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*Penny St. Louis Littell- Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

March 3, 2010

Bradley R. Vigue
PMB 486@ 405 Western Ave.
South Portland, ME 04106

RE: 118 Yale Street – 438-A-16 – R-3 Zone – Determination Request

Dear Mr. Vigue,

I am in receipt of your request for a determination letter in regards to the placement of the house at 118 Yale Street. The property was constructed with a permit in 2006 that was reviewed and approved for zoning and for building codes.

I have been given a Class D survey performed by David Hughes of Livingston-Hughes dated 02-25-10 which indicates that the front setback is approximately 23.5' (per scaling) instead of the 25' required in the R-3 Zone in which this property is located. You have also submitted numerous pictures showing measurements of the existing porch and stairs.

Section 14-425 allows the projection of a one-story entrance porch not enclosed, with or without a roof into a required setback if the porch does not project more than six (6) feet and does not exceed fifty (50) square feet. The fifty (50) square feet is interpreted as the amount of area within the required setback area. The current porch is 5' x 20', not enclosed including a roof with approximately 1.5 feet projecting into the front setback resulting in 30 square feet located within the existing required setback. This meets the requirements of section 14-425 and is not a violation.

This raises the question of the stairs projecting even further into the front setback. It is noted that the stairs are granite slabs and are not constructed wooden stairs. Because of this, the stairs are not considered to be part of the main structure, but similar to landscaping just as the brick sidewalk adjoining the granite slabs. The granite slabs are not violating the required front setback.

Reviewing the rest of the Class D survey, all other zoning requirements are being met concerning this property. The single family dwelling located at 118 Yale Street is compliance with the current Land Use Zoning Ordinance.

It is also noted that the rear 8' x 12' deck that was shown on the original plans has not been constructed. Because over 6 months has lapsed since approved work has been

completed, all rights to a rear deck have been extinguished. A separate permit and review is required if an owner would now like to construct a deck on the existing structure at this time.

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator

CC: Bangor Savings Bank
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