## Portland, Maine



## Yes. Life's good here.

Planning & Urban Development Department

Jeff Levine, AICP, Director Marge Schmuckal, Zoning Administrator

January 21, 2014

David Banks Re/Max by the Bay 281 Veranda Street Portland, ME 04103

RE:

1670 Forest Avenue - 310-E-30 thru 34 (the "Property") - R-3 Residential Zone

Dear Mr. Banks,

I am in receipt of your request for a determination letter. The Property is located entirely within the R-3 residential zone. My determination is based in part on a submitted signed survey sketch by Robert A. Yarumian II, PLS with Maine Boundary Consultants dated December 23, 2013.

The five (5) described parcels are owned in common and are not individual "grandfathered" lots. These lots cannot be developed as separate residential lots. The Land Use Zoning Ordinance of the City of Portland describes a lot of record considered to be "buildable" if any lot is described as of June 5, 1957, and held under separate and distinct ownership from adjacent lots and having a street frontage of forty (40) feet. These lots do not meet the definition allowance of a "lot of record" because they have not been held separate and distinct in ownership from each other. They are held in common under the name of Jean B. Dunnell. The parcels have merged into one lot.

The R-3 residential zone is a single family zone. It does not allow multi-family uses. The Land Use Zoning Ordinance does not grant the right to the Zoning Board of Appeals to allow multifamily uses in a single family zone. Therefore, appealing a multifamily use would be futile.

You have also asked about the possibility of a curb cut off Forest Avenue for Lot "A" as noted on the proposed property boundary sketch. Please note that cub cut requests are a function of our Public Services Department. I do note that the Lot "A" house is denoting a new curb cut off of Lane Avenue and not Forest Avenue. Lane Avenue is probably the preferable location for a driveway instead of Forest Avenue. However, David Margolis-Pineo in Public Services is the contact person and has the final say concerning the availability of curb cuts. His number is (207) 874-8850.

Your determination request does not mention any comment on the suggested lot division as shown on the submitted survey sketch. However, I will offer my comments on the division of land. Dividing one lot (composed of several parcels) into two lots does not require a subdivision review under State or City Ordinance. However, I have reviewed both lots "A" and "B" for compliance with the R-3 zone and section 14-422 of the Land Use Zoning Ordinance. Proposed lot "A" meets the dimensional requirements of the R-3 Zone. The proposed new line does not create any violation of the R-3 zone

## Portland, Maine



## Yes. Life's good here.

Planning & Urban Development Department

Jeff Levine, AICP, Director Marge Schmuckal, Zoning Administrator

Pg. 2

dimensional standards. The only violation is the loss of the required number (2) of parking spaces for lot "A". The survey sketch does show a proposal for a new driveway off of Lane Avenue which would suffice for the two required parking spaces. Therefore prior to actually dividing the lot and selling the lot, the new driveway would need to be created. If it is not done prior to the division and selling of the land, Lot "A" will be in violation of the Land Use Zoning Ordinance.

My review of lot "B" indicates that all dimensional requirements of the R-3 Zone are being met. However, the use of the garage on a new, vacant lot is considered to be a violation of the Land Use Zoning Ordinance. The Ordinance considers a garage as an accessory use and accessory structure. It is not an allowable principal use of an R-3 lot. Again, prior to the actually division and selling of the lot, the garage is required to be removed, or it will be a violation of the Land Use Zoning Ordinance.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695. Please also note that separate site plan reviews and building permits are required prior to the construction of a single family dwelling,

Very truly yours,

Marge Schmuckal

Zoning Administrator City of Portland, Maine City of Portland Code of Ordinances Sec. 14-431 (Code 1968, § 602.19.J)

\_\_\_\_

Land Use Chapter 14 Rev.3-4-13

#### Sec. 14-432. Swimming pools.

Outdoor swimming pools accessory to dwellings, apartment houses, hotels or motels shall be permitted on lots, provided the following conditions are met:

- (a) No swimming pool shall be sited in the front yard.
- (b) No part of any swimming pool shall be located closer than ten (10) feet from the principal structure, nor closer than ten (10) feet from the side or rear lot lines. (Code 1968, \$ 602.19.K; Ord. No. 271-77, 5-16-77; Ord. No. 90-88, 7-19-88)

\*Editor's note—Ord. No. 90-88, adopted July 19, 1988, amended \$ 14-432 to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 90-88.

# Sec. 14-433. Lots of record and accessory structure setbacks for existing buildings.

Any lot of record as of June 5, 1957, and held under separate and distinct ownership from adjacent lots and having a street frontage of forty (40) feet, or to which a means of access has been previously approved by the city council as provided elsewhere in this article, may be considered a buildable lot in any residential zone except as provided below for island residential zones, with a minimum lot size of five thousand (5,000) square feet, except that a lot in the R-6 zone may have a minimum lot size of three thousand (3,000) square feet, provided that the applicable yard dimensions can be met.

A lot in the R-1, R-2, R-3, R-4, R-5, R-5A or R-6 zones that was described in a subdivision plat approved by the Planning Board after June 5, 1981, or a lot of record that conformed to the applicable lot size requirement, lot width and street frontage as of June 5, 1984, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards, provided that the normal applicable yard requirements cannot be met provided,

City of Portland Code of Ordinances Sec. 14-412

Land Use Chapter 14 Rev.3-4-13

shall not include veterinarians, kennels, animal raising, funeral homes, retail uses including antique shops, restaurants, dancing studios, towing services, repair and painting of automobiles as home occupations. (Code 1968, § 602.18.I; Ord. No. 277-77, 11-7-77; Ord. No. 548-85, § 1, 5-6-85; Ord. No. 76-85, § 1, 7-1-85; Ord. No. 66-87, § 2, 11-2-87; Ord. No. 329-90, 5-7-90; Ord. No. 240-09/10, 6-21-10)

Sec. 14-411. - Sec. 14-420. Reserved.

DIVISION 25. SPACE AND BULK REGULATIONS AND EXCEPTIONS

#### Sec. 14-421. Generally.

The requirements of this article shall be subject to the space and bulk regulations and exceptions of this division. (Code 1968, § 602.19.A)

#### Sec. 14-422. Reduction of lot area prohibited.

No lot shall be so reduced that yards, lot width, lot frontage, lot area, area per dwelling unit, and space for off-street parking and/or off-street loading shall be less than the minimum required under this article. (Code 1968, § 602.19.A)

#### Sec. 14-423.Reserved.

\*Editor's Note: Pursuant to Council Order No. 240-09/10, passed on June 21, 2010, Section 14-423 (Joint occupancy) was repealed in it's entirety.

### Sec. 14-424. Required open space.

No part of a yard or other open space required about any building under this article shall be included as a part of a yard or other open space required for another building. (Code 1968, § 602.19.C)

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

Any yard may be occupied by a one-story entrance porch not



February 4, 2014

Marge Schmuckal
City of Portland
Planning & Urban Development Department
389 Congress St. Room 308
Portland, ME 04101

Re: Proposed Lot Division, 1670 Forest Avenue, Portland, Maine.

Dear Marge,

I am inquiring about the above-noted parcel at the corner of Forest Avenue and Lane Avenue in the Estate of Jean B. Dunnell. I am representing the seller of the property, Barbara Howe, who is the personal representative of Ms. Dunnell. Please see our attached Exclusive Right to Sell Agreement.

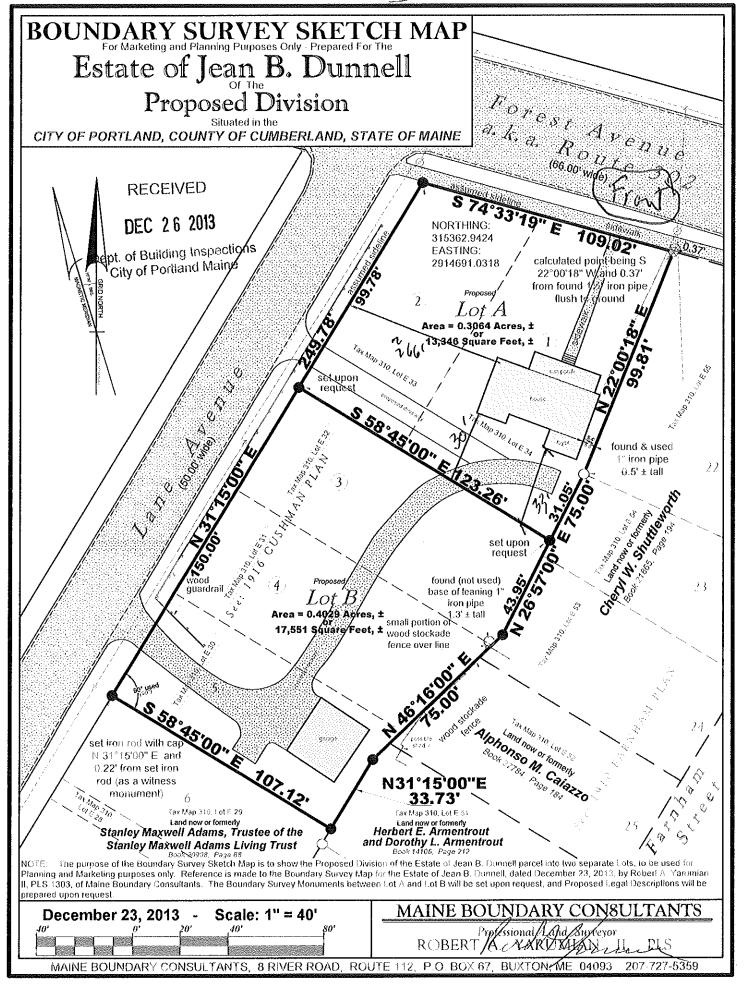
I am seeking a determination as to whether these 5 lots are grandfathered. I would also like to establish whether or not it is possible to add an additional curb-cut off Forest Avenue for Lot A as noted on the proposed property boundary sketch. My clients would also like to know about the potential for building multi-family units on the site.

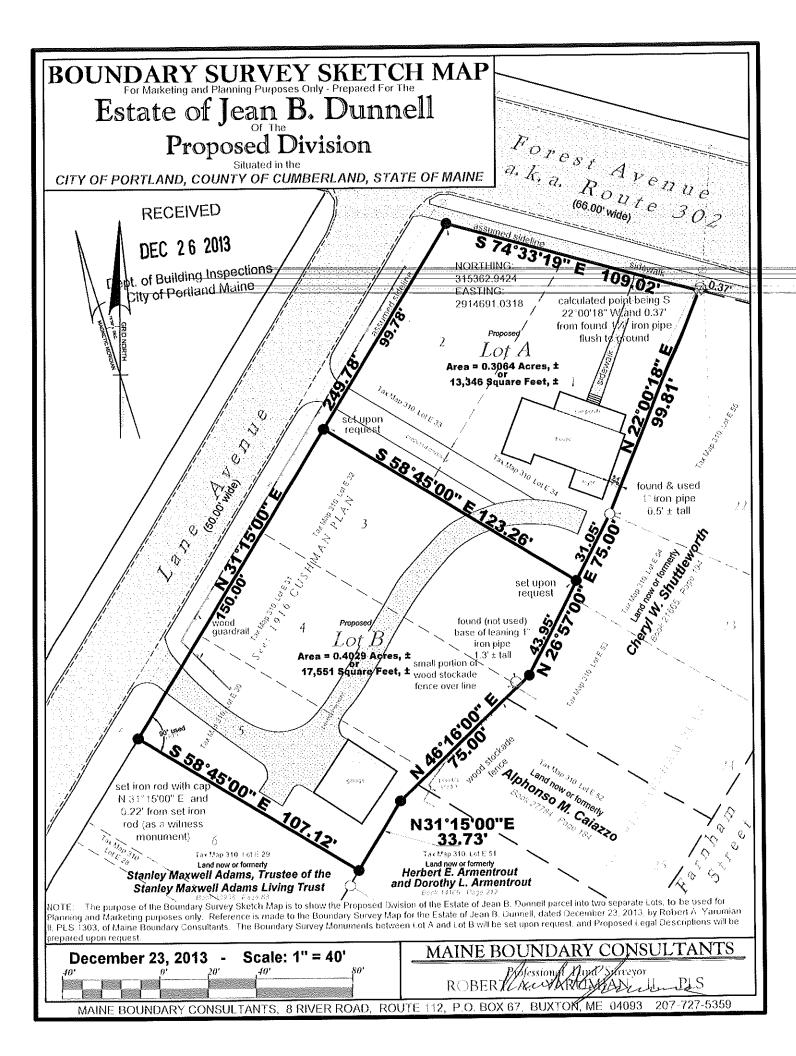
I have included all the materials that had been originally sent to you at the end of December 2013. Please let me know if there are any other materials you need or questions you have before making this determination.

Sincerely,

Broker/Owner

RE/MAX By The Bay





## MAINE BOUNDARY CONSULTANTS

Robert A. Yarumian II, PLS
Professional Land Surveyor
Est. 1988

December 23, 2013

Marge Schmuckal
City of Portland
Planning & Urban Development Department
389 Congress St. Room 308
Portland, ME 04101

RECEIVED

DEC 26 2013

Dept. or Building Inspections City of Portland Maine

Re: Proposed Lot Division, 1670 Forest Avenue, Portland, Maine.

(e=5)

Dear Marge,

7/0- 6-39,31,32,33,34

As per your request please find enclosed two (2) copies of the Boundary Survey Sketch Map for Marketing and Planning Purposed Only - Prepared for the Estate of Jean B. Dunnell, of the Proposed Division, dated December 23, 2013. The property currently has an address of 1670 Forest Avenue, and is shown on Tax Map 310, as Lots E 30, E 31, E 32, E 33, & E 34.

At this point I am unsure if the current owner is going to proceed with this division, it is my understanding that this will be going on the market as one lot with the potential to be divided.

Please do not hesitate to call me if you have any questions and/or concerns with this configuration for a division of this property.

I will be more than happy to discuss this matter further with you over the phone if you have any questions or concerns. You may reach me at 207-727-5359, thank you for your time and consideration.

Sincerely yours.

Robert A. Yarumian II, PLS

MAINE BOUNDARY CONSULTANTS

cc1: Barbara B. Howe

1670 Forest Avenue Portland, ME 04103

cc2: Chris Lavoie, Broker

The Lavoie Group 50 Sewall St, 2nd Floor Portland, ME 04101

## MAINE BOUNDARY CONSULTANTS

Robert A. Yarumian II, PLS Professional Land Surveyor Est. 1988

December 23, 2013

Marge Schmuckal City of Portland Planning & Urban Development Department 389 Congress St. Room 308 Portland, ME 04101

Re: Proposed Lot Division, 1670 Forest Avenue, Portland, Maine.

Dear Marge,

As per your request please find enclosed two (2) copies of the Boundary Survey Sketch Map for Marketing and Planning Purposed Only - Prepared for the Estate of Jean B. Dunnell, of the Proposed Division, dated December 23, 2013. The property currently has an address of 1670 Forest Avenue, and is shown on Tax Map 310, as Lots E 30, E 31, E 32, E 33, & E 34.

At this point I am unsure if the current owner is going to proceed with this division, it is my understanding that this will be going on the market as one lot with the potential to be divided.

Please do not hesitate to call me if you have any questions and/or concerns with this configuration for a division of this property.

I will be more than happy to discuss this matter further with you over the phone if you have any questions or concerns. You may reach me at 207-727-5359, thank you for your time and consideration.

Sincerely yours.

Robert A. Yarumian II, PLS

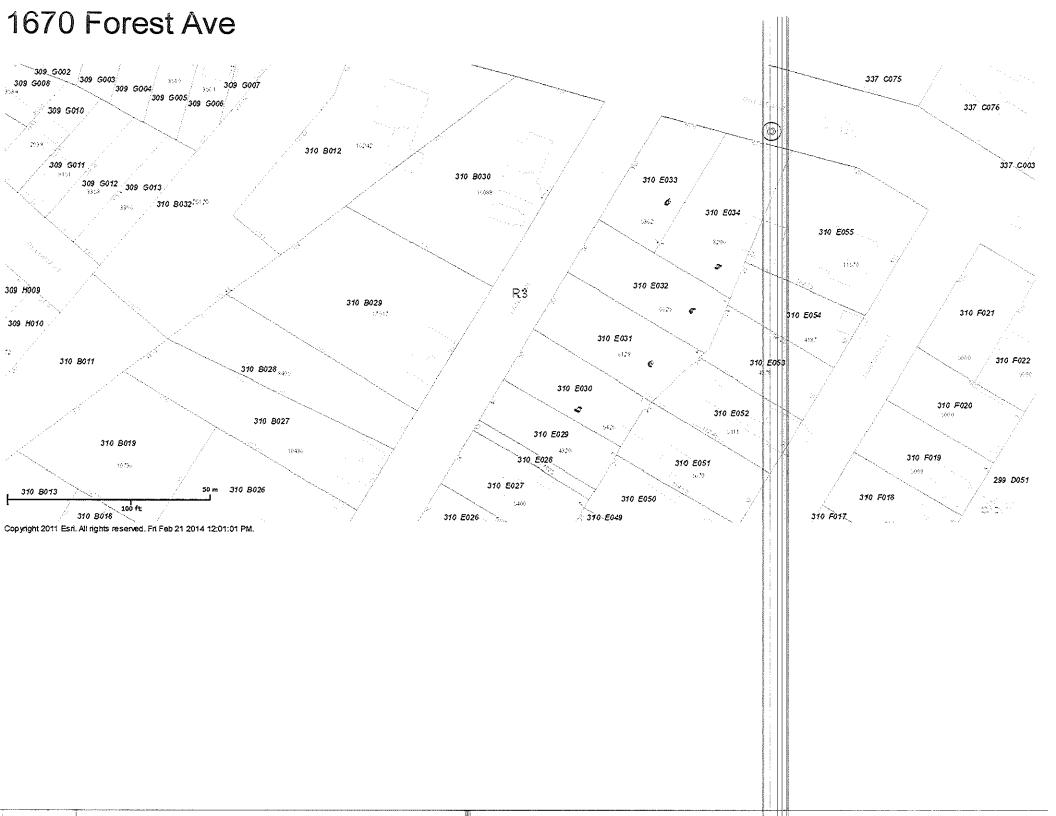
MAINE BOUNDARY CONSULTANTS

cc1: Barbara B. Howe

> 1670 Forest Avenue Portland, ME 04103

cc2: Chris Lavoie, Broker

> The Lavoie Group 50 Sewall St, 2nd Floor Portland, ME 04101



Assessor's Office ( 389 Congress Street ) Portland, Maine 04101 ( topon 115 : (207) 874-8486

City Home

Departments

City Council

E-Services

Calendar

This page contains a detailed description of the Parcel ID you selected. Press the New Search button at the bottom of the screen to submit a new query.

#### **Current Owner Information:**

Services

310 E030001 SINGLE FAMILY

Land Use Type

Venfy legal use with

Inspections Division

**Property Location Owner Information** 

1670 FOREST AVE **DUNNELL JEAN B** 

1670 FOREST AVE PORTLAND ME 04103

11305

Αρρικουμούς

Đoing Business

**Book and Page** lar Rollef

**Legal Description** 

310-E-30 TO 34 FOREST AVE 1670-1676

LANE AVE 2-20

Yak Roll

31747 SF 0.7689

Acres

browse city services a a

#### Current Assessed Valuation:

browse facts and links are

TAX ACCT NO.

34276

**OWNER OF RECORD AS OF APRIL 2013** 

**LAND VALUE BUILDING VALUE**  \$84,300.00

DUNNELL JEAN B 1670 FOREST AVE

PORTLAND ME 04103

\$130,500.00

HOMESTEAD EXEMPTION (\$10,000.00)

NET TAXABLE - REAL ESTATE \$204,800.00

TAX AMOUNT

\$3,975.18



Best viewed at 800x600, with Internet Explorer Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

#### **Building Information:**

#### Building 1

Year Bulit	1900
Style/Structure Type	CAPE
# Stories	1.5
# Units	1
Bedrooms	3
Full Baths	1
Half Baths	1
Total Rooms	7
Attic	NONE
Basement	FULL
Square Feet	1478

View Sketch

View Map

View Picture

#### Outbuildings/Yard Improvements:

**Building 1** 

Year Built

1990

Structure

GARAGE-WD/CB

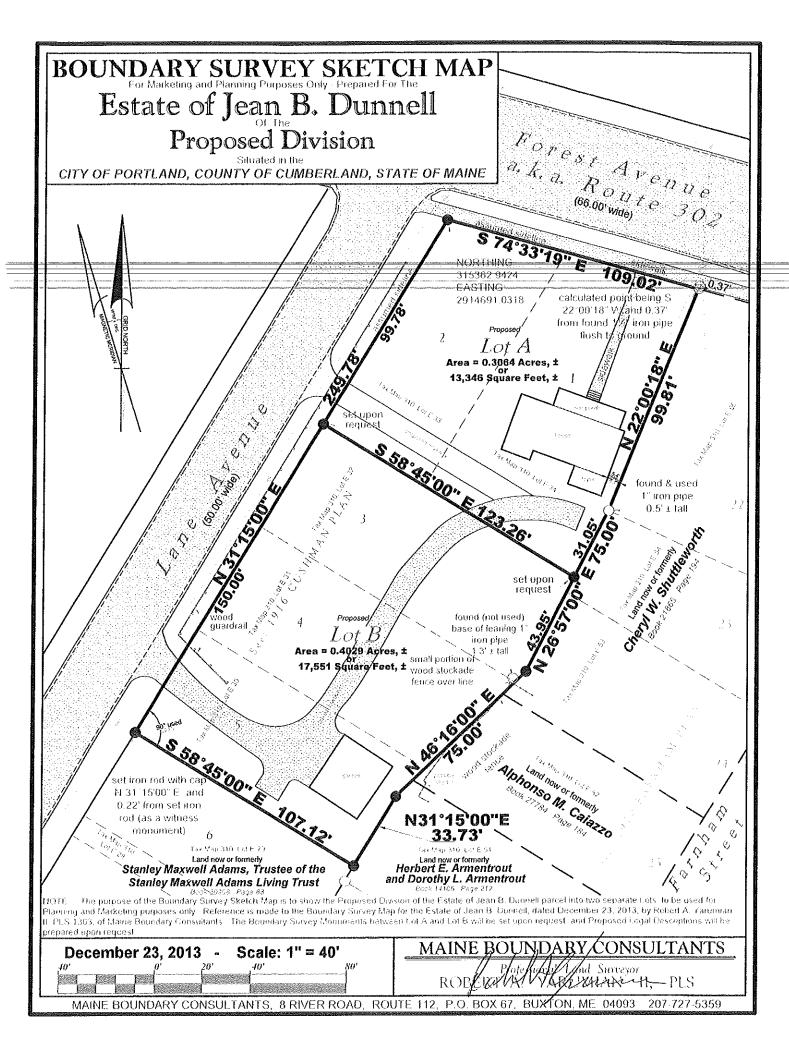
Size Units

Grade

24X26 1

C Condition

New Search!

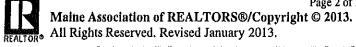


## **EXCLUSIVE RIGHT TO SELL LISTING AGREEMENT**

	AGEN	ıcv.		RE/MAX By The Bay DATE: 2 3 2014					
	DISC	LO	SURE	PROVISIONS					
			ED AG						
	Agency under l	y ha: Mair	s a polic le State	cy of appointing a specific agent(s) (hereinafter "Appointed Agent") within the Agency to represent you. This practice is authorized law and is regulated by the Maine Real Estate Commission. The Appointed Agent(s) representing you is/are <b>Broker</b> :					
]	David	d B	anks	, Assoc. Brokers: Peter Blake, Jessica Vamvakias, Ila Piper Sales Assoc. and holds a					
	Sale	es inch	Assoc	S:C. Gunderson, H. Douglas Maine real estate license. The Appointed Agent(s) will owe you, the client, fiduciary duties, ong other things, the obligation not to reveal confidential information obtained from you to other licensees, except the designated					
1	roker	or th	ie desig	nated broker's designee for the purpose of seeking advice or assistance for your benefit. This Agency may be representing both the					
;	Seller a	and t	he Buye	er in connection with the sale or purchase of real estate. Should the appointed agent named above be unable to fulfill the terms of the					
	orokera orokera	ige c	ontract, contract	or by agreement between you and the designated broker, another agent from this Agency may be appointed during the term of your with this agency. Appointment of another agent as a new or additional agent does not relieve the agent named above of any					
	iducia	ry dı	ities ow	ed to you.					
ť	Client has read Appointed Agent Disclosure prior to entering into a brokerage contract with Agency, and hereby consents to the appointment to the Agent(s) Yes No								
				AL AGENT:					
a	Client(s) acknowledge they have been informed by Agency that the Agency has a policy that permits Disclosed Dual Agency. This practice is authorized under Maine State law and is regulated by the Maine Real Estate Commission. In a transaction where a Buyer Client desires to purchase a Seller Client's listing, Disclosed Dual Agency may arise. In serving as a Disclosed Dual Agency:								
		1.	represei	nts two clients, the Buyer and the Seller, whose interests are adverse and the agency duties are limited; close to Buyer any information provided by Seller and may disclose to Seller any information provided by Buyer except:					
			<ul><li>the w</li></ul>	villingness or ability of Seller to accept less than the asking price;					
				rillingness or ability of Buyer to pay more than has been offered; dential negotiating strategy not disclosed in the sales offer as terms of the sale;					
			<ul><li>the m</li></ul>	notivation of Seller for selling and the motivation of Buyer for buying.					
(	lient l	has	read at	nd understood the Agreement. Client understands they may choose to consent, or not consent, to Agency serving as a ent. Client hereby voluntarily consents to the Agency and Appointed Agent acting as a Disclosed Dual Agent. Yes No					
				Agency's agreement to list and promote the sale of ( all part of; If 'part of' see explanation on description attached hereto)					
S	eller's	prop	erty situ	iated in municipality of Portland County of Compartant , State of Maine,					
lo	cated a	at	670	and described in deed(s) recorded at said					
C ri	ounty . oht to :	Regi sell o	stry of I or excha	Deeds in Book(s) 2776, Page(s) 8, the undersigned as Seller, hereby gives the Agency the exclusive					
S	eller m	ay a	uthorize	inge said property at a price of \$, and on the terms herein stated, or at any other price or terms to which cor consent. If, during the term of this agreement, a Buyer is produced who is ready, willing and able to purchase at said price, or					
				rms to which the Seller may agree, or if the property is sold or exchanged by anyone, including the Seller, then Seller agrees to pay on of % of contract price. This Agreement begins on 2/3/2-014 and will					
e	pire or	n	83	If at such expiration date Seller has placed the property under any type of contract and the transaction					
				expiration date of this Agreement shall be extended until completion of that transaction by either closing/transfer of title or on of the contract.					
			-	provided above shall be due if the property is sold, conveyed, exchanged, optioned or otherwise transferred within 6 months after					
th	e expir	atio	n of this	s Agreement to anyone with whom Agency has negotiated unless listed in good faith with another real estate brokerage agency.					
No na	egotiati ragran	ion s h sha	ihall inc all exnir	clude providing information about the property, showing the property, or presenting offers on the property. All rights under this is on					
	JBAGI			· · · · · · · · · · · · · · · · · · ·					
	Yes	_	No	This Agency's policy is to cooperate with other agencies acting as subagents of you the Seller.					
	Yes	X	No	This Agency's policy is to share compensation with subagents.					
В	JYER'	S A	GENC	7					
X	Yes		No	This Agency's policy is to cooperate with other agencies acting as Buyer's agents.					
X	Yes		No	This Agency's policy is to share compensation with Buyer's agents.					
TF	TRANSACTION BROKERS								
	Yes			This Agency's policy is to cooperate with other agencies acting as transaction brokers.					
X	Yes		No	This Agency's policy is to share compensation with transaction brokers.					
				AGENCY COMPENSATION POLICIES					
	Yes			This Agency's policy is to compensate all other real estate brokerage agencies in the same manner. If no, Seller acknowledges this policy may limit the participation of other agencies in the marketplace.					
	Yes	X	No	This Agency's policy on paying commissions to its affiliated licensees is to provide a greater commission for an in-house sale versus sales involving a cooperating real estate brokerage agency.					
	Agency has disclosed its policies regarding cooperation and compensation so as to inform Seller of any policy that would limit the participation of any other Agency.								
				Page 1 of 2 - ERTS Seller's Initials					

Seller acknowledges	s and/or agrees:				
adverse or othe	luty between the signing of this listing agreement and the final closing to disclose to Agency all introvise, and understands that all such information shall be disclosed by Agency to Buyer.			ut the	e property
	y harmless for any claim which may result from the Seller's failure to disclose information about the p	roperty			
	uiries to Agency.	doed			
To convey prop		deed.	Yes		No
	"Por Sale" sign on the property.	X			
	e advertising of the property. The of a key and/or a lock box on the property.		Yes		
To authorize us	gency to divulge the existence of offers on the property.		Yes		
To authorize au     To authorize au	iblication of property and applicable disclosure attachments in the MLS and use of information for	(X)	Yes		
marketing, appr	raisal and statistical purposes.			_	
<ul> <li>To authorize inc</li> </ul>	e Agency to use and make exterior and interior photographs of said property in promoting its sale. clusion of street address of the property on Internet display to the public.	X	Yes Yes		
<ul> <li>To authorize incomes</li> <li>websites.</li> </ul>	clusion of automated estimate of market value (AVM) on the property shown on virtual office	- n	Yes	1771	No.
	clusion of allowing comments or reviews about the listing on virtual office websites.		-Yes		
That Agency ha	s discussed with Seller safeguarding of personal property and valuables located within the Property.				
Agency is not an That the State of	n insurer against loss of or damage to personal property.  of Maine law requires Buyers of property owned by non-resident Sellers to withhold a prepayment obtained by Seller from the State of Maine Revenue Service.				
<ul> <li>That the State or</li> </ul>	obtained by Selier from the State of Maine Revenue Service.  If Maine law says that the owner of property as of April 1 is legally responsible to pay the property by tax lien filed for non-payment will be in the name of the owner as of April 1 which could have a r	taxes e negative	ven if effec	the p	roperty is heir credit
rating.					
<ul> <li>Receipt of a cop</li> </ul>	x, and other professional advice as necessary in connection with sale of property.  y of this agreement.				
<ul> <li>That Agency ha</li> </ul>	s informed Seller of his/her obligation to provide buyers with information developed by the Depar	tment c	of Hea	lth ar	id Human
Services (Bureau	u of Health) regarding what homeowners should know about arsenic in private water supplies and arse is informed Seller of his/her disclosure and certification obligations regarding the presence of lead	inic in t	reated	WOOO	l. and boand
<ul> <li>That Agency hat paint hazards an</li> </ul>	is informed Seller of misther disclosure and certification obligations regarding the presence of lead and a Buyer's right to conduct a risk assessment or inspection of the property to determine the pres	sence o	f lead	basec	au-baseu I paint or
lead-based paint	hezards.				•
<ul> <li>Any property ma</li> </ul>	anagement services are only provided by Agency if agreed to by separate written agreement.		11 42-4		
• If any earnest mo	oney is forfeited by a Buyer, it shall be distributed one half to Seller, and one half to Agency. In no ev	CHE SHA	n tne 7	rgene	<del>y portion</del>
	d upon commission set forth above. And 2/3/2014	4			
-	Agency harmless from any loss or damage that might result from authorizations provided in the				
FIXTURES: The Sell	er agrees that all fixtures, including but not limited to existing storm and screen windows, shades an	ıd/or bli	nds, s	hutter	s, curtain
rods, built-in appliance	ces, heating sources/systems including gas and/or kerosene-fired heaters and wood stoves, sump pum	ιp, and α	electri	cal fix	ctures are
	except for the following:				<del></del> ,
PERSONAL PROPER warranties if specified	RTY: The following items of personal property may be included with the sale at no additional cost, in the Purchase & Sale Agreement:	in "as i	s" cor	ditio	ı with no
Other Conditions:					
Seller acknowledges re	eceipt of a copy of the Residential Property Transaction Booklet 🔟 Yes 🔲 No				
	ree that Agency shall represent Seller and that this Agreement creates an agency/client relationship a	ıs defin	ed in t	he Re	eal Estate
Agency and Seller eac	h agree that this property is to be offered without regard to race, color, religion, sex, handicap/disabi y, sexual orientation, or national origin.	lity, fan	ailial s	tatus	(families
· · · · · · · · · · · · · · · · · · ·	reive fax or other electronic transmissions from Agency to fax number(s) and/or email address(es) pro	ovided ł	ierein.		
serrences Or	Sarray & Howe PR				
SELLER(S)	Sarray & Howe PR.				
Accepted by	On behalf of RE/MAX By TI (REAL ESTATE LICENSEE) (AGENCY David Banks	he Ba )	у		
ELLER(S) Mailing Add	ress:				
	er(s):				
ELLER(S) E-mail Addre	ss: SELLER(S) Fax Number(s):				
	Page 2 of 2 - ERTS				







## CITY OF PORTLAND DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street Portland, Maine 04101

## RECEIPT OF FEES

**Application No:** 0000-1860

**Applicant:** DUNNELL JEAN B

Project Name:

1670 FOREST AVE

**Location: 1670 FOREST AVE** 

CBL:

**CBL** 

310-E030001-

**Payment** 

Received

\$0.00

+

Application Type: Determination Letter

Invoice Date:

Previous

**Balance** 

\$0.00

02/10/2014

Current Fees

\$150.00

**Payment** \$150.00

1

Current

Total Due

\$0.00

Payment **Due Date** 

On Receipt

**Previous Balance** 

\$0.00

Fee Description

PORTLAND, ME 04103

Qty Fee/Deposit Charge

**Zoning Determinations** 

\$150.00

\$150.00

**Total Current Fees:** 

\$150.00

**Total Current Payments:** 

\$150.00

**Amount Due Now:** 

\$0.00

Application No: 0000-1860

310 E030001 Invoice Date: 02/10/2014

Invoice No: 44130

Bill to: DUNNELL JEAN B 1670 FOREST AVE Total Amt Due: \$0.00

Payment Amount: \$150.00

Make checks payable to the City of Portland, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101. Check the status of your permit or schedule an inspection on-line at http://www.portlandmaine.gov/planning/permitstatus.asp