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

March 18, 2011

Jonathan Culley
Redfern Homes LLC
P.O. Box 8816
Portland, ME 04103

RE: 21-35 Bay Street & 24-26 Torrey St – 156-C-1, 2, 3, 4 – R-3 Zone - Lot Division

Dear Mr. Culley,

I am in receipt of your determination request concerning the division of land consisting of four parcels under one ownership at 24-35 Bay Street. The division of land is shown on a stamped survey from Robert T. Greenlaw, land surveyor, that is dated 02-28-2011. The entire property is located in an R-3 Residential Zone.

1. The new vacant lot does meet the requirements of the underlying R-3 Zone. It is meeting the minimum R-3 lot size. It is noted that only a portion of the lot has the minimum required lot width of 65 feet.
2. The house as sited conforms to the R-3 minimum requirements. Based upon the submittal, a portion of the attached garage does not meet the requirements of the minimum lot width of 65'. A majority of the garage is located in the area of the lot which is only 50 feet wide. Section 14-47 defines lot width as: "The distance parallel to the front of the building measured between side lot lines through that part of the principal building where the lot is narrowest". In the scenario you supplied to me, there is only one building on the lot. Part of that building is not meeting the required 65 foot minimum lot width.
3. You have also asked whether the 8' setback is appropriate for the 1-1/2 garage. Your submittal is scaling an approximate 11 foot setback on one side and an approximate 23 foot setback on the other side. The Land Use Ordinance allows reducing one side to no less than 8 foot with the amount reduced to be added on to the other side. Based only upon information you have supplied me, the garage may be considered a 1-1/2 story. I cannot make a final decision on building height or number of stories until I receive a complete set of building plans.

Please be aware that this determination is not an allowance to begin construction. Separate site plan review and building permits are required for a full review. This determination is not a substitute for such reviews. This determination only relates to Zoning considerations and not other site plan reviews and requirements from other regulations.

You have the right to appeal my decision concerning this matter. 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 letter, please do not hesitate to contact me at 874-8695.

Sincerely,

Marge Schmuckal
Zoning Administrator

Cc: file