



Permitting and Inspections Department
Michael A. Russell, MS, Director

Ann Machado, Zoning Administrator

February 28, 2017

Jamie Nelson Hill Garman
33 Maple Street
Peaks Island, ME 04108

RE: Trefethen Avenue, Peaks Island, Maine – CBL: 091-F-003 (the “Property”)

Dear Ms. Nelson Hill Garman:

I am in receipt of your request regarding the Property identified as Chart 091, Block F, Lot 003 located on Peaks Island. You would like to know if the Property is a buildable lot under section 14-433(a) of the City of Portland Code of Ordinances.

The Property is located in the IR-1 Island Residential Zone. Section 14-145.5(a) (1) addresses the minimum lot size for a residential use in the zone. It says:

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 11,800 square feet, so it does not meet the minimum 40,000 square foot requirement for a lot with public water. Section 14-433(a) states “Lots of record that meet the minimum standards provided below shall be considered buildable lots. Sub section 3 states:

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 ...

A title search of the Property and the adjacent properties on the southerly side of Trefethen Avenue and the easterly side of Second Street continued demonstrates that the Property has been held under separate and distinct ownership since July 15, 1985. On July 15, 1985 the minimum required street frontage was 100 feet. According to the deed, book 33509. Page 88, the property has 100 feet of frontage along Trefethen Avenue. The Property is 11,800 square feet, so the minimum lot size of 10,000 square feet is being met. Under Section 14-145.5(c) minimum yard dimensions, the minimum required front yard and rear setback is thirty feet and the minimum side setback is twenty feet. As long as these dimensions can be met it appears that the Property can be considered a buildable lot under section 14-433(a).

I trust the information provided is sufficient. Please contact me at (207) 874-8709 with questions or concerns. This interpretation is based on the information provided and available at the time, and the current City of Portland Code of Ordinances. It is not binding on the City of Portland in any future

decisions. A final determination will be made when a building permit and Level I Minor Residential Site Plan Application are submitted to develop the Property at 0 Trefethen Avenue, Peaks Island, 091-F-003.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ann B. Machado', with a stylized flourish at the end.

Ann B. Machado
Zoning Administrator
Permitting and Inspections Department
City of Portland, Maine
207. 874.8709
amachado@portlandmaine.gov