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Greg Mitchell - Acting Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator

December 29, 2011

Peter L. Murray
89 West Street
Portland, ME 04102

RE: 104 North Street – 12-Q-4- (the “Property”) – R-6 zone

Dear Peter Murray,

I am in receipt of your request for a determination letter concerning the Property. The Property is located within an R-6 zone. Under 14-139(2) of The Land Use Zoning Ordinance the R-6 zone allows for an alternative set of zoning regulations for *Small residential lot development*, if certain criteria is met.

The first criteria is that the lot is vacant or is used exclusively for parking or contains a structure not used for residential purposes as of January 1, 2005; and the lot existed as of January 1, 2005. My research of the Property and all abutting properties indicate that the Property has been a separate lot prior to 1957 and has not been cut-off from any adjoining lot. The lot has existed prior to January 1, 2005 and has not been used for residential purposes as since January 1, 2005. The first criteria are being met.

The *Small residential lot development* has no minimum lot size. However, there is a maximum lot size requirement of 10,000 square feet. Per the assessor’s records, the Property is 5,839 square feet in lot size. Therefore, the Property is meeting the maximum lot size requirement.

It is noted that the *Small residential lot development* does not list a minimum street frontage. It also lists that there is no minimum lot width requirement. The regular R-6 zoning lists a minimum street frontage and minimum lot width of 40 feet each. The Property is shown to have 43.5 foot of street frontage. The lot widens slightly from the front to a rear of 45 foot. The Property is meeting both the regular R-6 zone and *Small residential lot development* requirements.

All the other listed requirements refer to yard dimensions, building height, open space requirement, minimum land area per dwelling unit and parking. Because there is no specific plot plan, or construction plans for review at this time, I cannot determine zoning compliance.

In conclusion, I have determined that the Property meets the initial criteria to use the *Small residential lot development* requirements, section 14-139(2), for future development.

Please note that this letter is not intended to allow any construction at this time. There is a process for approvals that include submittals and review by both the Planning Division and the Inspection Services Division. This letter only confirms that the Property qualifies to use the requirements of section 14-139(2), *Small residential lot development*.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator