

Zoning Division
Marge Schmuckal

Zoning Administrator

Department of Planning & Development
Lee Urban, Director



CITY OF PORTLAND

January 10, 2005

Jeffrey T. Davis
59 Allen Avenue Ext.
Falmouth, ME 04105

RE: 294 Brackett Street – 063-C-027 and Rear 296 Brackett Street – 063-C-003 & 028 – both properties located within the R-6 Residential Zone with a Historic Overlay Zone

Dear Jeffrey T. Davis,

I am in receipt of your request to determine whether these two properties that you own can be sold separately. Thank you for all the pertinent information that you have supplied along with your request.

I have reviewed the assessor's records along with all the building microfiche records for these two parcels. 294 Brackett Street and Rear 296 Brackett Street were developed in the early 1900s according to the assessor's records. The pre-1957 cards show them to be separate parcels of property at that time. Our office has separate microfiche records on both properties. You also showed separate, described deeds of transfer prior to 1957. June 5, 1957 is the birth date of the City's current ordinance. There is no regulation within our current ordinance that merges lots that have been developed prior to 1957. Our current ordinance does contain language that merges vacant land with developed parcels under the same ownership when needed to bring the developed land into conformity. That is not the case with these two parcels. Both were developed prior to today's ordinance. The current common ownership is not a basis for merging.

I confirm your belief that these two properties may be sold separately. Such an action would not violate the City's Land Use Ordinance. I will also take this time to confirm the legal uses for these properties. 294 Brackett Street (063-C-027) is legally a two family dwelling unit. Rear 296 Brackett Street (063-C-003 & 028) is legally a single family dwelling.

Very truly yours,

Marge Schmuckal
Zoning Administrator