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**CC:** "'jf@portlandmaine.gov'" <jf@portlandmaine.gov>  
**Date:** 1/22/2014 10:07 AM  
**Subject:** 118 Congress Street impact

Hello Marge,

Thank you for trying to get back to me by phone. Unfortunately my schedule and yours don't seem to coincide despite best efforts. I thought I might put my questions into writing to help expedite an expected future conversation.

I own the vacant 5,000 (50 x 100) sq. ft. lot at 93 St. Lawrence Street which immediately abuts the condominium project being proposed for 118 Congress Street. My wife and I are actively exploring construction of a 3-4 unit apartment/condo on the lot. We currently live next door at 91 St. Lawrence St.

My question concerns the side set back requirements from the 118 Congress project for a building I would like to construct on the vacant lot. I thought the vacant lot was zoned as R-6, which as I read the zoning ordinance, called for a 10 foot side set back on either side of the new building. Under that rule, I would be able to construct a building about 30 ft. wide on the 50 foot-wide lot. However, I was recently told that the setback rule is based on the height of buildings on adjacent lots. Assuming that I wanted to build the highest structure allowed in an R-6 zone (which I understand to be 44 feet), the setback formula would be: Height of 118 Congress building (50 ft.) + Height of building to be constructed on 93 St. Lawrence St (44 ft.) divided by 5. This results in a side setback on this side of the building of 18.8 feet, nearly double the regular R-6 setback. The home I occupy on the other side of the vacant lot (91 St. Lawrence St.) is about 35 ft. high, which under the formula above would require a side setback of 15.6 ft.  $(44+34/5)$ . This leaves less than 16 feet for the width of any building I could construct on my vacant lot, which would present a serious design challenge.

I understood that the construction of a new building was not allowed to diminish the value or uses of adjacent properties. I am concerned that the 118 Congress project may limit what I can do with my vacant lot. Can you confirm my understanding of the zoning ordinance?

Further, in a brief conversation with Jean Fraser, Jean noted that it appears on zoning maps that my vacant lot may overlap the B-1 zone (where 118 Congress is being built), and the R-6. If this is the case, which setback rules would apply?

In the B-1 zone there is a zero side setback. However the 118 Congress project is on a corner, so the side set back on St. Lawrence St could also be considered the rear setback from Congress St. If an R-6 lot abuts a B-1 zone, (as it does in my case) could the setback on a building constructed on 93 St. Lawrence be reduced on the side adjacent to the B-1 use? (i.e., could the 18.8 foot setback referenced above be reduced to 10 ft. or less?)

I would ask that you and Jean present these questions to the Planning Board. I do not have an objection to the 118 Congress project unless its construction impairs my ability to develop my adjacent lot. It appears that the answer may lie in how the setback formula would be applied.

Please feel free to call me at 232-1619 to discuss. My schedule is somewhat unpredictable, I am often out of my office, but I carry my cellphone with me at all times and may be able to speak with you better that way. Thank you in advance for your assistance.

Larry

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