

April 8th, 2016

Not title interest?

Jeff Levine
Director, Planning & Urban Development
City of Portland

Ann Machado
Zoning Administrator
City of Portland
389 Congress Street
Portland, Maine 04101

RE: ZONING DETERMINATION REQUEST; 1 JOY PLACE *1/173 Brackett St.*

Dear Jeff and Ann:

Below is a Zoning Determination Request for a property which I have under contract to purchase, 1 Joy Place (the "Property"). As a reference, I have enclosed a survey for the Property that was completed in 2014.

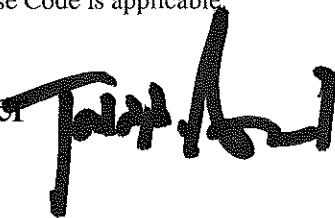
The Property consists of two city parcels, 45-E-48 and 45-E-49, and approximately 5,851 square feet of land area. It is located in a B1 zone and has a land use status of Three-Family. There are currently three structures on the site; the foundation and basement of a barn, a three-story residential building and a two-story garage. The Property does not front a public street, but it does have an interest in a private road, Joy Place, that provides permanent, unobstructed frontage of 23.9 feet on Brackett Street. The Property is benefited by a recorded easement giving it the permanent right to use this private road. The easement stipulates that Joy Place remain open and unobstructed forever. The City of Portland, in a deed for an abutting property (157 Brackett), has a similar easement governing its use of Joy Place.

My intent is to demolish the existing structures and develop a multifamily residential building on the Property that conforms to the dimensional requirements of the B1 zone. I am asking you to determine whether this development plan is a permitted use. It appears that there are at least two possible interpretations of the City's Land Use Code that may apply;

1. The Property is a developed lot of record for multifamily residential use that is legal, non-conforming only for frontage on a public street. The Property may be improved provided i) the current use is continued (multifamily) and ii) no new non-conforming conditions are created (building setbacks, building height, dwelling units per lot area, etc...).
2. The Property satisfies the dimensional requirement for frontage on a public street through its interest in Joy Place, which provides permanent, unobstructed frontage greater than 20 feet on Brackett Street. The Property may be improved for a use allowed in the B1 Zone provided the development meets the dimensional requirements for the zone.

Please confirm if a multifamily development is permitted on the Property pursuant to 1 and/or 2 above—or, if another provision of the Land Use Code is applicable.

Respectfully,
Todd M. Alexander
Todd M. Alexander



RECEIVED

APR - 8 2016

Dept. of Building Inspections
City of Portland Maine