Nadeau Land Surveys

Professional Land Surveyors
Certified Floodplain Managers

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 11/15/17

March 18, 2014

Marge Schmuckal, Zoning Administrator
City of Portland
389 Congress Street
Portland, Maine 04101

RE: Minimum yard dimensions, 374 Island Avenue, Peaks Island, Portland, Maine (2131380L1)

Dear Marge,

For your review, please accept this letter, worksheets, exhibit and boundary survey plan. Our client desires to rebuild a residential dwelling on her current parcel, which she acquired August 15, 2004 per Cumberland County Registry of Deeds Book 21670, Page 317. The parcel is partially comprised of Lots 4 and 5 on City of Portland Assessor's Map 90, Block B and created by the City of Portland Board of Appeals, Miscellaneous Appeal granted July 1, 1965 for the creation of a new dividing line resulting in a parcel 52 feet in width instead of the required 65 feet. Further reference is made to "*Parcel A*" as depicted on a plan entitled *"Plan Depicting The Results Of A Boundary Survey & Partial Topographic Survey Made For Linda Capone-Newton Northwesterly Sideline Of Island Avenue & Southwesterly Sideline Of Ocean Street, Peaks Island, Portland, Maine*", dated April 30, 2013, revised March 6, 2014, by Nadeau Land Surveys, Portland, Maine, and attached hereto.

The Locus Parcel is located in the Island Residential-2 Zoning District and partially within the Shoreland Zoning Overlay. Our client intends to rebuild within the current parcel boundary, but is looking for confirmation of their interpretation of the City of Portland, Code of Ordinance, Sec. 14-145.11.c .1, 2, 3 Minimum yard dimensions and Sec. 14-428. Corner Lot provision, to determine the maximum building area. Please refer to the worksheet provided for aggregate yard calculations, the exhibit, and boundary survey plan for the surveyed building corner offsets. This office does not believe any other Space and Bulk requirements have been altered, but please verify.

Please find enclosed a check in the amount of $150 to review the minimum yard dimensions at 374 Island Avenue, Peaks Island, Portland, Maine. It is our desire that your formal determination be in writing, confirming our client has correctly interpreted the average depth of the front yards on either side of the lot, reduced the rear setback per corner lot provision, accounted for a greater aggregate of yards than facing the short side depicted on the attached exhibit, and would be in compliance to the City of Portland Zoning Ordinance. Upon completion of this process, a formal Site Plan shall be prepared for review and construction permitting. Our client understands that this request does not secure a building permit. Thank you for your time and please do not hesitate to call if you have any questions.

Sincerely,
Nadeau Land Surveys

James D. Nadeau, P.L.S., C.F.M. (agent)

CC: Peter & Linda Capone-Newton

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Sec. 14-428. Corner lots.

In case a dwelling house has its front yard upon the long side of a corner lot, the rea may be reduced to a depth not less than the width required for a side yard on the lot, pr the aggregate of the widths of both sides and depths of front and rear yards is not less th similar aggregate of required dimensions of all yards required if the front yard were fa the short side of the lot.

(Code 1968, § 602.19.G)

CITY OF PORTLAND, MAINE RESURGAM
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Existing facing long side- aggregate of yards			Required setbacks if facing on short side		
Front yard	13.8	feet	Front yard	22.2	feet
Rear yard	20	feet	Rear yard	25	feet
Side yard -rt	20	feet	Side yard -rt	20	feet
Side yard -lft	33.5	feet	Side yard -lft	20	feet

TOTALS 87.3 feet is greater than 87.2 feet

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WORKSHEET FOR 374 ISLAND AVE. (CAPONE-NEWTON)

374 Island Ave. is located on Peaks Island in the IR-2 zone.

References:

Sec. 14-145.11.c.1, 2, 3

Minimum yard dimensions: front yard 25 feet, rear yard 25 feet, side yard 20 feet.
A front yard need not exceed the average depth of front yards on either side of the lot.

Sec. 14-428. Corner lots.
In case a dwelling house has its front yard upon the long side of a corner lot, the rear yard may be reduced to a depth not less than the width required for a side yard on the lot, provided the aggregate of the widths of both sides and depths of front and rear yards is not less than the similar aggregate of required dimensions of all yards required if the front yard were faced on the short side of the lot. □(Code 1968, § 602.19.G)

Required front yard for 368 Island Ave. if front yard on Island Ave.:

If on Island Ave (short side)	
368 Island Ave. front yard	19.3 ft
(no neighbor)	25 ft
374 Island front yard (average)	22.2 ft

Required front yard for 368 Island Ave. if front yard on Ocean St.

If on Ocean St. (long side)	
11 Ocean St. front yard	2.6 ft
(no neighbor)	25 ft
374 Island front yard (average)	13.8 ft

Existing facing long side- aggregate of yards			Required setbacks if facing on short side		
Front yard	13.8	feet	Front yard	22.2	feet
Rear yard*	20	feet	Rear yard	25	feet
Side yard -rt	20	feet	Side yard -rt	20	feet
Side yard -lft	33.5	feet	Side yard -lft	20	feet
TOTALS	87.3	feet	is greater than	87.2	feet

* Reduced to side lot dimension per corner lot provision

FOR REVIEW

Minimum Yard Dimensions

Date: 11/15/17

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