

Zoning Division  
Marge Schmuckal  
Zoning Administrator



Department of Urban Development  
Joseph E. Gray, Jr.  
Director

## CITY OF PORTLAND

PDS of Maine  
1932 Broadway  
South Portland, ME 04106

September 23, 1999

RE: 46 Codman Street (128-A-008 & 129-H-016) - R-3

Dear PDS of Maine,

I am in receipt of your permit to construct a new single family dwelling. This permit is being denied. At present, this lot is considered to part of another lot at 43 Chenery Street. It appears that this lot containing a garage, which is considered to be an accessory use to 43 Chenery Street, has illegally been subdivided and thereby created an illegal lot. It is illegal under the Zoning Ordinance to create a nonconforming lot. This lot is nonconforming because it contains a garage, which is not a principal use in this zone. The garage also does not meet the required rear setbacks for the R-3 zone. Your site plan shows the garage to be 13.7 feet from the rear lot line. The R-3 zone requires a 25 foot rear setback.

Before this office can entertain allowing a new single family dwelling, it will be necessary to review how the original lot was split into two lots. It will also be necessary to move the current garage to a 25 foot rear setback.

Your permit will be on hold and not issuable until the lot is determined to be a legal lot to build on.

If you have any questions regarding this matter, please do not hesitate to contact this office.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

cc: Mary Ricci, 39 Hampshire Street, Portland, ME 04101  
File