



Planning & Urban Development Department

Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

October 30, 2014

James Nadeau, P.L.S., C.I.M
Nadeau Land Surveys
918 Brighton Avenue
Portland, Maine 04102

RE: 25 Deane Street – 051-A-022 & 23 – R-5 Zone

Dear Jim,

I am in receipt of your request for a zoning determination concerning 25 Deane Street. I have based my determination on a proposed, scalable survey, unsigned and unstamped performed by Nadeau Land Surveys. I have also been given a revised sketch survey on 10/21/14 that revises the rear landing and also revises the front yard averaging. The entire property is located in an R-5 residential zone.

The new land reconfiguration creates two separate parcels from one current lot held under common ownership. Parcel One has an existing single family dwelling. After the reconfiguration, Parcel One meets all the dimensional requirements of the R-5 zone. However, this determination for Parcel One is conditioned on the survey note concerning the rear landing, stating "Bottom Stair to Be Removed For Ordinance Compliance". The stair reconfiguration must be done prior to finalizing the lot reconfiguration. After the reconfiguration, Parcel Two meets and/or can meet all the dimensional requirements of the R-5 zone, and is considered to be a "buildable lot".

The survey sketch received on 10/21/2014 also contains information concerning average front yard calculation. The calculations include setback information for the property to the left of Property Two and the first property to the right of Property One across Granite Street. This is the appropriate methodology for determining average setbacks. I agree with what is resulted for the average front yard setback.

Please be aware that this determination letter is not a substitute for an application to build. Separate building permits and reviews are required for any new construction and or alterations to the existing dwelling.

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

If there are any questions or concerns about the matters in this letter, please feel free to call me at (207) 874-8695.

Sincerely,

A handwritten signature in black ink that reads "Marge Schmuckal".

Marge Schmuckal
Zoning Administrator
City of Portland, ME

Nadeau Land Surveys

Professional Land Surveyors
Certified Floodplain Managers

October 3, 2014

Marge Schmuckal, Zoning Administrator
City of Portland
389 Congress Street
Portland, Maine 04101

R-5
051-A-022 (023)

RE: Proposed Lot Reconfiguration and Average Front Yard Calculation, 25 Deane Street, Portland, Maine (2131433R2/2141530L1)

RECEIVED
OCT 07 2014
Dept. of Building Inspections
City of Portland
Portland Maine

Dear Marge,

For your review, please accept this letter and attached plan. Our client desires to reconfigure two record lots he acquired March 13, 2014 per Cumberland County Registry of Deeds Book 30943, Page 219, which are identified as Lot 23 on City of Portland Assessor's Map 51, Block A. See our attached plan entitled "Plan Depicting The Results Of A Standard Boundary Survey Made For Julian D. Thomka-Gazdik At The Intersection Of Deane Street & Granite Street, Portland, Maine", last revised October 1, 2014 by Nadeau Land Surveys, Portland, Maine, which depicts the proposed lot reconfiguration.

The record lots "Parcels One & Two" were created January 23, 2000 with the execution of Deed Book 15715, Page 210, which was based on a land division this office performed and depicted on a plan entitled "Plan Depicting The Results Of A Standard Boundary Survey Made For MacGowan Realty Trust At The Intersection Of Deane Street & Granite Street, Portland, Maine", dated November 1, 1999 by Nadeau & Lodge, Inc., Portland and Lyman, Maine. Both "Parcels One & Two" have been held in common ownership since their inception. A one story garage was added to the existing dwelling on "Parcel One" which encumbers a small portion of "Parcel Two". It is our client's desire to reconfigure "Parcels One & Two" to account for the construction of the garage and again become two conforming lots. The Locus Parcel is still located in the R-5 Residential Zoning District. Neither of the proposed reconfigured Parcels change road frontage along Deane Street and land area.

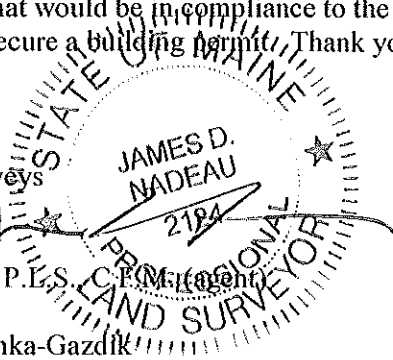
Our client also desires to expand the current wood landing adjacent to the dwelling and garage facing Deane Street. He would like your confirmation of our interpretation of the City of Portland, Code of Ordinance, Sec. 14-120.4.a,b,c,d minimum yard dimensions and average front yard calculation. Please refer to the survey plan for the surveyed abutting building corner offsets. This office does not believe any other Space and Bulk requirements have been altered, but please verify.

Please find enclosed a check in the amount of \$150 to review the proposed lot reconfiguration and average front yard calculation at 25 Deane Street, Portland, Maine. It is our desire that your formal determination be in writing confirming the Locus Parcel is located in the R-5 Zone and that our boundary survey plan represents a proposed lot reconfiguration and setback window that would be in compliance to the City of Portland Zoning Ordinance. Our client understands that this request does not secure a building permit. Thank you for your time and please do not hesitate to call if you have any questions.

Sincerely,
Nadeau Land Surveys

James D. Nadeau, P.L.S. (agent)

cc: Julian D. Thomka-Gazdik



Applicant: Jim Nadeau - Land Surveyor Date: 10/20/14
 Address: 25 Deane St C-B-L: 051-A-22-23

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - R-5

Interior or corner lot -

Proposed Use/Work - Divide lot

Sewage Disposal - City

Lot Street Frontage - 50' min

Front Yard - 20' on Average ^{9.7 left} ^{14.8} _{24.5} + 2

Rear Yard - 20' min

Side Yard - 1 stay 0' side on Side St = 15'
 2 stay 12'

Projections -

Width of Lot - 60' min

Height - 35' max

Lot Area - 6,000^{sq} min

Lot Coverage/Impervious Surface - 40% max

Area per Family - 3000^{sq} up to 2 units

Off-street Parking - 2/unit

Loading Bays - N/A

Site Plan -

Shoreland Zoning/Stream Protection -

Flood Plains - Parcel 13 - Zone C

Parcel 1
 with existing
 single fam

Parcel 2
 Vacant
 lot

81.15' ^{containing}
 scattered 19' ^{Principle}

12.25' AVE

21' (stairs under)
 14-425

5.29 on side st exists
 9' shown to new property

few stairs need
 to be altered

74' at the closest

existing

6,037^{sq} given

32.8%

meets - currently
 1 Dn

2 shown (garage)

75' + ^{containing}
 can meet

12.25' 18' over

can meet

can meet

~ 61' ok

can meet

6,030^{sq} given

can meet

can meet

can meet

N/A

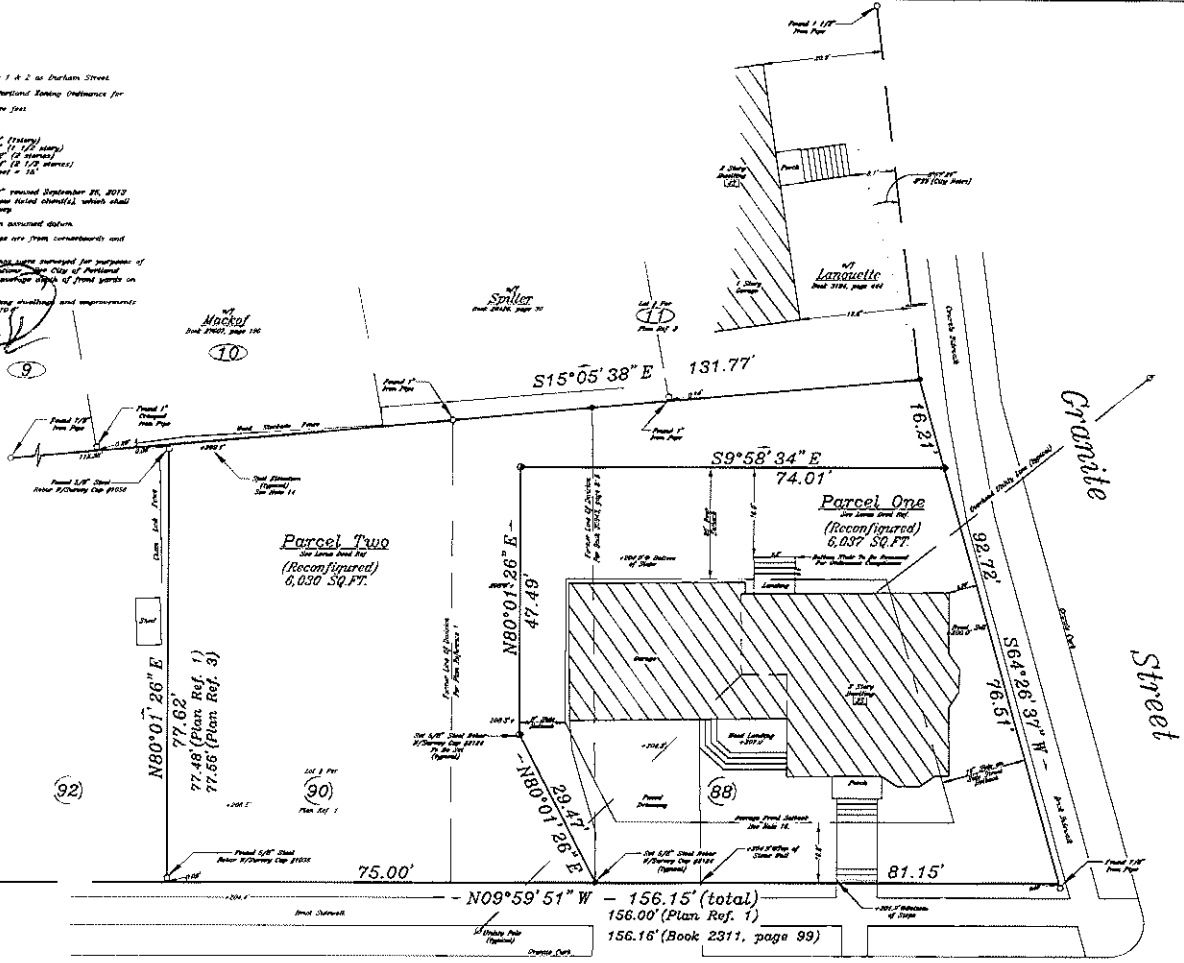
N/A

condition
 *
 *

10/21/14 by e-mj

General Notes Cont.

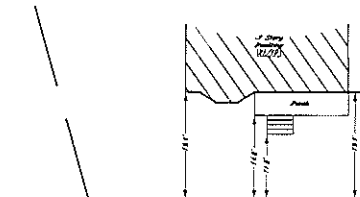
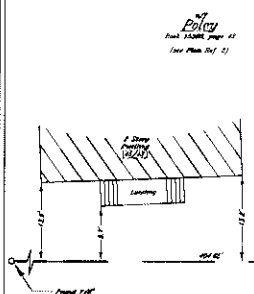
- 12. Falmouth Street shown on Plan Reference 1 & 2 as Deane Street.
- 13. Locus parcel to Book 22-23. The City of Portland Zoning Ordinance for additional regulations and restrictions.
Minimum Lot Size = 2,000 square feet
Minimum Frontage = 50'
Minimum Front Setback = 10'
Minimum Side Setback = 5' (except 11' 1/2' along 12' (2 stories) 14' (3 1/2 stories) 16' (4 1/2 stories))
Minimum Side Yard On Other Street = 10'
- 14. Reference is made to "Letter of Agreement" received September 26, 2012 between Madison Land Survey and the Maine State Office, which shall be considered an integral part of this survey.
- 15. Elevations depicted herein are based on an assumed datum.
- 16. All building corner points in boundary lines are from corners/bounds and not building foundations, unless noted.
- 17. The north-south and westerly abutting boundaries were surveyed for purposes of determining the average front yard contribution. The City of Portland Zoning Ordinance, a three year hold not equal to the average depth of front yards on either side of the lot.
- 18. Survey was conducted using electronic leveling and measurements.
± 0.1 (1") ± 0.1 (1") ± 0.1 (1") ± 0.1 (1")



Locus Deed Reference:
Federal National Mortgage Association
Julian D. Thomka-Cazdik Trustee of the
Julian D. Thomka-Cazdik Family Trust
11/14 November 30, 2012
Filed August 12, 2013 and recorded in the Cumberland County Registry of Deeds in Book 20945, page 219

- Plan References:**
- 1. "City Of Portland, ME Department Of Public Works - Streets and Lots On City Form 2000, 10, Plan 22, and Street Lot Diagram From Plan 22 Of City Form On Franklin Street and Deane Street, Made On 1992 for Use In Portland City Engineer and Survey Office, On The 22000 of The City Form "Portland, Maine", approved on 11/14/2012 at the Cumberland County Registry of Deeds in Book 216, page 55.
 - 2. "Plan Of Reformed Land Of Mary E. Deming", Portland, Maine, Surveyed 1912 by A. B. Johnson and recorded in the Cumberland County Registry of Deeds in Book 16, page 78.
 - 3. "Reconfiguring Plan, Deane Street Subdivision, 41-45 Deane Street, Portland, Maine, Deane Street Corporation, P.O. Box 12706, Portland, Maine 04112", dated June 12, 1998 by Deane Street, Inc. and recorded in the Cumberland County Registry of Deeds in Book 211, page 114.

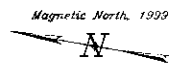
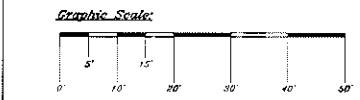
- General Notes:**
- 1. Locus parcel to show on City of Portland Assessor's Map 01, Block A, as Lot 22 & 23.
 - 2. This plan is issued without the enclosed seal of the professional land surveyor who prepared this plan.
 - 3. The apparent right-of-way lines depicted on this plan are based on the above plan references, measurements shown on the Plan, and City of Portland Engineering Department street data.
 - 4. The locus parcel does not fall within a General Front Yard Line (see Federal Manual 2005) 02152, unless noted otherwise. The parcel falls on Zone C. Emergency development, which requires that high community plan.
 - 5. There is no written surveyor's report.
 - 6. Total area of locus parcels equals 12,067 square feet, more or less.
 - 7. All documents reviewed and considered as a part of this survey are of public record. There may exist other documents which are not part of public record which could affect the results of this survey.
 - 8. This survey does not purport to reflect any of the following:
 - a. monuments other than those that are visible or specifically stated on the referenced instruments or divisions of underground utilities;
 - b. buildings without compliance of building ordinances;
 - c. existing or other local town regulations.
 - 9. Deane Street shown on Plan Reference 2 as Deane Street.
 - 10. Granite Street shown on Plan Reference 1 as Proposed Street.



To Falmouth Street

Deane Street

Granite Street



Surveyor's Statement:

Madison Land Survey hereby states accurately to the best of our knowledge, that this plan is based on, and the result of, an on the ground field survey and that in the best of our knowledge, information, and belief, it conforms to the Maine Board of Licensure for Professional Land Surveyors Standards of Practice.

Madison Land Survey
James B. Hudson, P.L.S. 22124 (signed) Date: _____

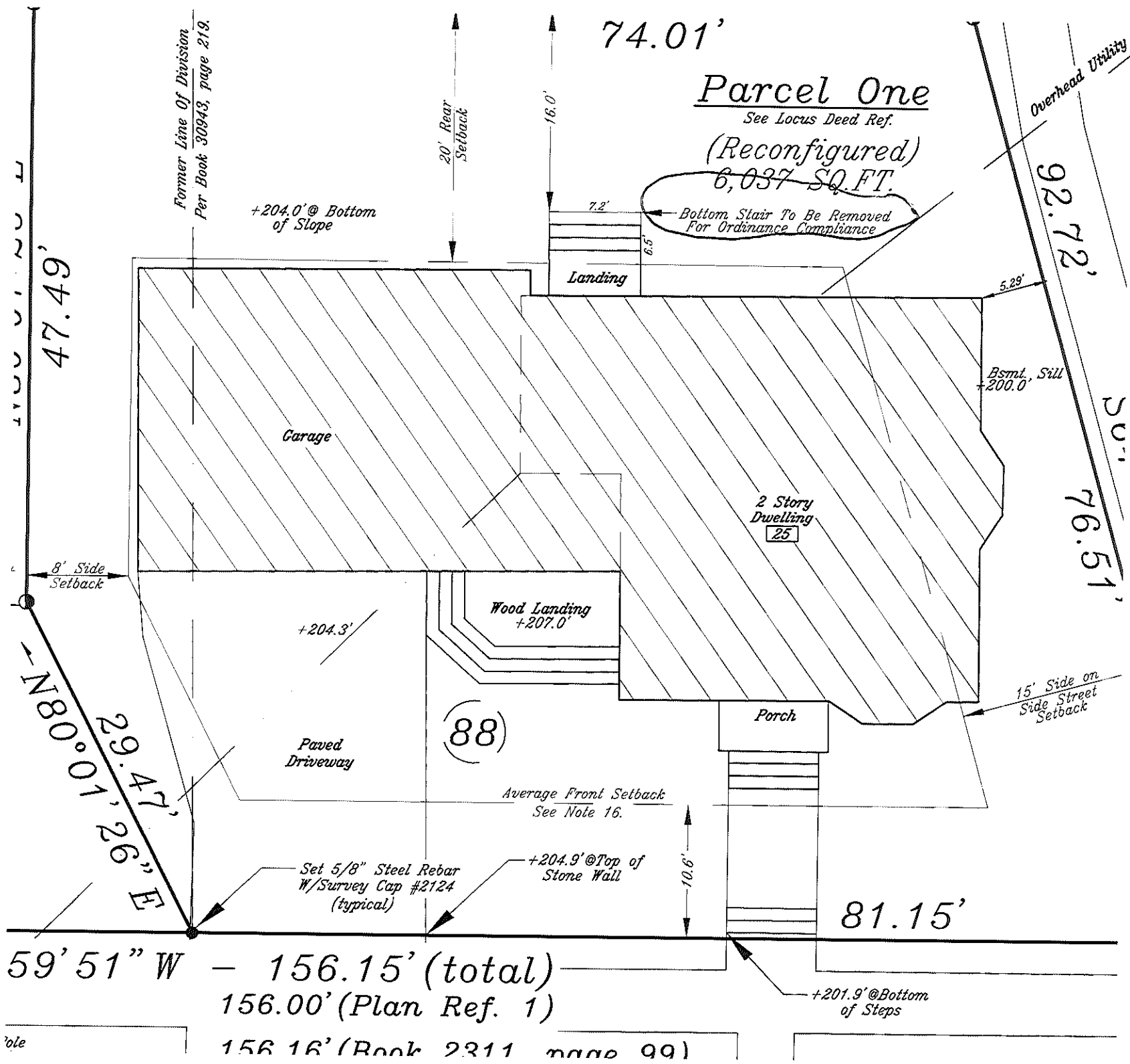
Revised 10-21-2014 Added Shading Dwellings and Reconfigured Internal Division Lines.
Revised 11-15-2013 Updated Title Block, SWI Improvements, Corner Data, and Add Spot Elev.

Plan Depicting The Results Of A Standard Boundary Survey Made For
Julian D. Thomka-Cazdik
At The Intersection of Deane Street & Granite Street
PORTLAND, MAINE

PREPARED BY: **NADEAU LAND SURVEYS**
PROFESSIONAL LAND SURVEYORS
915 BRIGHTON AVENUE
PORTLAND, ME 04102
(207) 978-7870

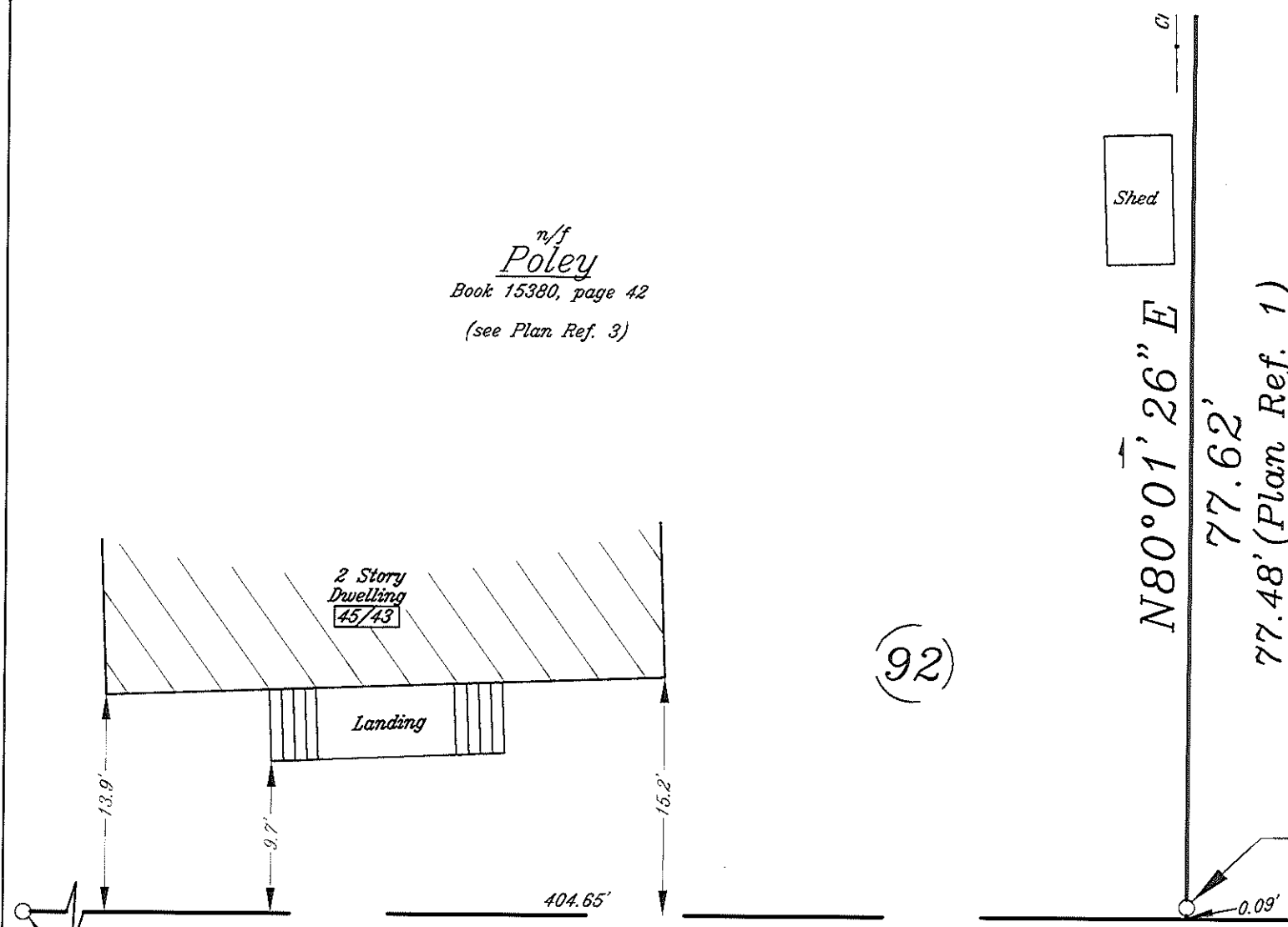
RECORD NUMBER: Julian D. Thomka-Cazdik 10 Deane Street Portland, ME 04102	RECORDED BY: CHECKED BY: TYPED BY: DRAWN BY: TYPED BY: SCALE: 1" = 10'	DATE: 11/1/1989 SHEET MADE: Oct 1989 SCALE: 1" = 10'	PLAN DATE: 11/1/1989 SHEET NO: 04 1269 SCALE: 1" = 10'
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FIELD BOOK: 20 151 P. 30
JOB No. 200901/21214314
SHEET No. 1 of 1



Note

n/f
Poley
 Book 15380, page 42
 (see Plan Ref. 3)



left side of Property
 used for Averaging

9.7' left
~~11.8'~~ - right
~~21.5'~~
~~21.3'~~

$21.5' \div 2 = 10.75'$
 $10.75' + 1.5' = 12.25'$

Averaged allowable front Set back
 To Falmouth

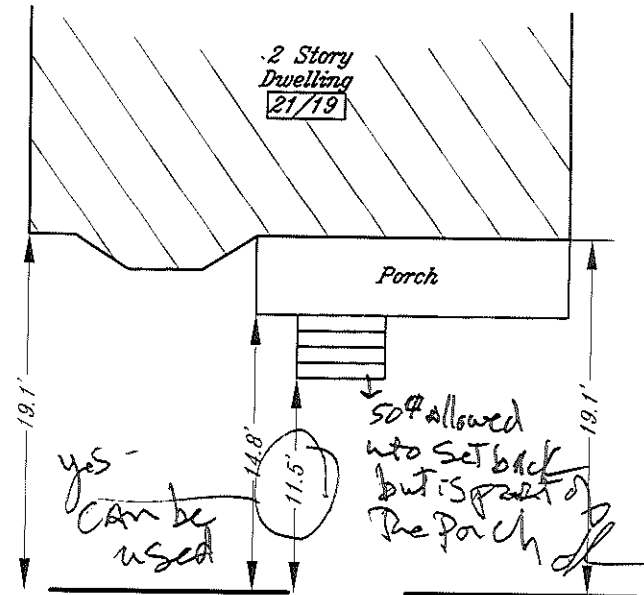
c. zoning or other land use regulations.

9. Deane Street shown on Plan Reference 2 as Dean Street.
10. Granite Street shown on Plan Reference 1 as Proposed Street.

Right side property
used for Averaging

19.7 left
11.5 right

$24.5' \div 2 = 12.25'$ Averaged Allowable front setback
 $21.2' \div 2 = 10.6'$ →



Revised 10-21-2014 Added Abutting Dwellings and Reconfigured Interior Division Lines.

Revised 11-15-2013 Updated Title Block, Site Improvements, Locus Deed, and Add Spot Elev.

Plan Depicting The Results Of A Standard Boundary Survey

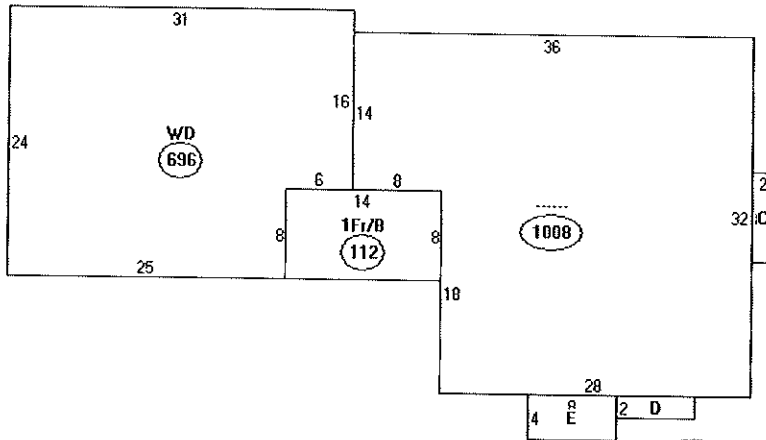
Made For

Julian D. Thomka-Gazdik

At The Intersection of Deane Street & Granite Street

PORTLAND, MAINE

Parcel 1

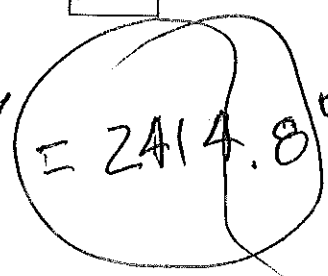


Descriptor/Area	Area
A:.....	1008
B:1F1/B	112
C:2FBAY	16
D:2FBAY	14
E:OFF	32
F:WD	696
Total	1878

7.2x15.5 rem
10x15.5 front

$6037 \times 40\% = 2414.8$

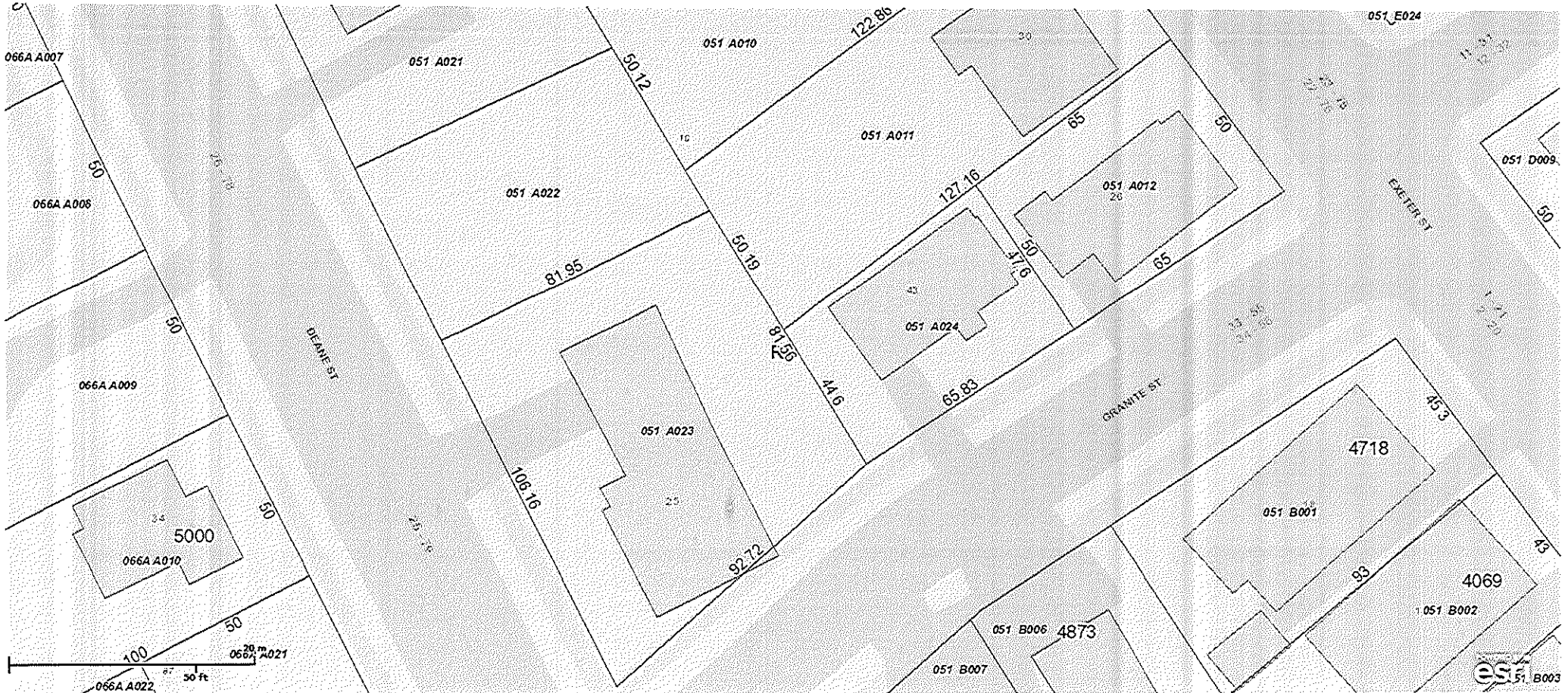
max lot cov. 1979.8



OK
32.8% coverage shown

1979.8

25 Deane St



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

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[Doing Business](#)

[Maps](#)

[Tax Relief](#)

[Tax Roll](#)

[Q & A](#)

[browse city services a-z](#)

[browse facts and links a-z](#)



Best viewed at 800x600, with Internet Explorer

CBL	051 A022001
Land Use Type	SINGLE FAMILY
Verify legal use with Inspections Division	
Property Location	25 DEANE ST
Owner Information	THOMKA-GAZDIK JULIAN D TRUSTEE 25 DEANE ST PORTLAND ME 04102
Book and Page	30943/219
Legal Description	51-A-22-23 DEANE ST 27-39 12067 SF
Acres	0.277

Current Assessed Valuation:

TAX ACCT NO.	7888	OWNER OF RECORD AS OF APRIL 2014
LAND VALUE	\$94,100.00	THOMKA-GAZDIK JULIAN D TRUSTEE
BUILDING VALUE	\$206,600.00	25 DEANE ST
NET TAXABLE - REAL ESTATE	\$300,700.00	PORTLAND ME 04102
TAX AMOUNT	\$6,014.00	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

Building 1

Year Built	1900
Style/Structure Type	OLD STYLE
# Stories	2
# Units	1
Bedrooms	3
Full Baths	2
Half Baths	1
Total Rooms	6
Attic	NONE
Basement	FULL
Square Feet	2188

[View Sketch](#) [View Map](#) [View Picture](#)

Sales Information:

Sale Date	Type	Price	Book/Page
8/19/2013	LAND + BUILDING	\$270,000.00	30943/219
5/13/2013	LAND + BUILDING	\$471,470.00	30636/308
9/8/2000	LAND + BUILDING	\$30,000.00	15715/210
2/25/2000	LAND + BUILDING	\$40,000.00	15338/70

[New Search!](#)



CITY OF PORTLAND
 DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
 389 Congress Street
 Portland, Maine 04101

INVOICE OF FEES

Application No: 0000-2063	Applicant: THOMKA-GAZDIK JULIAN D TR
Project Name: 25 DEANE ST	Location: 25 DEANE ST
CBL: 051 A022001	Application Type: Determination Letter
Invoice Date: 10/09/2014	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00	On Receipt

Previous Balance	\$0.00
-------------------------	---------------

Fee Description	Qty	Fee/Deposit Charge
Zoning Determinations	1	\$150.00
		\$150.00
	Total Current Fees:	+\$150.00
	Total Current Payments:	-\$150.00
	Amount Due Now:	\$0.00

CBL 051 A022001
Bill To: THOMKA-GAZDIK JULIAN D TRUSTEE
 25 DEANE ST
 PORTLAND, ME 04102

Application No: 0000-2063
Invoice Date: 10/09/2014
Invoice No: 46859
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/792/Permit-Status>
[Click Here to Pay On Line](#)

Deane Street shown on Plan Reference 2 as Dean Street.

Granite Street shown on Plan Reference 1 as Proposed Street.

Falmouth Street shown on Plan References 1 & 2 as Durham Street.

Locus parcel is Zoned R-5. See City of Portland Zoning Ordinance for additional regulations and restrictions.

Minimum Lot Size = 6,000 square feet

Minimum Frontage = 50'

Minimum Front Setback = 20'

Minimum Rear Setback = 20'

Minimum Side Yard Setback = 8' (1 story)

8' (1 1/2 story)

12' (2 stories)

14' (2 1/2 stories)

Minimum Side Yard On Side Street = 15'

Reference is made to "Letter Of Agreement" revised September 26, 2013 between Nadeau Land Surveys and the below listed client(s), which shall be considered an integral part of this survey.

Elevations depicted hereon are based on an assumed datum.

All building corner offsets to boundary lines are from cornerboards and not building foundation, unless noted.

The northerly and easterly abutting dwellings were surveyed for purposes of determining the average front yard calculations. Per City of Portland Zoning, a front yard need not exceed the average depth of front yards on either side of the lot.

Average front yard calculation using abutting dwellings

$13.9' + 19.6' = 33.5' / 2 = 16.8'$

Disagree

used the rear property at 4-3 Granite 9.7
 $20.00 \rightarrow 21 Deane$
 $\frac{29.70}{2} = 14.85$

revised 10-1-2014 Added Abutting Dwellings and Reconfigured Interior Division Lines.

revised 11-15-2013 Updated Title Block, Site Improvements, Locus Deed, and Add Spot Elev.

Plan Depicting The Results Of A Standard Boundary Survey

Made For

Julian D. Thomka-Gazdik

At The Intersection of Deane Street & Granite Street

PORTLAND, MAINE

PREPARED BY:

**NADEAU LAND SURVEYS
PROFESSIONAL LAND SURVEYORS**

918 BRIGHTON AVENUE
PORTLAND, ME 04102
(207) 878-7870

RECORD OWNER:

Julian D. Thomka-Gazdik
5 Deane Street
Portland, ME

04102

DRAWN BY: MLC

PLAN DATE: 11/1/1999

CHECKED BY: TPB/JDN

SURVEY DATE: Oct. 1999

INSTR.: Topcon GTS-3B

SCALE: 1" = 10'

Locus Deed Reference:

Federal National Mortgage Association

To

Julian D. Thomka-Gazdik, Trustee of the
Julian D. Thomka-Gazdik Family Trust
u/t/d November 30, 2012

dated August 13, 2013 and recorded at the Cumberland County
Registry of Deeds in Book 30943, page 219.

Plan References:

1. "City Of Portland, ME. Department Of Public Works. Streets And Lots On City Farm Between St. John St. and Deering Ave. Copied From Plan Of City Lands On Washburn Avenue And Roberts Street, made Nov. 1893 by Geo. N. Fernald, City Engineer, and other plans on file in the Office of the City Engineer, Portland, Maine", approved Feb. 21, 1922. Recorded at the Cumberland County Registry of Deeds in Plan Book 14, page 59.
2. "Plan Of Bethwood, Land Of Mary E. Denny", Portland, Maine. Surveyed 1912 by A.E. Skillin and recorded at the Cumberland County Registry of Deeds in Plan Book 12, page 76.
3. "Recording Plat, Deane Street Subdivision, 47-49 Deane Street, Portland, Maine Made For Cayuga Corporation, P.O. Box 10194, Portland, Maine 04104", dated June 12, 1996 by Owen Haskell, Inc. and recorded at the Cumberland County Registry of Deeds in Plan Book 197, page 112.

General Notes:

1. Locus Parcel is shown on City of Portland Assessor's Map 51, Block A, as Lots 22 & 23.
2. This plan is invalid without the embossed seal of the professional land surveyor who prepared this plan.
3. The apparent right-of-way lines depicted on this plan are based on the above plan references, monumentation found in the field, and City of Portland Engineering Department street notes.
4. The locus parcel does not fall within a Special Flood Hazard Zone per Federal Number 230051 0013B, index dated December 8, 1998. The parcel falls in Zone C. Emergency Management Agency Flood Insurance Rate Map Community Panel
5. There is no written surveyor's report.
6. Total area of locus parcels equals 12,067 square feet, more or less.
7. All documents reviewed and considered as a part of this survey are of public record. There may exist other documents which are not part of public record which could affect the results of this survey.
8. This survey does not purport to reflect any of the following: