

Zoning Division  
Marge Schmuckal  
Zoning Administrator

Department of Planning & Development  
Lee Urban, Director



**CITY OF PORTLAND**

August 19, 2003

Chris Ballard  
7 Terra Way  
Falmouth Maine 04105

8/20/03  
George Levine  
FAX # 774-4016

RE: 36-38 Yale Street (lot #2 University Park) – 436-A-012 & 1/2 of 13 – R-3 Zone  
Permit application #03-0894

Dear Chris,

I am in receipt of your permit application to construct a new single family dwelling with an attached garage. Your permit has been denied because your proposal does not have the required setbacks as denoted within the R-3 residential zone.

Under section 14-47 the definition of “story” states, “That portion of a building included between the surface of any floor and the surface of the floor, or the roof, next above. A half story is a story situated under a sloping roof, the area which at a height of four (4) feet above the floor does not exceed two-thirds of the floor area of the story immediately below it...”. Although you have not submitted full plans to show where the height of four feet hits under the sloping roof on the area above the garage, I used the open area with the front dormer as clear open space. This open area calculated to over 2/3 of the garage area immediately below it. The garage with the floor above is considered to be two (2) stories in height by definition. You are required to show fourteen (14) feet on both sides of this structure (section 14-90). Currently your plans show eight (8) feet and fifteen (15) feet. Your permit has been denied.

If you wish to resubmit additional plans to correct this violation of the ordinance, you will have thirty (30) days from the date of this letter in which to do so. Please note that complete plans showing where the four (4) foot under the sloped roof is located shall be required for a complete and accurate review. If this office does not receive revised plans within the thirty day period, your permit application will be void. Any further applications shall require a separate permit application.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have

thirty (30) days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Please also note that your permit is on hold until such time that revised plans have been received or after thirty days have expired. Your permit has not yet been reviewed for submitted structurals and compliance with the building codes.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal". The signature is fluid and cursive, with a long horizontal stroke at the end.

Marge Schmuckal  
Zoning Administrator

Cc: Wescott & Payson  
240 Harvard Street  
Portland, ME 04103

Jay Reynolds, Development Review Coordinator  
File

*Storm water retention area:* A pond or basin used for the permanent storage of stormwater runoff.

*Story:* That portion of a building included between the surface of any floor and the surface of the floor, or the roof, next above. A half story is a story situated under a sloping roof, the area which at a height four (4) feet above the floor does not exceed two-thirds of the floor area of the story immediately below it and which does not contain an independent apartment or dwelling unit. A story which exceeds eighteen (18) feet in height shall be counted as two (2) stories. A basement shall be counted as a story for the purpose of height measurement where more than one-half of its height is above the average level of the adjoining ground.

*Stream:* A free-flowing body of water from the outlet of the confluence of two (2) perennial streams as depicted on the most recent edition of a United States Geological Survey 7.5-minute series topographic map, or if not available, a 15-minute series topographic map, to the point where the body of water becomes a river or flows to another water body or wetland within a shoreland area, or any stream designated within a Stream Protection Zone.

*Stream, tributary:* A channel between defined banks created by the action of surface water, whether intermittent or perennial, and which is characterized by the lack of upland vegetation or presence of aquatic vegetation and by the presence of a bed devoid of topsoil containing waterborne deposits on exposed soil, parent material or bedrock, and which flows to a water body or wetland. This definition does not include the term "stream" as defined in this section, and only applies to that portion of the tributary stream located within the shoreland zone of the receiving water body or wetland.

*Street:* A public way established by or maintained under public authority, or a way dedicated to the use of the public and appearing on the official map of the city.

*Street line:* The line of demarcation between a street and the abutting land.

*Structure:* Anything constructed or erected of more than one (1) member which requires a fixed location on the ground or