



Planning & Urban Development Department

*Jeff Levine, AICP, Director**Ann Machado, Zoning Administrator*

January 29, 2016

Brenda M. Buchanan
Warren Currier & Buchanan
57 Exchange Street
Portland, ME 04101-5020

Re: 150 Crescent Avenue, Great Diamond Island - 083B-G-003 (the "Lanni-Caprio "Property") – IR-2 Island Residential Zone and Shoreland Overlay Zone & 104 Willis Street, Great Diamond Island – 083B-G-014 & 015 (the "Willis Property") – IR-2 Island Residential Zone and Shoreland Overlay Zone

Dear Ms. Buchanan,

I am in receipt of your request for a determination regarding the properties at 150 Crescent Avenue, Great Diamond Island and 104 Willis Street, Great Diamond Island.

The Lanni-Caprio Property is located in the IR-2 Island Residential zone. The single family residence on this property was built around 1890 on Lot 195 on the 1885 Great Diamond Island division plan. This lot is 11,295 square feet. Under section 14-145.11(a)(1), the minimum lot size in the IR-2 zone is 20,000 square feet. Since the Lanni-Caprio Property was developed before the current zoning requirement, the lot is legally nonconforming as to lot size.

The Willis Property is also located in the IR-2 Island Residential Zone. The single family residence on this property was built around 1888 on Lots 194 and 196 of the 1885 Great Diamond Island division plan. This lot is 22,028.9 square feet. This lot meets the minimum lot size of 20,000 square feet as outlined in section 14-145.11(a)(1). In your letter, you state that the Willis Property is made up of two side-by side lots, lots 194 and 196 of the 1885 Great Diamond Island division plan and assessing lots 083B-G-014 and 083B-G-015. You point out that the house on the Willis Property is "wholly on Lot 15" and that "there are no structures on Lot 14" which you go on to label the "Undeveloped Parcel".

In your letter you are requesting to reconfigure the Lanni-Caprio Property and the Willis Property. You are proposing to combine the Undeveloped Parcel (083B-G-014) of the Willis Property with the existing Lanni-Caprio Property (083B-G-003). This lot would become 22,309 square feet and thus conform to the minimum lot size of 20,000 square feet. The remaining Willis Property (083B-G-015) would be 11,014 square feet and thus be nonconforming to the minimum lot size.

I cannot grant this request. § 14-422 states: "No lot shall be so reduced that yards, lot width, lot frontage, lot area, area per dwelling unit and space for off-street parking and/or off-street loading shall be less than the minimum required under this article." Under this section, you cannot "reduce" the lot size of the Willis Property to less than the minimum lot size of 20,000 square feet. The lot would become

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

Jeff Levine, AICP, Director

Ann Machado, Zoning Administrator

nonconforming and therefore illegal. The Lanni-Caprio Property is presently legally nonconforming to the minimum lot size of 20,000 square feet because it was developed before the current minimum lot area was established.

You have the right to appeal my determination. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to file an appeal. If you should fail to do so, my decision is binding and no longer subject to appeal.

If you have any questions regarding this matter, please do not hesitate to contact me.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado".

Ann B. Machado

Zoning Administrator

City of Portland, Maine

amachado@portlandmaine.gov

207.874.8709