

**Department of Permitting and Inspections**

Ann Machado, Zoning Administrator

March 29, 2016

Thomas Blake
Nadeau Land Surveys
918 Brighton Avenue
Portland, ME 04102

Re: 77 Walnut Street - 012-H-018 – R-6 Residential Zone – proposed conveyance

Dear Mr. Blake,

I am in receipt of your request for a zoning determination on whether a proposed conveyance of land meets the zoning requirements of the land use ordinance. The proposed conveyance is part of the property owned by Tilar Mazzeo located at 77 Walnut Street. The proposed conveyance of land is a portion of a parcel of land Tilar Mazzeo purchased from Redfern Munjoy, LLC per CCRD Book 31379, Page 73, on February 7, 2014. My determination is based on a sketch titled "Exhibit Sketch For Proposed Conveyance, Tilar Mazzeo to Deborah Cole" dated March 8, 2016 by Nadeau Land Surveys (the "Sketch"). As stated on the Sketch, the boundary lines are based solely on a plan entitled "Condominium Plat, Munjoy Heights, a Condominium, Sheridan Street, East Cove Street and Walnut Street, Portland, Maine", dated April 21, 2015 by Nadeau Land Surveys, Portland, Maine, recorded April 30, 2015 in CCRD Plan Book 215, Page 143.

77 Walnut Street is located in the R-6 Residential Zone. § 14-139 of the land use ordinance outlines the dimensional requirements of the zone. The existing lot is 3010 square feet. If the proposed parcel is conveyed, the remaining lot will be 2400 square feet which is in compliance with the minimum required lot size of 2,000 square feet and the minimum land area per dwelling unit requirement of 1,500 square feet for two dwelling units. The Sketch shows the rear setback, if the proposed parcel is conveyed, as eleven feet off the rear of the building, which meets the minimum rear setback of ten feet. There is an existing bulkhead on the rear of the building which extends into the required rear setback. § 14-425 of the ordinance states:

Sec. 14-425. Projections in required yard areas.

Any yard may be occupied by a one-story entrance porch not enclosed, with or without a roof, if the area of the porch does not exceed fifty (50) square feet nor the projection from the building exceed six (6) feet. A basement bulkhead of similar size, but not more than twenty four (24) inches in height, is also permitted. A cornice eave, sill, canopy, chimney, or other similar architectural feature, but not including a bay window, may project into any required yard a distance of not more than two (2) feet.

The existing bulkhead extends 5.5 feet off the rear of the building. The footprint is 27.5 feet. As long as the maximum height of the bulkhead is 24 inches or less, the bulkhead does not have to meet the minimum rear setback of ten feet and, the proposed eleven foot setback would be in compliance.

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The square footage of the proposed conveyance of land is approximately 610 square feet. This does not meet the minimum lot size for a parcel in the R-6 Residential Zone. This parcel is to be conveyed to the northerly abutter, Deborah Cole, at 71 Walnut Street. Since the proposed conveyance of land does not meet the minimum lot size or have any frontage on a city street, this land will merge with the existing land at 71 Walnut Street, and be considered one lot.

As shown on the Sketch, the proposed conveyance of land from 77 Walnut Street to 71 Walnut Street is in compliance with the City of Portland Land Use Ordinance.

Please feel free to contact me with any questions.

Yours truly,

Ann B. Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
207.874.8709
amachado@portlandmaine.gov