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

January 13, 2010

Ernest Brien
117 Town Farm Road
Buxton, ME 04093

RE: 92 William Street – 117-C-9 & 11 – R-5 Residential Zone

Dear Mr. Brien,

I am in receipt of your request to determine whether the proposed lot division will not violate any of the Land Use Zoning Ordinance requirements. My determination is based upon an unsigned and unstamped survey prepared by Owen Haskell, Inc. labeled “Boundary Survey on William Street, Portland, Maine made for record owner Ernest Brien, 92 William Street, Portland, Maine”, Job No. 2009-029P dated Dec. 28, 2009. If the signed and stamped survey differs from the one given to me to examine, then this determination letter is not valid.

The division of land based upon the Owen Haskell, Inc. survey does meet all the R-5 Zone requirements with one exception. The existing shed (6' x 6.5') shall be removed or relocated with a building permit to insure appropriate placement. The current shed is made to be nonconforming by the placement of the new property lines. Certainly before this office will approve any new building permit, the shed shall be moved or removed.

There is a note of caution for the new vacant lot. A front setback of 20 feet is required in the R-5 Zone. The front setback is measured from the orientation of the proposed structure forward toward the street line. I caution that the section of property line indicated as “S60°33'46”W – 24” is considered to be a line that a front setback will be measured to if a structure is located behind it. With a required front setback of 20' and a rear setback of 20', a structure located in this area of the lot will be only about 15' wide.

This letter should not be construed as permission to commence construction. All required reviews and permits shall be completed prior to construction. At the time of permit application, a copy of this letter shall be submitted along with all other required documentation.

You have the right to appeal my determination. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

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

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: file