



Planning & Urban Development Department

Jeff Levine, AICP, Director

Ann Machado, Zoning Administrator

February 8, 2016

Jonathan Goldberg
Mittel Asen, LLC
85 Exchange Street, 4th floor
Portland, Maine 04101

Re: 560 Island Avenue, Peaks Island – 086 - A – 016 (the "Property") – IR-1 Island Residential Zone with a Shoreland Zone Overlay Zone

Dear Attorney Goldberg,

I am in receipt of your request for a determination letter for the Property at 560 Seashore Avenue, Peaks, Island.

The Property is located in the IR-1 Island Residential Zone. § 14-145.5 outlines the dimensional requirements of the zone. Subsection (a)(1) states:

(a) *Minimum lot size*

1. *Residential: Forty thousand (40,000) square feet for lots with public water; sixty thousand (60,000) square feet for lots without public water; except as provided in section 14-433 (lots of record and accessory structure setbacks for existing buildings) and section 14-145.3(a)1 of this article.*

The Property is 26,725 square feet. § 14-433(a)(3) defines what constitutes a lot of record for the island residential zones:

3. *Any lot of record as of July 15, 1985, and held under separate and distinct ownership from adjacent lots and meeting the applicable street frontage requirements of that time may be considered a buildable lot in the IR-1 and IR-2 zones, provided that the applicable yard dimensions can be met and provided further that a lot in the IR-1 zone shall have a minimum area of ten thousand (10,000) square feet and a lot of the IR-2 zone shall have a minimum area of six thousand*



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five hundred (6,500) square feet unless it is served by both public sewer and public water, in which case it shall have a minimum area of five thousand (5,000) square feet.

To show that a lot is a lot of record, a chain of title must be presented that shows the chain of title not only for the subject property from the current deed back to July 15, 1985, but a chain of title must also be provided for any property that abuts this property. The current owner, Richard Shaw, applied for a building permit (#10-0088) and a minor site plan (#2010-001) to build a single family home on the Property. Part of the material submitted with the application was a chain of title for the Property and the adjacent properties, lots 086-A-015, 089-H-004 and 089-H-006, showing that the Property is a lot of record. As a lot of record, the minimum required lot size in the IR-1 zone is 10,000 square feet. Since this lot is 26,725 square feet, it meets the criteria. Although the building permit to build a single family home was issued, the single family home was never built and the permit expired.

If the property is sold to a new owner, as long as the deed for the new owner describes the exact same property as Richard Shaw's deed, Book 20754, Page 130, the lot will remain a lot of record and a new single family home may be built on the Property provided the applicable yard dimensions and the Shoreland Zone regulations outlined in Division 26 can be met. To build a single family home on the Property a Level I Minor Residential Site Plan application must be submitted to the Inspections Division.

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

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207.874.8709

Cc file