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

Portland, Maine — Yes. Life's good here.

Planning & Urban Development Department

Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

April 22, 2014

James D. Nadeau, P.L.S., C.F.M.
Nadeau Land Surveys
918 Brighton Avenue
Portland, Maine 04102

RE: 374 Island Avenue, Peaks Island, 90-B-5 & part of 90-B-4 – IR-2 Zone with a Shoreland Overlay

Dear Jim,

I am in receipt of your request for a determination letter concerning the property located at 374 Island Avenue, Peaks Island. It is noted that on 7/1/65 The Zoning Board of Appeals allowed the lot configuration as shown on a Brue Bowman sketch plan and allowed a 52' lot width. The Bruce Bowman sketch is similar to the survey provided by Nadeau Land Surveys with this request. My determination is based upon a stamped and signed survey by James D. Nadeau, P.L.S. dated 3-20-2014 along with other worksheets. The entire property is located in the IR-2 (Island Residence-two) zone with a shoreland Overlay. The property is not affected by any floodplain zone.

There is a fundamental change to the orientation of the existing structure. Currently the single family faces Island Avenue as evidenced by the front door and the given street number. The determination concerning this property is conceived by changing the front of the building to Ocean Street. I have done comparisons of the IR-2 dimensional requirements with the structure facing both ways – front toward Island Avenue and front toward Ocean Street. Based upon this comparison I have determined that when the existing building is facing Ocean Street, there are less nonconformities. Therefore the official orientation of the existing building may face its front toward Ocean Street. Please note that going forward Ocean Street will be considered the front of the property. It will not be able to be changed back for zoning purposes to face the official front toward Island Avenue.

You have also submitted several work sheets to allow appropriate setbacks based upon the new front Ocean Street orientation and several sections of the Land Use Zoning Ordinance. Section 14-145.11.c.1 allows an owner to reduce the required 25 foot front yard setback if the average depth of front yards on either side of the lot is less. I have found your calculations accurate and able to be used to reduce the front yard setback to a minimum of 13.8 feet.

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You have also submitted information concerning Section 14-428 relating to corner lots. Again based upon the information submitted concerning corner lots, this particular lot and calculations would allow the rear lot to be reduced to that allowed for a side yard in this zone. Therefore, twenty foot would be allowed for the rear setback.

To sum up my determination, the submission titled "For Review – Minimum Yard Dimensions" may be used for determining the placement of any addition to the existing dwelling. Please note that this determination is not giving any specific approval on any specific addition. Any new addition must be supported with a permit application for reviews and approvals.

Very truly yours,

Marge Schmuckal

Zoning Administrator

City of Portland, Maine