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## 31 Hersey St & 34 Vannah Ave.

1 message

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Archie -

After researching the history of the two assessing properties known as 31 Hersey St (129-F-014) and 34 Vannah Ave. (129-F-013) I have determined that the two assessing lots have merged and are considered one lot for zoning purposes and may not be developed separately.

Section 14-47 of the ordinance defines lot as: 'A parcel of land that is designated as an individual unit for use, development or ownership that is either a) a lot of record, recorded in the Cumberland County Registry of Deeds; or b) a contiguous combination of such lots of record under common ownership,; or c) a newly established parcel meeting all the dimensional requirements of the zone in which it is located.

31 Hersey St is located in the R-3 Residential Zone. It is 5265 sf. The minimum lot size to develop a lot in the R-3 zone is 6500 sf [section 14-90(a)(1)]. This lot by itself cannot be developed because it does not meet the minimum lot size.

Section 14-433(a)(1) states that:

(a) *Lots of Record.*

*Lots of record that meet the minimum standards provided below shall be considered buildable lots.*

*1. Lots of record as of June 5, 1957, may be considered a buildable lot in any residential zone provided the applicable yard dimensions can be met; provided that a minimum street frontage of forty (40) feet can be met, or to which a means of access has been previously approved by the city council as provided elsewhere in this article; and provided such lots have a minimum lot size of five thousand (5,000) square feet, or the applicable minimum lot size and frontage in that zone, whichever is less .*

I have not been provided with any evidence that 31 Hersey was a lot of record recorded at the Registry of Deeds as of June 5, 1957. Even if evidence can be provided that this was recorded as a lot in 1957, it has already been developed (24' x 24' garage) and the records show that previous applications have treated the property as one lot.

- 1951 assessor's card shows 31 Hersey St as vacant
- 1956 permit 30' x 50' 1 story building at 34 Vannah
- 1956 permit letter 12' x 14' one story addition at 34 Vannah
- 1958 permit - add second floor - 34 Vannah
- 1960 permit 12' x 24' one story addition
- 1961 Variance appeal to locate off-street parking for 34 Vannah Ave on 31 Hersey St lot was denied - plan shows parking lot on both lots
- 1965 permit to "Construct aluminum shed roof between existing garage and store (unclear if permit was issued)
- 1980's assessor's card - shows 19' x 23' 1 story shed off the rear of the existing building at 34 Vannah & a 24' x 24' garage on the 31 Hersey lot with a note that it was built in 1965

It is my conclusion that the two assessing properties have been treated as one property and musty continue to be treated that way. The 1961 variance appeal for the parking lot showed the use of the property as a store with a proposed parking lot that covered both lots. 31 Hersey Street cannot be split off and developed as a separate lot since it already has a structure on it. A twenty-four foot by twenty-four foot garage appears to have been constructed on the Hersey Street lot around 1965 since it is mentioned in the 1965 permit and it shows up on the 1980's assessor's card. In the R-3 Zone, a garage is an accessory structure. It cannot be built on a lot without the lot having a principal structure that already exists. Since the garage was built, it must have been accessory to the principal building at 34 Vannah Ave. which means the two assessing lots have been developed as one lot. Also the nineteen foot by twenty-three foot addition shown on the 1980's card for 34 Vannah Ave. appears to encroach on 31 Hersey Street and possibly connect the two buildings. The current GIS aerial view of the property shows an addition with a roof that appears to connect the building at 34 Vannah Ave to 31 Hersey St.

7/12/2016

City of Portland Mail - 31 Hersey St & 34 Vannah Ave.

You have the right to appeal my decision. If you wish to exercise your right of appeal, you have thirty days from the date of this email to file the appeal with our office. If you should fail to do so my decision is binding and not subject to appeal.

Please contact me with any questions.

Ann

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