

Zoning Division  
Marge Schmuckal  
Zoning Administrator



1998 Zoning letter  
Department of Urban Development  
Joseph E. Gray, Jr.  
Director

CITY OF PORTLAND

081-A-001  
Wayne & Lorene Campbell  
4146 Jace Court  
Estero, Florida 33928

August 28, 1998

RE: 178 Dartmouth Street - 81-A-1 & 2 R-5 Zone

Dear Mr & Mrs Campbell,

I'm sorry that my previous letter did not answer every one of your questions concerning your property. However, your basic question concerning your lot was whether you could divide your present lot and create a new, additional lot. As I stated in my previous letter, you can not. I used the survey that you included in order to determine this. You are in an R-5 residential zone. You would need to meet all the standards of the R-5 zone (lot size, setbacks etc.) for the original lot and a newly created lot. Your survey shows me that it would not be possible. I have included a copy of the R-5 zone for your reference. It has all the specifics you requested.

You were not clear in your previous letter that you wanted me to do some history research for you concerning the fencing and maybe why you have two driveways. Our microfiche files have no such information to pass on to you. This historic research on your property would need to be done elsewhere. Perhaps Landmarks or some other similar organization might be able to help you better. Sometimes these types of questions are better answered by previous long term owners of the property, or by neighbors of the property. I'm sorry that I can not help you more than this concerning these matters.

Very Truly Yours,

Marge Schmuckal  
Zoning Administrator

SCANNED

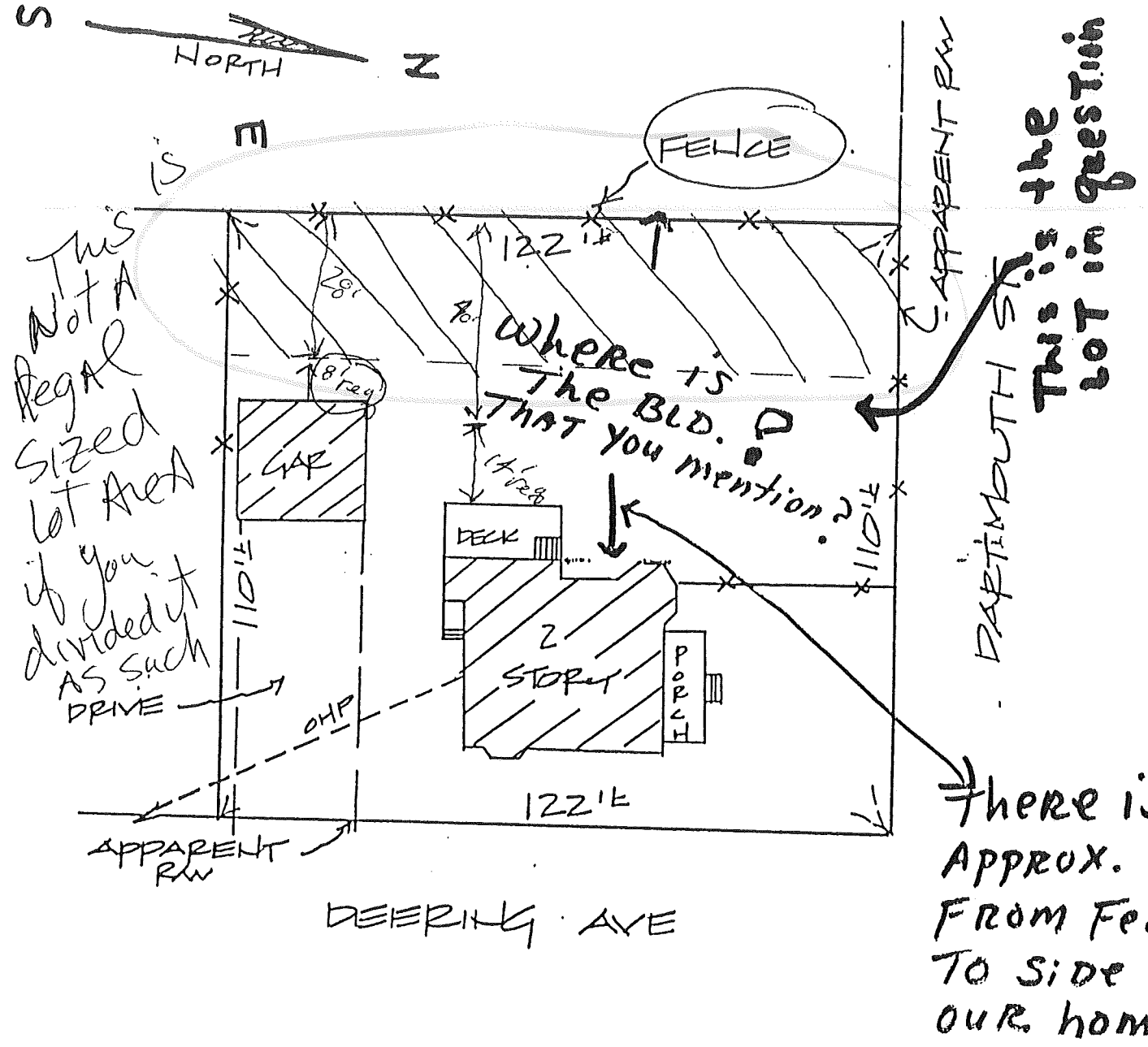
cc: Joseph Gray, Jr., Dir. of Planning & Urban Development

File

# FOR MORTGAGE LENDER USE ONLY

NOTES: (1) DISTANCES SHOWN ARE TAKEN FROM PROVIDED TITLE REFERENCES SHOWN BELOW. (2) THIS INSPECTION EXAMINES THE AND ACCESSORY STRUCTURE COMPLIANCE WITH RESPECT TO MUNICIPAL ZONING SETBACK REQUIREMENTS ONLY. (3) A LAND BOUNDARY SURVEY SHOULD BE PERFORMED TO RENDER A PROFESSIONAL OPINION AS TO ACTUAL PROPERTY LINE LOCATIONS. (4) THIS INSPECTION DEPICTS ALL VISIBLE STRUCTURAL ENCROACHMENTS WITH RESPECT TO APPARENT PROPERTY LINES AND RECOGNIZES THOSE EASEMENTS & RIGHTS OF WAY STATED OR SHOWN IN BELOW PROVIDED TITLE REFERENCES AND DOES NOT REVEAL ANY EASEMENTS WITH ADJUTING DEEDS. (5) FLOOD HAZARD DETERMINATION IS MADE BY SCALING DISTANCES ON BELOW REFERENCED FEMA (6) THIS INSPECTION IS TO BE USED ONLY BY BELOW LISTED LENDER, TITLE COMPANY &/OR ATTORNEY AND ITS TITLE INSURER.

ADDRESS: 178 DARTMOUTH ST INSPECTION DATE: 3-27-98  
PORTLAND, ME SCALE: 1" = 30'



This is Not A legal sized lot Area if you divided it AS SUCH DRIVE

There is approx. 60' From Fence To side of our home.

Also There is a 60' lot width requirement - At least 120 would be needed along with proper setbacks

SEE PROVIDED TITLE REFERENCES FOR APPLICABLE APPURTENANCES, IF ANY.

APPLICANT: CAMPBELL REQUESTING PARTY: ATLANTIC TITLE CO  
 OWNER: LYDEN ATTORNEY: \_\_\_\_\_  
 LENDER: P.H.S.B. FILE No. 98AS18

TITLE REFERENCES:  
 DEED BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
 PLAN BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_ LOT: \_\_\_\_\_

YOUR FILE #: 98-1017  
**NADEAU & LODGE, INC.**  
 PROFESSIONAL LAND SURVEYORS

July 15, 1998

SECOND  
NOTICE!

8-24-98

FILE

City of Portland  
Department of Urban Development  
389 Congress Street  
Portland, Maine 04101

Attention: Mr. Joseph E. Gray, Jr. Director

RE: #178 Dartmouth Street, Portland, Maine

Dear Mr. Gray:

Last night when my husband and I got home from work we had a letter waiting for us from your department. We were very excited thinking what answers there would be for us since we had sent so much information and photos. Well, were we shocked! only 4 lines and photos returned! Several of our questions were never answered in regards to setbacks, codes, the history behind why we have two driveways, etc. (please see our original letter dated July 6, 1998 to your department).

We were stymied by this response! Where is the building that Marge is talking about that is in the middle of our property? I am sending all of the same information again to you including Marge's letter to us. Please explain to us in better detail than her letter. We came to Portland, Maine in 1989 and fell in love with your city and after two years of enjoying it we then moved to Florida for more work but have never forgot about the area and have been investing our hard earned money nine years later in two homes in Fessenden Park! I think as taxpayers we deserve a better answer than what Marge has given us - don't you think? We await your response.

Respectfully submitted,

Wayne & Lorene Campbell

Wayne and Lorene Campbell  
4146 Jace Court  
Estero, Florida 33928

P.S.: What defines R-5 Zoning?

I'm still  
waiting  
for your  
ANSWER.

FILE



July 6, 1998

City of Portland  
Building/Zoning Department  
389 Congress Street  
Portland, Maine 04101

To Whom It May Concern:

In the month of May I briefly spoke with a women who I believe her name is Maggie who was trying to help me with whether our extra lot with our home would be **buildable** or **divided off** and sold separately. I have enclosed a copy of the survey, the legal description and photographs of both sides of our home where we have two driveways. The photographs that show the fenced in area is the area that we would like to know about. We find it funny that it has a curb and is bricked indicating a driveway was used but we don't have a history on this part as we recently purchased the home in April. Can you help us with setbacks, codes, etc. whatever it would take to find out if we can sub-divide this piece of property and sell it as a buildable lot. We look forward to hearing from someone from your department in the very near future. If you need additional information, please call and leave a message on our home answering machine and I will call you back in the daytime from work. We are thanking you in advance. Please send photos back after.

Respectfully submitted,

*Wayne & Lorene Campbell*

Wayne and Lorene Campbell  
4146 Jace Court  
Esterro, Florida 33928  
Tel. #(941)495-5934

/lwc  
Enclosures: Photos <sup>3</sup>(4), survey and legal description.

Zoning Division  
Marge Schmuckal  
Zoning Administrator



Department of Urban Development  
Joseph E. Gray, Jr.  
Director

CITY OF PORTLAND

Wayne & Lorene Campbell  
4146 Jace Court  
Estero, Florida 33928

July 10, 1998

RE: 178 Dartmouth Street - 81-A-1 & 2 - R-5 Zone

Dear Mr & Mrs Campbell,

I am in receipt of your letter dated July 6, 1998. From what you submitted to me, you would not be able to create another buildable lot from your existing property. Your present structure has been placed in the middle of the two lots that you own. There is not enough remaining land to meet the legal requirements of the R-5 Residential zone.

I have returned your three pictures to you as you have requested.

Very Truly Yours,

Marge Schmuckal  
Zoning Administrator

CC: file















*Wayne Lorene Campbell*  
941-498-7406



**Exhibit A - Property Description**

A certain lot or parcel of land, with the buildings thereon situated in said Portland, at Fessenden Park, so called, bounded and described as follows:

Beginning at the intersection of the southerly side line of Dartmouth Street with the westerly sidleline of Deering Avenue, thence running southwesterly along the southerly side line of said Dartmouth Street, one hundred ten (110) feet three and one-half (3 1/2) inches to an iron hub; thence southeasterly on a line parallel with said Deering Avenue, one hundred twenty-two (122) feet, four and one-half (4 1/2) inches to an iron hub; thence northeasterly on a line parallel with said Dartmouth Street, One hundred ten (110) feet, three and one-half (3 1/2) inches to said westerly sideline of said Deering Avenue; thence northwesterly along the westerly side line of Deering Avenue, One Hundred Twenty-two (122) feet, four and one-half (4 1/2) inches to the point of beginning.

Being lots No. 32 and No. 33 on a Plan of Fessenden Park, recorded in said Registry of Deeds.

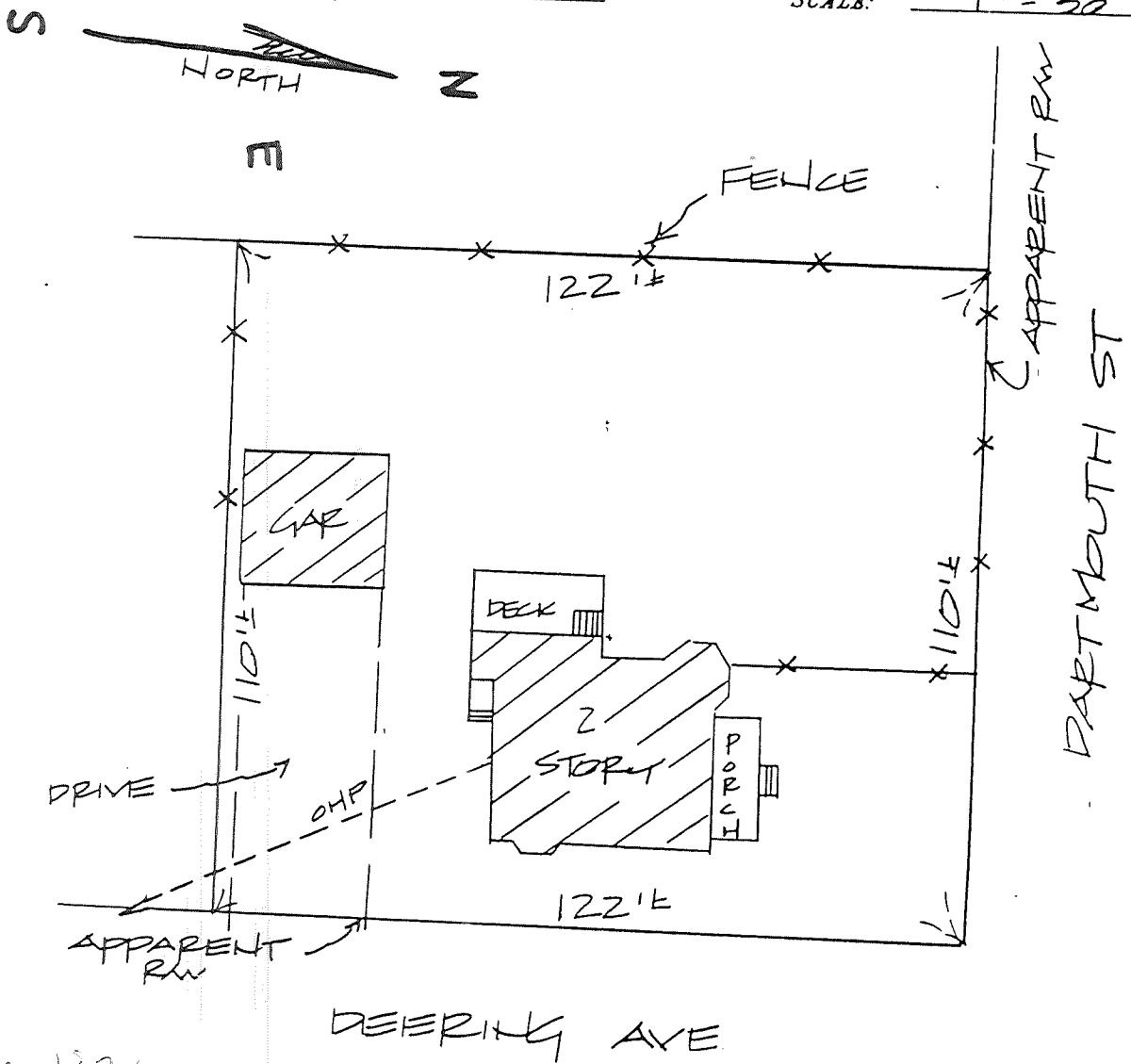
Subject to conditions contained in deed from Constant Southwork to Addie R. Farrington, dated September 16, 1902, recorded in said Registry of Deeds, Book 723, Page 131.

Being the same premises conveyed to the Grantors herein by virtue of a warranty deed from Eugene F. Lyden et al of even date and to be recorded herewith.

# FOR MORTGAGE LENDER USE ONLY

**GENERAL NOTES:** (1) DISTANCES SHOWN ARE TAKEN FROM PROVIDED TITLE REFERENCES SHOWN BELOW. (2) THIS INSPECTION EXAMINES DWELLING AND ACCESSORY STRUCTURE COMPLIANCE WITH RESPECT TO MUNICIPAL ZONING SETBACK REQUIREMENTS ONLY. (3) A STANDARD BOUNDARY SURVEY SHOULD BE PERFORMED TO RENDER A PROFESSIONAL OPINION AS TO ACTUAL PROPERTY LINE LOCATIONS. (4) THIS INSPECTION DEPICTS ALL VISIBLE STRUCTURAL ENCROACHMENTS WITH RESPECT TO APPARENT PROPERTY LINES AND RECOGNIZES ONLY THOSE EASEMENTS & RIGHTS OF WAYS STATED OR SHOWN IN BELOW PROVIDED TITLE REFERENCES AND DOES NOT REVEAL ANY CONFLICTS WITH ADJUTING DEEDS. (5) FLOOD HAZARD DETERMINATION IS MADE BY SCALING DISTANCES ON BELOW REFERENCED FEMA MAP. (6) THIS INSPECTION IS TO BE USED ONLY BY BELOW LISTED LENDER, TITLE COMPANY &/OR ATTORNEY AND ITS TITLE INSURER.

ADDRESS: 178 DARTMOUTH ST  
PORTLAND, ME      INSPECTION DATE: 3-27-98  
 SCALE: 1" = 30'



01-A-162

SEE PROVIDED TITLE REFERENCES FOR APPLICABLE APPURTENANCES, IF ANY.

APPLICANT: CAMPBELL      REQUESTING PARTY: ATLANTIC TITLE CO  
 OWNER: LYDEN      ATTORNEY: \_\_\_\_\_  
 LENDER: P.H.S.B.      FILE No. 984518

**TITLE REFERENCES:**  
 DEED BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_  
 PLAN BOOK: \_\_\_\_\_ PAGE: \_\_\_\_\_ LOT: \_\_\_\_\_  
 COUNTY: UMBERLAND

YOUR FILE #: 98-6017

**NADEAU & LODGE, INC.**  
 PROFESSIONAL LAND SURVEYORS  
 844 STEVENS AVENUE      232 CLARES WOODS ROAD  
 PORTLAND, ME 04103      LYMAN, ME 04002  
 (207) 878-9870      (207) 498-2358

**MUNICIPAL REFERENCE:**  
 MAP: \_\_\_\_\_ BLOCK: \_\_\_\_\_ LOT: \_\_\_\_\_

THE DWELLING DOES NOT FALL WITHIN A SPECIAL FLOOD HAZARD ZONE PER FEMA COMMUNITY MAP No. 130051 PANEL: 003B ZONE: L DATE: 07-16-97

THE DWELLING WAS  IN COMPLIANCE WITH MUNICIPAL ZONING SETBACK REQUIREMENTS AT THE TIME OF CONSTRUCTION.

COMMENTS:

*James O. Halloran*

THIS IS NOT A BOUNDARY SURVEY - NOT FOR RECORDING