not allowed under Shoreland Zoning. I have determined that there is no relief from this regulation to restrict forward expansion toward the high water mark. Section 14-449 of the Zoning Ordinance states:

"In no event shall the setback from a coastal wetland be reduced to less than 75 feet."

The definition of a coastal wetland includes all tidal and subtidal lands. Because of this regulation, your permit is being denied. I also must order you to remove the illegal structure within the next 60 days. I have determined that the ordinance, as worded, would not allow you to obtain a variance appeal from the Board of Appeals.

Please call this office to notify us your time frame for the removal of the screened-in porch. At such time we can also discuss what other avenues you might have for alternative additions that do not expand toward the high water mark. I'd like to remind you of the requirement that any portion of the structure that is within 75 feet of the high water mark shall not be increased more than 30% of square footage and/or volume once within the lifetime of the structure.

Very Truly Yours,

Marge Schmuckal
Asst. Chief of Insp. Services/
Zoning Administrator

cc: P. Samuel Hoffses, Chief of Insp. Services
Joseph Gray, JR., Dir. of Planning & Urban Dev.
Merle Leary, Code Enf. Officer
Corporation Counsel