

# Nadeau Land Surveys

Professional Land Surveyors  
Certified Floodplain Managers

October 7, 2015

RECEIVED

OCT 13 2015

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

Dept. of Building Inspections  
City of Portland Maine

**RE: Proposed Lot Reconfiguration, Small Residential Lot Development, 25 Deane Street,  
Portland, Maine (2131433R2/2141530L2)**

Dear Ann,

Please accept this letter and attached plan for your review. As you know, our client desires to reconfigure two record lots that he acquired March 13, 2014 per Cumberland County Registry of Deeds (CCRD) Book 30943, Page 219. These lots are depicted as Lots 22 and 23 per City of Portland Assessor's Map 51, Block A. 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 September 29, 2015 by Nadeau Land Surveys, Portland, Maine depicts the proposed lot reconfiguration.

"Parcels One & Two" were initially reconfigured per deed dated January 23, 2000 and recorded in CCRD Book 15715, Page 210 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 and recorded January 14, 2000 in CCRD Plan Book 200, Page 29. This plan is listed as Plan Reference 4 on the attached plan. These lots have remained in common ownership. Currently, the common boundary line of "Parcels One & Two" is encumbered by a one story attached garage on "Parcel One" which was permitted January 23, 2007 and encroaches "Parcel Two". Our client desires to reconfigure "Parcels One & Two" with intention to eliminate the garage encroachment, but also retain two conforming lots.

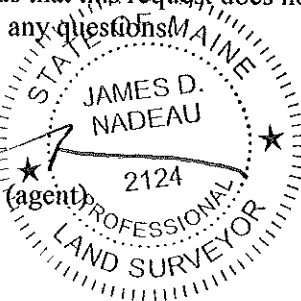
The Locus Parcel is located in the R-5 Residential Zoning District. Using Section 14-120(b), Small Residential Lot Development, we propose a "Parcel Two" area reduction to 5,020 square feet, and an increase in the "Parcel One" area to 7,047 square feet. The frontage of "Parcel Two" will be reduced to 67.00', which remains above the required 40 feet. The combined parcel areas equal 12,067 square feet, 933 square feet lower than the 13,000 square foot requirement. Reference is made to an email correspondence dated September 17, 2015 between you and our client, Julian Thomka-Gazdik, regarding the above described lot reconfiguration. Further reference is made to a City of Portland Zoning Determination, dated October 30, 2014, on the subject parcel regarding a former lot reconfiguration and average front yard calculations.

Please confirm that our interpretation of City of Portland Land Use Ordinance, Section 14-120(a) and (b) is correct and our proposed reconfiguration is compliant. We have enclosed a check for \$150 for your review with intention of obtaining a formal determination in writing confirming that our proposed land division is 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., C.F.M. (agent)

cc: Julian D. Thomka-Gazdik



918 Brighton Avenue  
Portland, Maine 04102



www.nadeaulandsurveys.com

Phone (207) 878-7870

Fax (207) 878-7871

Applicant:

Date: October 20, 2015

Address: 25 Deane St.

C-B-L: 51-A-22123

CHECK-LIST AGAINST ZONING ORDINANCE

Date -	Existing large lot (Section 14.120(a))	vacant small lot.
Zone Location - R-5.		
Interior or corner lot -		
Proposed Use/Work - split lot.		
Sewage Disposal - public		
Lot Street Frontage -	50' - 89.15' on Dune - OK	40' min - 67' - OK
Front Yard -	20' average - meeting average - existing	
Rear Yard -	20' - > 20' - OK	
Side Yard -	side street 15' - 5.29' - existing OK side 15' by 8' - 8.5' OK	10' min - N/A Side 7' min - N/A
Projections -		
Width of Lot -	60' min - 87' - OK	40' min - 61.5' - OK
Height - 35' max.		
Lot Area -	6,000 $\phi$ min - 7047 $\phi$	5,000 $\phi$ - 5320 $\phi$
Lot Coverage/ Impervious Surface -	40% = 2818 $\phi$ - 2187 $\phi$ existing OK	50% - N/A
Area per Family - 3,000 $\phi$		
Off-street Parking - 2 spaces	driving space - OK	
Loading Bays - N/A		
Site Plan -		
Shoreland Zoning/ Stream Protection -		
Flood Plains -		
* max lot size of lot before split 13,000 $\phi$ lot size = 12067 $\phi$ (OK)		

----- Forwarded message -----

From: **Ann Machado** <AMACHADO@portlandmaine.gov>

Date: Thu, Sep 17, 2015 at 8:54 AM

Subject: Lot Split at 25 Deane Street

To: juliangazdik@gmail.com

Julian -

This email is to confirm the discussion that you and I had about using section 14-120(b) - Small residential lot development to split your current lot and create a buildable lot for a single family home.

Your current lot, CBL 051-A- 022 & 023, is 12,067 square feet. Section 14-120(b) outlines the following criteria: "single family homes may be built on small lots in the R-5 zone if":

- from a single lot division of a developed lot & results in the new lot meeting the requirements listed below and the remaining developed portion meets the dimensional requirements listed in 14-120(a)(1)-(14).

- new lot requirements:

1. minimum lot size of 5,000 sf for the new undeveloped lot
2. maximum lot size for original lot size prior to split 13,000 sf. - lot is 12067 sf
3. dimensions - Minimum side yard - 7 feet, minimum lot width - 40 feet, minimum street frontage - 40 feet and maximum lot coverage - 50 percent.

If these conditions can be met for the new small lot and the remaining developed lot meets the criteria of section 14-120(a), then the lot can be split.

Ann Machado

Ann Machado  
Zoning Administrator  
Planning & Urban Development  
Portland, Maine  
(207) 874-8709



Planning &amp; 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 &amp; 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 cursive script that reads "Marge Schmuckal".

Marge Schmuckal  
Zoning Administrator  
City of Portland, ME

**CITY OF PORTLAND**  
**DEPARTMENT OF PLANNING & URBAN DEVELOPMENT**

389 Congress Street  
 Portland, Maine 04101

**INVOICE OF FEES**

<b>Application No:</b> 0000-2512	<b>Applicant:</b> THOMKA-GAZDIK JULIAN D TR
<b>Project Name:</b> 25 DEANE ST	<b>Location:</b> 25 DEANE ST
<b>CBL:</b> 051 A022001	<b>Application Type:</b> Determination Letter
<b>Invoice Date:</b> 10/13/2015	

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

**Previous Balance** \$0.00

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

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

**Application No:** 0000-2512  
**Invoice Date:** 10/13/2015  
**Invoice No:** 51137  
**Total Amt Due:** \$0.00  
**Payment Amount:**

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](#)