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

July 9, 2009

Fran O'Leary
109 Reed Avenue
Peaks Island, ME 04108

RE: 091-P-006 & 9 – Reed Avenue, Peaks Island – IR-1 Zone – Determination Letter

Dear Mr. O'Leary,

I am in receipt of your request to determine whether the new lot configuration would be allowable under the existing Land Use Zoning Ordinance. I have used the submitted survey plan dated December 17, 2008 with revision #4 of 06-09-09 prepared by Owen Haskell, Inc. It is noted that the submitted plan is unstamped and not signed.

The first concern relates to the street access and frontage as required by ordinance. There is an exception on the Islands to allow for permanent easements or rights-of-way to meet the minimum street frontage. When the two existing lots were created, there was a bit of correspondence that occurred in 1992. This office has accepted the original decision from Bill Giroux who was the Zoning Administrator at that time. The 20' right of way may be considered as street frontage. It is noted that the proposed lot shown as 40,082 square feet is considered one lot as previously determined. The right-of-way in this instance does not create two separate lots on either side of the right-of-way. Both lots have the 100 foot of frontage that is required.

The IR-1 zone requires a minimum lot size of 40,000 square feet of land area per lot when public water is provided. Public water is provided during the summer. The Ordinance does not restrict summer water from year round water. Both lots affected by the redefined lot line have a minimum of 40,000 square feet of land area.

The lot that now contains both structures is only allowed to remain as a single family lot. It has verbally been relayed to me that the 1 story wood structure will be changed from a single family to an accessory storage structure and therefore there will only be one single family dwelling on the property, the 2 story wood structure. It shall be noted that the entire kitchen facilities shall be removed prior to the finalizing of this lot line redefinition. The new vacant lot can not be created with two full dwelling units on one lot. Such an action would constitute a violation of the zoning ordinance. All plumbing shall be removed and placed under the floor or behind the wall, whichever is appropriate. The sink, stove and refrigerator, constituting kitchen facilities, shall be remove as well.

All setbacks and lot coverage requirements of the IR-1 Zone are being met. Shoreland Zoning setbacks have been delineated and allow for a reasonable area to build. It is also noted that there are no impacted coastal bluffs in this area of Peaks that would change the Shoreland Zone setbacks.

Therefore, this proposed lot redefinition would be allowable under the Land Use Zoning Ordinance based upon the above conditions. If there are any changes to the above understandings and/or conditions, it may impact the this final determination.

Please also note that this is not an approval to build on the vacant lot. There is a process for new construction. The Inspection Services Office requires specific information to be submitted prior to the issuance of any permit. It will be necessary to submit a copy of this letter with any new application to build on the lot.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator