



# PORTLAND MAINE

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*Penny St. Louis Littell- Director of Planning and Development  
Marge Schmuckal, Zoning Administrator*

January 26, 2009

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

RE : Suzanne & Joseph Kane –72 Torrington Ave., Peaks Is. - 84-N-14 - IR-2 Zone  
Joyce & Hugh Woodbury –76 Torrington Ave., Peaks Is. - 84-N-13 – IR-2 Zone  
Boundary Adjustments

Dear Brenda,

I am in receipt of your request to determine whether the proposed boundary adjustments cause a Land Use Zoning violation.

My determination is based up a submitted survey by Frank O. Holdgate, PLS and dated 6/12/08. The survey depicts a vacated roadway which is to be divided between the abutters, Kane and Woodbury along with a small amount of land swapping. It is understood that the road vacation and land swapping will be essentially simultaneously actions.

The two lots, 72 Torrington Avenue, 84-N-14, presently owned by Suzanne and Joseph Kane and 76 Torrington Avenue, 84-N-13, presently owned by Joyce and Hugh Woodbury, are both located within the IR-2 Island Residential Zone. The current Land Use Zoning Ordinance under section 14-422 states that any existing lot shall not 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 be less than the minimum required under this article.

According to the given information, the current lot size of 72 Torrington Avenue (84-N-14) is 2,641 square feet. The proposed lot size of this lot after the simultaneous boundary adjustments will be increased to 3,472 sq. The street frontage and side setbacks will also be increased for this lot. The 72 Torrington Avenue lot will be closer to conformity under the IR-2 Zone after the boundary adjustments.

According to the given information, the current lot size of 76 Torrington Avenue (84-N-13) is 6,402 square feet. The proposed lot size after the simultaneous boundary

adjustments will be increased to 6,466 square feet. The street frontage would be lessened to 141.95 feet, but would not be less than the 70' currently required in the IR-2 Zone. The side setback on the western side of the lot would be reduced to approximately 35' at the closest point which is greater than the minimum required side setback of 20'.

Therefore, I have determined that the proposed boundary changes will not violate the current Land Use Zoning Ordinance for either of the lots involved as summarized.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

Cc: file