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

November 2, 2009

16-18 Wentworth St., Inc.
PO Box 934
Scarborough, ME 04070
Attn: Priscilla Dunn

RE: 112 Sheridan Street – 13-J-1 – R-6 Zone – current 2 family dwelling

Dear Ms. Dunn,

I am in receipt of your request for a determination letter concerning your property and property lines at 112 Sheridan Street.

I was given a copy of a portion of a survey performed by the surveyor Herb Gray. I only have a copy of a portion of that survey. It is unstamped and unsigned. You also provided me a copy of a "Plan of Property" made for A & M Partners, LLC by Titcomb Associates. The latter plan is unstamped and unsigned and very reduced so that it can not be scaled. However it does show the lot at 112 Sheridan and the properties owned by A & M Partners, LLC. I was not given a copy of the deed concerning 112 Sheridan Street or A & M Partners, LLC.

The Herb Gray plan indicates that the rear property line of 112 Sheridan Street runs through the back of the building by approximately five (5) feet at the rear right side. The Assessor's records indicate that this building was erected in 1841. The Assessor's records also indicate that the depth of the principal structure without the unpermitted rear deck (approximately 5' x 5') and without the rear bulkhead is forty-four (44) feet, Where as the survey indicates a deed depth of the lot at forty-three (43) feet on the southerly property side and thirty-eight (38) feet on the northerly property side. Clearly, the backend of the existing building is not located wholly on the described property.

It is hard to imagine that the original building erected in 1841 was purposely built beyond the described property lines. I would like to think that our ability to survey today is more accurate and improved than the mid-1800s. It appears that in 1841 there was not the level of attention to detail that encompasses today's properties and buildings. The bottom line is the existing building was built over the property line when it was first erected.

If there is an agreement between the abutting land owners to adjust the rear property line to what is more appropriate between the two properties, the Zoning office would accept the adjusted line. With an agreement on the adjusted property line, it is also acknowledged that the Zoning office would not hold A & M Partners, LLC liable for the reduction of any current dimensional requirements such as rear setbacks and/or impervious surface. Any future development proposal(s) must still meet the underlying zone requirements.

If there is an agreement to adjust the rear property line, this office would like a copy of the revised deeds and a copy of the revised survey.

In reference to the unpermitted rear deck, the Zoning office would support an appeal before the Zoning Board of Appeals if needed. Please note that the Zoning Board of Appeals is a separate entity and renders decisions independently from the Zoning office. I can not in any way guarantee or imply that the Zoning Board of Appeals will grant an appeal concerning this property.

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

Very truly yours,

Marge Schmuckal
Zoning Administrator