



Planning & Urban Development Department

Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

July 2, 2014

Mary E. Costigan
C/O Bernstein Shur
100 Middle Street
P.O. Box 9729
Portland, ME 04104-5029

RE: 80-84 Best Street – 134-D-9 & 10 – The Richardson Farm Condominium Association (the
“Property”) – R-5 Zone

Dear Mary,

I am in receipt of your request for a determination letter concerning the Property. My determination is based upon a survey showing a division of the Property into two separate lots. The survey is a signed, stamped survey by David E. Titcomb dated May 22, 2014, made for Victoria Dalzell. It is further noted that all the Property is located in the R-5 residential zone.


14-426 allows basement bulkheads to be sited within a setback, the side setback in this case, if the bulkhead is less than fifty (50) square feet in size and does not project from the building more than six(6) feet and is no more than twenty-four (24) inches in height. You have confirmed that the highest point of the bulkhead is approximately 23- 6/8 inches. Therefore, the shown bulkhead on the side of the Unit 1 and Unit 2 building is meeting the current Land Use Zoning Ordinance.

I have determined that the proposed division of land as shown on the submitted survey would not violate the current R-5 zone, including the dimensional requirements. Both lots are in compliance with the R-5 zone requirements as shown.

You have indicated in your letter to me that the portion of the Property owned by Victoria Dalzell would result in a “single family” lot. Please note that the last approved use of this portion of the Property was approved as a two family condominium. If the current owner wishes to convert her portion of the Property to a single family, this office would need a change of use application. Such a request would not be subject to the regulations of section 14-483, Housing Preservation and Replacement Ordinance.

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

BERNSTEIN SHUR

COUNSELORS AT LAW

207-774-1200 main
207-774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Mary E. Costigan
207 228-7147 direct
mcostigan@bernsteinshur.com

June 13, 2014

Ann Machado
City of Portland
389 Congress Street
Portland, ME 04101

RECEIVED

JUN 16 2014

Dept. of Building Inspections
City of Portland Maine

Re: Request for Zoning Determination Regarding 134-D-9-10

Dear Ann:

I am writing in regard to property located in the R-5 Zone at 80-84 Best Street, 134-D-9-10. My client, Victoria Dalzell, is planning on removing her house from the Richardson Farm Condominium Association, thus creating a single-family lot. We are seeking a determination from the City as to whether the resulting (single-family) lot meets all dimensional requirements of the R-5 zone and would thus be a legal lot.

The Dalzell house contains units 1 and 2 of the condo association, as depicted on the enclosed plan prepared by Titcomb Associates. The remaining units 3 and 4 will continue to be a condominium. The plan shows the proposed division and resulting property dimensions. We believe the resulting properties will meet all of the dimensional standards, but wanted your determination prior to the conveyance. With regard to the bulkhead, it is our understanding that as long as it is less than 6 feet long, we measure the side yard setback from the wall of the house. I have also enclosed a photo showing the bulkhead, which is 4'11.5" long.

Please provide a zoning determination as to whether lots remaining after the property division, as depicted on the plan, meet all of the dimensional requirements in the R-5 Zone. A sample response letter is enclosed. Please let me know if you need any more information in order to make your decision.

Sincerely,


Mary E. Costigan

cc: Victoria Dalzell

yes
change from 2 to 1 Du

*How tall is the bulkhead - called Mary 7/1/14
14-425*

*7/2/14 @ Noon -
WAS MEASURED
23 6/8"*

Marge Schmuckal - Richardson Farm Condo Division

From: "Mary E. Costigan" <mcostigan@bernsteinshur.com>
To: "mes@portlandmaine.gov" (mes@portlandmaine.gov)" <mes@portlandmaine.gov>
Date: 6/6/2014 12:20 PM
Subject: Richardson Farm Condo Division
Attachments: 214018-03June2014[2].pdf; Best Street bulkhead.pdf

Hi Marge!

I believe my client, Victoria Dalzell, has spoken with you about her desire to remove her house from a Condominium Association, thus creating a single-family lot. The property is located in the R-5 at 80-84 Best Street – 134-D-9-10. Her house contains units 1 and 2. I have attached a plan showing the proposed division and resulting property dimensions. We believe the resulting properties will meet all of the dimensional standards, but wanted your review prior to conveyance. The one question we have is with regard to the bulkhead and whether the side setback is measured from the bulkhead or the side of the house. It is Victoria's understanding from her conversation with you that as long as the bulkhead is less than 6 feet long, we measure from the house. I have attached a photo showing the bulkhead – it is 4'11.5" long.

We would appreciate if you could confirm that the property division, as depicted on the plan, meets all of the dimensional requirements in R-5. Let me know if you need any more information in order to make your decision.

Hope all's well. Enjoy this beautiful weekend!

Thanks –

Mary

Mary E. Costigan
Of Counsel
mcostigan@bernsteinshur.com
207 228-7147 direct
207 774-1200 main
[My Bio](#) | [LinkedIn](#) | [Twitter](#)

BERNSTEIN SHUR | Click for Address: [Portland, ME](#) | [Augusta, ME](#) | [Manchester, NH](#) | [bernsteinshur.com](#)
Member, Lex Mundi, the world's leading association of independent law firms.

Confidentiality notice: This message is intended only for the person to whom addressed in the text above and may contain privileged or confidential information. If you are not that person, any use of this message is prohibited. We request that you notify us by reply to this message, and then delete all copies of this message including any contained in your reply. Thank you.

IRS notice: Unless specifically indicated otherwise, any tax advice contained in this communication (including any attachments) was not intended or written to be used, and cannot be used, for the purpose of (a) avoiding tax-related penalties under the Internal Revenue Code, or (b) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

enclosed, with or without a roof, if the area of the porch does not exceed fifty (50) square feet nor the projection from the building exceed six (6) feet. A basement bulkhead of similar size, but not more than twenty four (24) inches in height, is also permitted. A cornice eave, sill, canopy, chimney, or other similar architectural feature, but not including a bay window, may project into any required yard a distance of not more than two (2) feet.

(Code 1968, § 602.19.D; Ord. No. 78-03/04, 10-20-03)

Sec. 14-426. Fences.

In residence zones no wall or fence along a street line or within twenty-five (25) feet of a street line shall be more than four (4) feet in height unless said fence is located in the side or rear yard and is reviewed by the public works authority and found not to be a traffic or public safety hazard, subject to the provisions of section 14-434.

(Code 1968, § 602.19.E; Ord. No. 247-97, 4-9-97)

Sec. 14-427. Enclosure of porches.

Any open porch existing with a roof over the same on June 5, 1957, and encroaching upon any yard required by this article may be enclosed if the major portion of the enclosure is of glass.

(Code 1968, § 602.19.F)

Sec. 14-428. Corner lots.

In case a dwelling house has its front yard upon the long side of a corner lot, the rear yard may be reduced to a depth not less than the width required for a side yard on the lot, provided the aggregate of the widths of both sides and depths of front and rear yards is not less than the similar aggregate of required dimensions of all yards required if the front yard were faced on the short side of the lot.

(Code 1968, § 602.19.G)

Sec. 14-429. Lot surrounded by streets or alleys.

Where a lot containing ten thousand (10,000) square feet or less is completely surrounded by streets or alleys, the building area may be increased twenty (20) percent.

(Code 1968, § 602.19.H)

Sec. 14-430. Height limits.

City of Portland
Code of Ordinances
Sec. 14-412

Land Use
Chapter 14
Rev.3-4-13

shall not include veterinarians, kennels, animal raising, funeral homes, retail uses including antique shops, restaurants, dancing studios, towing services, repair and painting of automobiles as home occupations.

(Code 1968, § 602.18.I; Ord. No. 277-77, 11-7-77; Ord. No. 548-85, § 1, 5-6-85; Ord. No. 76-85, § 1, 7-1-85; Ord. No. 66-87, § 2, 11-2-87; Ord. No. 329-90, 5-7-90; Ord. No. 240-09/10, 6-21-10)

Sec. 14-411. - Sec. 14-420. Reserved.

DIVISION 25. SPACE AND BULK REGULATIONS AND EXCEPTIONS

Sec. 14-421. Generally.

The requirements of this article shall be subject to the space and bulk regulations and exceptions of this division.
(Code 1968, § 602.19.A)

Sec. 14-422. Reduction of lot area prohibited.

No lot shall be so reduced that yards, lot width, lot frontage, lot area, area per dwelling unit, and space for off-street parking and/or off-street loading shall be less than the minimum required under this article.
(Code 1968, § 602.19.A)

Sec. 14-423. Reserved.

*Editor's Note: Pursuant to Council Order No. 240-09/10, passed on June 21, 2010, Section 14-423 (Joint occupancy) was repealed in it's entirety.

Sec. 14-424. Required open space.

No part of a yard or other open space required about any building under this article shall be included as a part of a yard or other open space required for another building.
(Code 1968, § 602.19.C)

Sec. 14-425. Projections in required yard areas.

Any yard may be occupied by a one-story entrance porch not

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#) [Home](#) [Departments](#) [City Council](#) [E-Services](#) [Calendar](#) [Jobs](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

- [Applications](#)
- [Doing Business](#)
- [Maps](#)
- [Tax Relief](#)
- [Tax Roll](#)
- [Q & A](#)

[browse city services a-z](#)

[browse facts and links a-z](#)



Best viewed at 800x600, with Internet Explorer

CBL 134 D009001
Land Use Type RESIDENTIAL CONDO
 Verify legal use with Inspections Division
Property Location 80 BEST ST UNIT 1
Owner Information DUNDON SEAN T & VICTORIA P DALZELL JTS
 80 BEST ST # 1
 PORTLAND ME 04103
Book and Page 18569/103
Legal Description 134-D-9-10
 BEST ST 78-90
 UNIT #1
 RICHARDSON FARM CONDO
Acres 0

Current Assessed Valuation:

TAX ACCT NO.	19794	OWNER OF RECORD AS OF APRIL 2013
LAND VALUE	\$47,800.00	DUNDON SEAN T &
BUILDING VALUE	\$191,000.00	VICTORIA P DALZELL JTS
HOMESTEAD EXEMPTION	(\$10,000.00)	80 BEST ST # 1
NET TAXABLE - REAL ESTATE	\$228,800.00	PORTLAND ME 04103
TAX AMOUNT	\$4,441.02	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

Building 1

Year Built 1875
Style/Structure Type TOWNHOUSE END
Stories 2
Units 1
Bedrooms 4
Full Baths 1
Half Baths 1
Total Rooms 8
Attic UNFIN
Basement FULL
Square Feet 2044

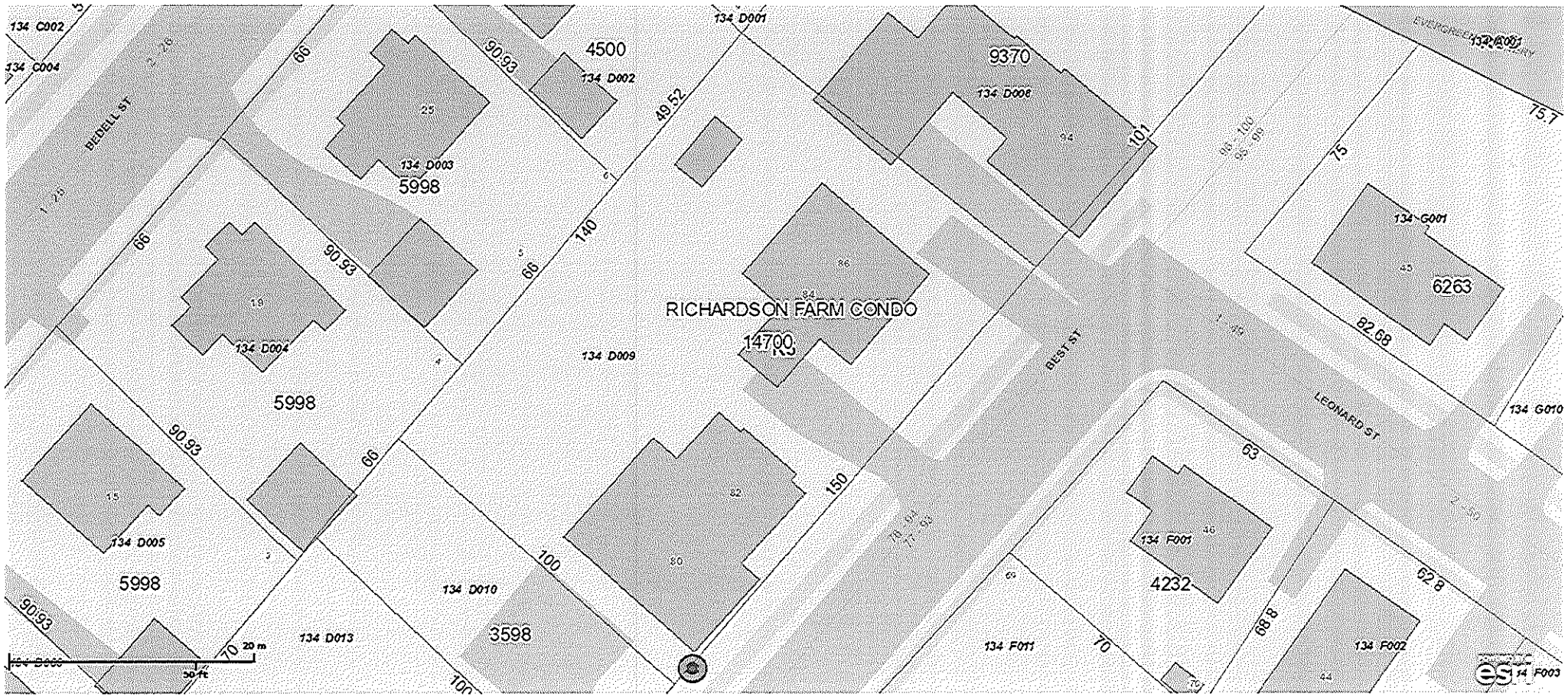
[View Sketch](#) [View Map](#) [View Picture](#)

Sales Information:

Sale Date	Type	Price	Book/Page
12/1/2002	LAND + BUILDING	\$250,000.00	18569/103
6/23/1993	LAND + BUILDING	\$0.00	10781/13
11/21/1986	LAND + BUILDING	\$0.00	7499/230

[New Search!](#)

R-5



Assessor's Office | 389 Congress Street | Portland, Maine 04103 | Room 115 | (207) 874-8486

[City](#) [Home](#) [Departments](#) [City Council](#) [E-Services](#) [Calendar](#) [Jobs](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

- [Applications](#)
- [Doing Business](#)
- [Maps](#)
- [Tax Relief](#)
- [Tax Roll](#)
- [Q & A](#)

[browse city services a-z](#)

[browse facts and links a-z](#)



Best viewed at 800x600, with Internet Explorer

CBL	134 D009002
Land Use Type	RESIDENTIAL CONDO
Verify legal use with Inspections Division	
Property Location	82 BEST ST UNIT 2
Owner Information	DUNDON SEAN T & VICTORIA P DALZELL JTS 82 BEST ST # 2 PORTLAND ME 04103
Book and Page	18569/141
Legal Description	134-D-9-10 BEST ST 78-90 UNIT #2 RICHARDSON FARM CONDO
Acres	0

Current Assessed Valuation:

TAX ACCT NO.	19796	OWNER OF RECORD AS OF APRIL 2013
LAND VALUE	\$19,900.00	DUNDON SEAN T & VICTORIA P DALZELL JTS
BUILDING VALUE	\$79,400.00	82 BEST ST # 2
NET TAXABLE - REAL ESTATE	\$99,300.00	PORTLAND ME 04103
TAX AMOUNT	\$1,927.42	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

	Building 1
Year Built	1875
Style/Structure Type	TOWNHOUSE END
# Stories	2
# Units	1
Bedrooms	1
Full Baths	1
Total Rooms	3
Attic	UNFIN
Basement	FULL
Square Feet	720

[View Sketch](#) [View Map](#) [View Picture](#)

Sales Information:

Sale Date	Type	Price	Book/Page
12/1/2002	LAND + BUILDING	\$95,000.00	18569/141
6/1/1988	LAND + BUILDING	\$0.00	8325/169

[New Search](#)

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

[City](#)
[Home](#)
[Departments](#)
[City Council](#)
[E-Services](#)
[Calendar](#)
[Jobs](#)

This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information:

Services

[Applications](#)

[Doing Business](#)

[Maps](#)

[Tax Relief](#)

[Tax Roll](#)

[Q & A](#)

[Browse city services a-z](#)

[Browse facts and links a-z](#)



Best viewed at 800x600, with Internet Explorer

CBL 134 D009001
Land Use Type RESIDENTIAL CONDO
 Verify legal use with Inspections Division
Property Location 80 BEST ST UNIT 1
Owner Information DUNDON SEAN T & VICTORIA P DALZELL JTS
 80 BEST ST # 1
 PORTLAND ME 04103
Book and Page 18569/103
Legal Description 134-D-9-10
 BEST ST 78-90
 UNIT #1
 RICHARDSON FARM CONDO
Acres 0

Current Assessed Valuation:

TAX ACCT NO.	19794	OWNER OF RECORD AS OF APRIL 2013
LAND VALUE	\$47,800.00	DUNDON SEAN T &
BUILDING VALUE	\$191,000.00	VICTORIA P DALZELL JTS
HOMESTEAD EXEMPTION	(\$10,000.00)	80 BEST ST # 1
NET TAXABLE - REAL ESTATE	\$228,800.00	PORTLAND ME 04103
TAX AMOUNT	\$4,441.02	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

Building 1

Year Built 1875
Style/Structure Type TOWNHOUSE END
Stories 2
Units 1
Bedrooms 4
Full Baths 1
Half Baths 1
Total Rooms 8
Attic UNFIN
Basement FULL
Square Feet 2044

[View Sketch](#)
[View Map](#)
[View Picture](#)

Sales Information:

Sale Date	Type	Price	Book/Page
12/1/2002	LAND + BUILDING	\$250,000.00	18569/103
6/23/1993	LAND + BUILDING	\$0.00	10781/13
11/21/1986	LAND + BUILDING	\$0.00	7499/230

[New Search!](#)



CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
 389 Congress Street
 Portland, Maine 04101

RECEIPT OF FEES

Application No:	0000-1946	Applicant:	DUNDON SEAN T & VICTORIA P
Project Name:	80 BEST ST	Location:	80 BEST ST
CBL:	134 D009001	Application Type:	Determination Letter
Invoice Date:	06/16/2014		

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due		Payment Due Date
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00		On Receipt

Previous Balance	\$0.00
-------------------------	---------------

Fee Description	Qty	Fee/Deposit Charge
Zoning Determinations	1	\$150.00
		\$150.00
	Total Current Fees:	+ \$150.00
	Total Current Payments:	- \$150.00
	Amount Due Now:	\$0.00

CBL 134 D009001
Bill to: DUNDON SEAN T & VICTORIA P DALZELL JTS
 80 BEST ST # 1
 PORTLAND, ME 04103

Application No: 0000-1946
Invoice Date: 06/16/2014
Invoice No: 45481
Total Amt Due: \$0.00
Payment Amount: \$150.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.
 Check the status of your permit or schedule an inspection on-line at <http://www.portlandmaine.gov/planning/permitstatus.asp>



OWNERS OF RECORD

Units 1 & 2

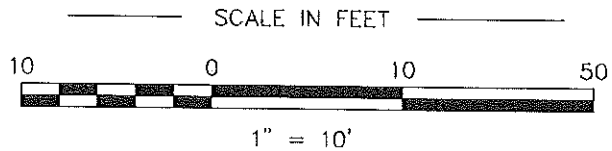
Sean T. Dundon
Victoria P. Dalzell
Book 18569, Page 103 & Book 18569, Page 141

Unit 3

Carla Johnson Williamson
Joseph Wolfberg
Book 19672, Page 214

Unit 4

Caitlin F. Skulley
Book 31439, Page 264



**Amended Condominium Plat
Richardson Farm Condominium**

80 Best Street

Portland, Maine

MADE FOR

Victoria Dalzell

80 Best Street

Portland, Maine

JOB #214018

DATE: May 22, 2014

SCALE: 1" = 10'

BOOK #878

G: CP/2014/214018.dwg

FILE #9705



Titcomb Associates

133 Gray Road, Falmouth, Maine 04105
(207)797-9199 www.titcombsurvey.com

Unit 3 L.C.E.

29.5'

S63°16'44"W

80.31'

sidewalk

W

G

G

OHW

OHW

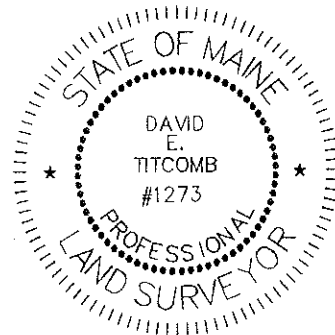
3' offset monument
8x8" granite
with drill hole

LEONARD STREET

The purpose of this plat is to amend the Richardson Farm Condominium by removing Unit 1, Unit 2, and associated Limited Common Elements from the condominium.

This is not a boundary survey. The boundary lines shown are based on the plat entitled "Condominium Plat - Richardson Farm Condominium" recorded in the Cumberland County Registry of Deeds in Plan Book 159, Page 24. The title research has been updated since the date of the recorded plan (1986); no further representations are made or implied regarding the accuracy or location of the boundary lines shown on the recorded plat.

David E. Titcomb, P.L.S. #1273



Victoria Dalzell
80 Best Street
Portland, ME 04103

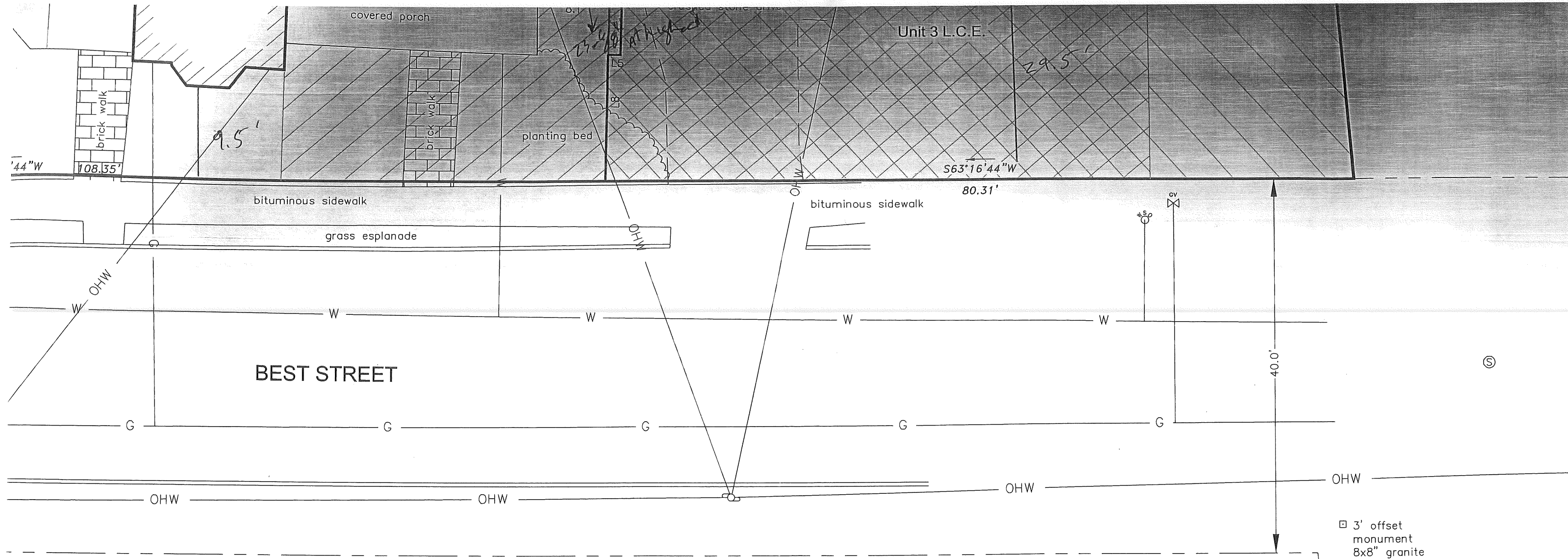
June __, 2014

Dear Ms. Dalzell:

We are receipt of your request for a zoning determination submitted by Mary Costigan on your behalf. Upon review of the plan prepared by Titcomb Associates that depicts the proposed property division and resulting dimensions, we have determined that the two lots resulting from the proposed division would be legal lots, as they conform to all of the applicable dimensional requirements of the R-4 Zone.

Sincerely,

Ann Machado
Zoning Specialist



BEST STREET

LEONARD STREET

□ 3' offset monument
8x8" granite
with drill hole

Regulations

Residential Zone

	Units 1 & 2:	Units 3 & 4:
Lot Size:	Existing: 10,805 Sq. Ft.	7,519 Sq. Ft. <i>6000^{sq} min</i>
Street Frontage:	Existing: 108.35 Ft.	80.31 Ft.
Lot Width:	Existing: 108.35 Ft.	80.31 Ft.
Yard Setback:	Existing: 9.7 Ft.	29.2 Ft.
Yard (Principal):	Existing: 46.3 Ft.	35.0 Ft.
Yard: (2 Stories):	Existing: SW'y: 41.2 Ft.	9.7 Ft.
	NE'y: 1.8 Ft. (bulkhead) 16.9 Ft.	
	6.7 Ft. (building)	

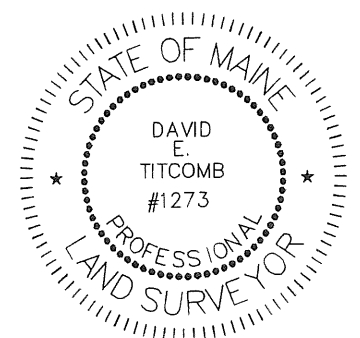
The width of one (1) side yard may be reduced one (1) foot for every foot that the other side yard correspondingly increased, but no side yard shall be less than eight (8) feet in width.

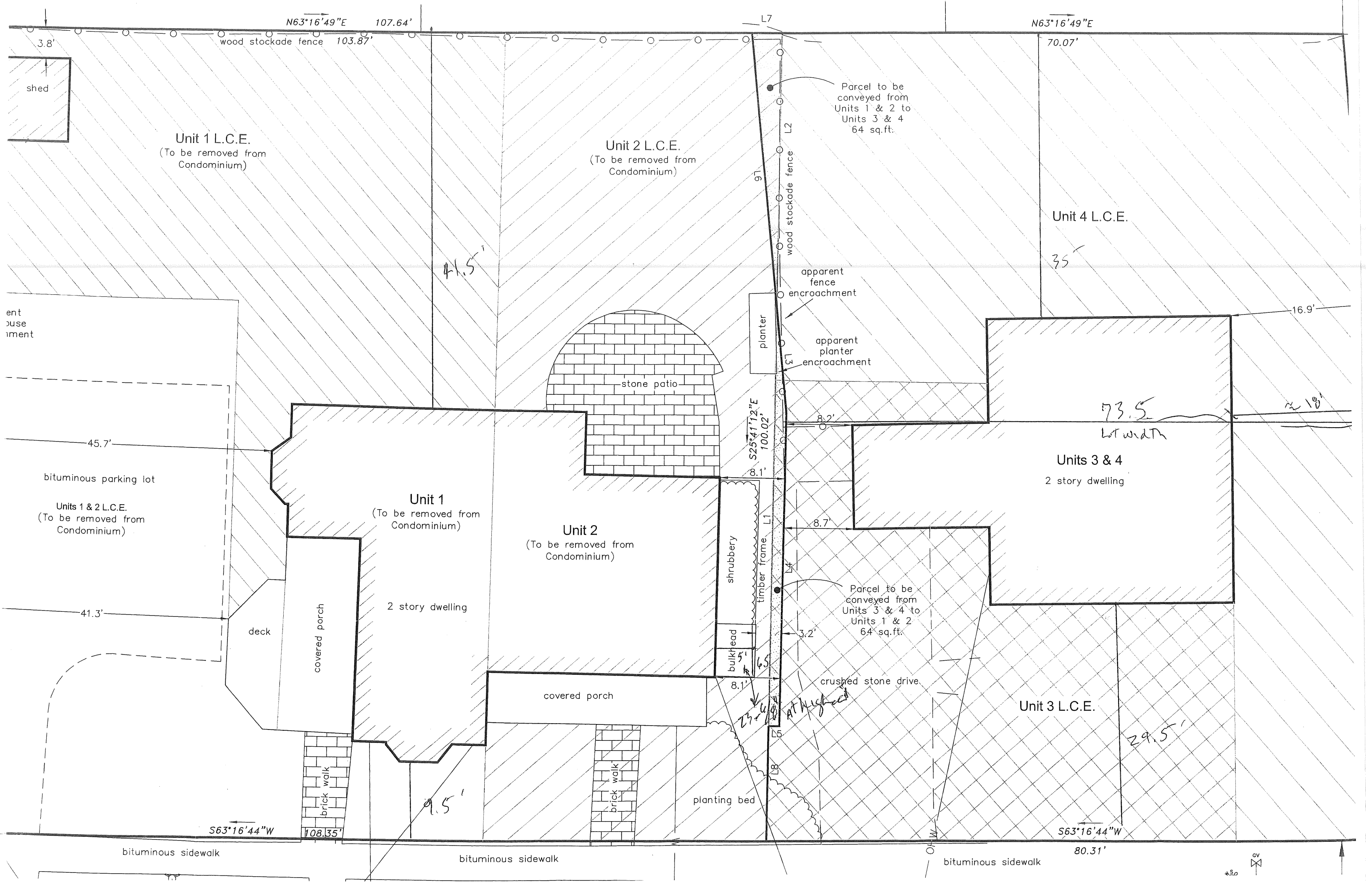
Side Yard (Accessory):	5 Ft.	Existing: 10.0 Ft.
Rear Yard (Accessory):	5 Ft.	Existing: 3.8 Ft.

The purpose of this plat is to amend the Richardson Farm Condominium by removing Unit 1, Unit 2, and associated Limited Common Elements from the condominium.

This is not a boundary survey. The boundary lines shown are based on the plat entitled "Condominium Plat - Richardson Farm Condominium" recorded in the Cumberland County Registry of Deeds in Plan Book 159, Page 24. The title research has been updated since the date of the recorded plan (1986); no further representations are made or implied regarding the accuracy or location of the boundary lines shown on the recorded plat.

David E. Titcomb, P.L.S. #1273





N63°16'49"E 107.64'

N63°16'49"E 70.07'

wood stockade fence 103.87'

L7

shed

Unit 1 L.C.E.
(To be removed from
Condominium)

Unit 2 L.C.E.
(To be removed from
Condominium)

Parcel to be
conveyed from
Units 1 & 2 to
Units 3 & 4
64 sq.ft.

Unit 4 L.C.E.

41.5'

35'

apparent
fence
encroachment

apparent
planter
encroachment

stone patio

S25°41'12"E
100.02'

16.9'

73.5'
Lot width

~18'

Units 3 & 4
2 story dwelling

bituminous parking lot

Units 1 & 2 L.C.E.
(To be removed from
Condominium)

Unit 1
(To be removed from
Condominium)

Unit 2
(To be removed from
Condominium)

Parcel to be
conveyed from
Units 3 & 4 to
Units 1 & 2
64 sq.ft.

2 story dwelling

shrubbery

bulkhead

crushed stone drive

Unit 3 L.C.E.

deck

covered porch

covered porch

planting bed

29.5'

S63°16'44"W 108.35'

S63°16'44"W 80.31'

bituminous sidewalk

bituminous sidewalk

bituminous sidewalk

cv