



Planning & Urban Development Department

Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

August 22, 2014

Paul F. Birkel
224 Foreside Rd
Falmouth, ME 04105

Scanned

Paul.birkel@wright-pierce.com

RE: 96-104 Murray Street – 162-F-3 to 8 – R-3 Zone

Dear Mr. Birkel,

I am in receipt of your request for a determination letter concerning the split of your property located at 96-104 Murray Street. My determination is based upon the information you provided including two stamped and signed surveys by John C. Schwanda dated 8-7-2014.

I have reviewed both surveys for compliance with the underlying R-3 residential zone. The lot with the existing single family dwelling that is redefined with a new property line, is meeting all the R-3 zone dimensional requirements and would not be in violation of the Land Use Zoning Ordinance. I have also reviewed the newly created vacant lot. The vacant lot is also meeting the R-3 zone requirements and would not be in violation of the Land Use Zoning Ordinance. The vacant lot is considered to be "buildable".

Please note that this determination is not a substitute for the building permit(s) that are required to develop the vacant lot. If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Sincerely,

A handwritten signature in black ink that reads "Marge Schmuckal".

Marge Schmuckal
Zoning Administrator
City of Portland, Maine

Applicant: Paul F. Birkel

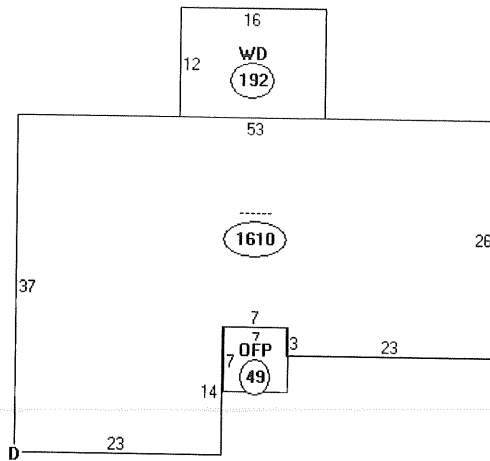
Date: 8/22/14

Address: 96-10A Murray St

C-B-L: 162-F-3+6
7+8
104

CHECK-LIST AGAINST ZONING ORDINANCE

	96 New Proposed Lot	104 Existing Single Fam
Date -		
Zone Location - R-3		
Interior or corner lot -		
Proposed Use/Work - to split lot into 2 lots		
Sewage Disposal - City		
Lot Street Frontage - 50' min	72'	108'
Front Yard - 25' min	Can meet	24.3' exist
Rear Yard - 25' min	Can meet	25' exist
Side Yard - 1 story 8' 2 story 14'	Can meet	6' a 35.9'
Projections -		
Width of Lot - 65' min	72'	108'
Height - 35' MAX	Can meet	exists
Lot Area - 6,500 sq ft min	8,206 sq ft	12,290 sq ft
Lot Coverage Impervious Surface - 35% MAX	Can meet	~16% - 1995
Area per Family - 6,500		
Off-street Parking - 2 each	Can meet	2 car garage
Loading Bays - N/A		
Site Plan -		
Shoreland Zoning/ Stream Protection - N/A		
Flood Plains - Panel 7 Zone X		



Descriptor/Area	
A:	1610 sqft
B: WD	192 sqft
C: DFP	49 sqft
D: RS1	144 sqft

1610
192
49
144

1995 #

OK

New lot size
12,290 # x 35% = 4,301.5 # max lot coverage

August 14, 2014

City of Portland
City Hall
Zoning Department
389 Congress Street
Portland, Maine 04101

RECEIVED
AUG 14 2014
Dept. of Building Inspections
City of Portland Maine

RE: Request for Zoning Determination
96 Murray Street (CBL 162-F-7 and 8)
104 Murray Street (CBL 162-F-3 thru 6)

Dear Zoning Administrator:

By way of this letter, associated Exhibits, electronic copy of all documents, and enclosed check for \$150, I respectfully ask for a Letter of Determination with regard to allocating a small piece of land from 104 Murray Street to 96 Murray Street in order to make 96 Murray Street a conforming and buildable lot. As it currently stands, 96 Murray Street does not meet the requirements for a buildable lot in zone R-3. Its current lot width is 60' and the current minimum lot width criteria is 65'. Exhibit A depicts the subject properties from the City's online tax maps in their current state.


I contracted with Owen Haskell, Inc. to survey both properties and to reset the property line between the two properties to meet our intentions of creating a buildable lot at 96 Murray while leaving 104 Murray in full conformance. Exhibit B is the boundary survey performed by Owen Haskell, which depicts the proposed expanded lot at 96 Murray. 12' of lot width was added to 96 Murray from the 104 Murray property to create a lot that is 72' wide.

Exhibit C is the boundary survey performed by Owen Haskell which depicts the revised 104 Murray Street property after the lot reconfiguration. As depicted the side closest to 96 Murray has a new setback of 16.6' which well exceeds the side setback for this style house. The opposite side setback provides for even greater relief at 35.9'.

I have also for your information attached Exhibits D and E which represents the new property descriptions for each parcel that will be filed with the Cumberland County Registry of Deeds once the property at 96 Murray is sold. Finally, as noted on the Zoning Determinations handout provided by the City, I have developed a sample formatted letter that I'd suggest, in some way, for the response. This is Exhibit F.

Thank you for your consideration. Should you have any questions about my request please direct them to the contact information provided below. I look forward to receiving your favorable determination.

Sincerely,



Paul F. Birkel

Email: paul.birkel@wright-pierce.com

Business Phone: 207-523-1400

Cell Phone: 207-522-2036

August XX, 2014

Mr. Paul Birkel
224 Foreside Road
Falmouth, Maine 04105

RE: Letter of Zoning Determination
96 Murray Street (CBL 162-F-7 and 8)
104 Murray Street (CBL 162-F-3 thru 6)

Dear Mr. Birkel:

We have reviewed your request for Letter of Zoning Determination associated with properties at 96 and 104 Murray Street and your desire to create a buildable and conforming lot at 96 Murray Street. You provided us with Boundary Surveys for each property showing the proposed new property lines and setbacks as applicable. These were conducted by Owen Haskell, Inc. and stamped by John Schwanda, PLS, on August 7, 2014 entitled:

- Boundary Survey at 96 Murray Street, Portland Maine dated July 22, 2014
- Boundary Survey at 104 Murray Street, Portland, Maine dated July 22, 2014

We find that both the 104 Murray Street property and 96 Murray Street property, as reconfigured on the referenced boundary survey plans would conform to the existing requirements by the City's zoning ordinance for Zone R-3. As such, by way of this letter, should you elect to subdivide the properties as reflected in the referenced Boundary surveys, 96 Murray Street, with its newly formed 72' of lot width would constitute a buildable and conforming lot.


Sincerely,
City of Portland

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:

<p>Services</p> <p>Applications</p> <p>Doing Business</p> <p>Maps</p> <p>Tax Relief</p> <p>Tax Roll</p> <p>Q & A</p> <p>browse city services a-z</p> <hr/> <p>browse facts and links a-z</p> <hr/>  <p>Best viewed at 800x600, with Internet Explorer</p>	<p>CBL 162 F003001</p> <p>Land Use Type SINGLE FAMILY Verify legal use with Inspections Division</p> <p>Property Location 104 MURRAY ST</p> <p>Owner Information BIRKEL PAUL F & MICHELLE M 224 FORESIDE RD FALMOUTH ME 04105</p> <p>Book and Page 11262/229</p> <p>Legal Description 162-F-3 TO 6 MURRAY ST 100-108</p> <p>Acres 13646 SF 0.3133</p>
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Current Assessed Valuation:

TAX ACCT NO.	22800	OWNER OF RECORD AS OF APRIL 2014
LAND VALUE	\$74,600.00	BIRKEL PAUL F & MICHELLE M
BUILDING VALUE	\$145,300.00	224 FORESIDE RD
NET TAXABLE - REAL ESTATE	\$219,900.00	FALMOUTH ME 04105
TAX AMOUNT	\$4,398.00	

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

Building Information:

Building 1	
Year Built	1986
Style/Structure Type	SPLIT LEVEL
# Stories	1
# Units	1
Bedrooms	4
Full Baths	2
Half Baths	1
Total Rooms	8
Attic	NONE
Basement	FULL
Square Feet	1886

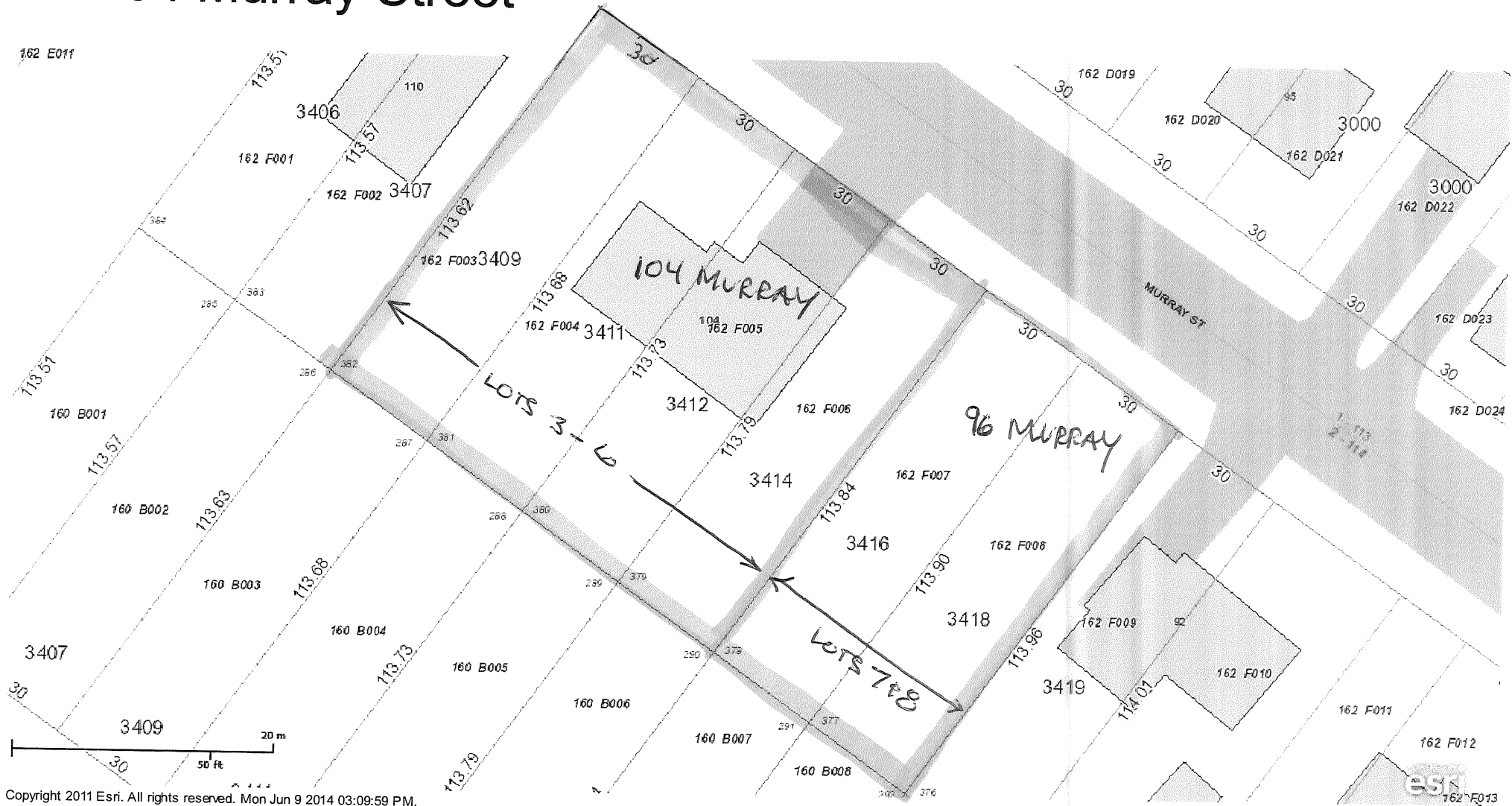
[View Sketch](#) [View Map](#) [View Picture](#)

Outbuildings/Yard Improvements:

Building 1	
Year Built	2003
Structure	SHED-FRAME
Size	12X12
Units	1
Grade	C
Condition	A

96-104 Murray Street

EXHIBIT A - LOCATION MAP




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.

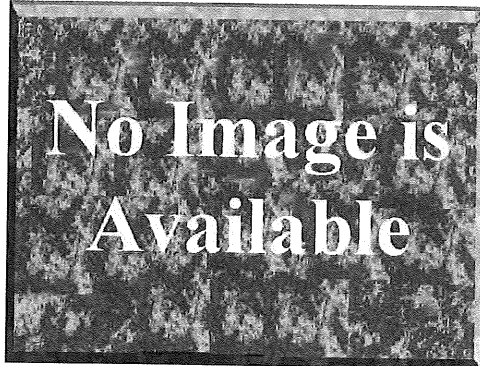
Current Owner Information:

<hr/> <p>Services</p> <p>Applications</p> <p>Doing Business</p> <p>Maps</p> <p>Tax Relief</p> <p>Tax Roll</p> <p>Q & A</p> <hr/> <p>browse city services a-z</p> <hr/> <p>browse facts and links a-z</p> <hr/>  <hr/> <p>Best viewed at 800x600, with Internet Explorer</p>	CBL	162 F007001
	Land Use Type	VACANT LAND
	Verify legal use with Inspections Division	
	Property Location	96 MURRAY ST
	Owner Information	BIRKEL PAUL F & MICHELLE M JTS 224 FORESIDE RD FALMOUTH ME 04105
	Book and Page	12825/307
	Legal Description	162-F-7-8 MURRAY ST 96-98
		6834 SF
	Acres	0.1569

Current Assessed Valuation:

TAX ACCT NO.	22802	OWNER OF RECORD AS OF APRIL 2014
LAND VALUE	\$5,800.00	BIRKEL PAUL F & MICHELLE M JTS
BUILDING VALUE	\$0.00	224 FORESIDE RD
NET TAXABLE - REAL ESTATE	\$5,800.00	FALMOUTH ME 04105
TAX AMOUNT	\$116.00	

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



[View Map](#)

Sales Information:

Sale Date	Type	Price	Book/Page
11/20/1996	LAND	\$1,000.00	12825/307

New Search!

August 7, 2014

DEED DESCRIPTION
FOR
PAUL BIRKEL

2014-102P Vacant lot at 96 Murray Street, Portland, Maine

A certain parcel of land situated on the southwesterly side of Murray Street in the City of Portland, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at a 5/8" capped iron rod set at the northernmost corner of the land now or formerly of Louise Bell and Harold Erickson, Sr. (see Book 24320 Page 297) on the southwesterly sideline of Murray Street;

Thence, S 35° 55' 39" W by said land 114.04 feet to the land now or formerly of Patricia A. And Rocco T. Aceto (Book 2990 Page 319);

Thence, N 54° 10' 54" W by said land 72.00 feet a 5/8" capped iron rod;

Thence, N 35° 55' 39" E a distance of 113.90 feet to a 5/8" capped iron rod set at Murray Street;

Thence, S 54° 17' 27" E by Murray Street 72.00 feet to the point of beginning.

Said parcel contains 8,206 square feet and is shown on "Boundary Survey at 96 Murray Street, Portland, Maine made for record owners Paul & Michelle Birkel July 22, 2014 Owen Haskell, Inc. Job No. 2014-102P."

Said parcel is a portion of the land described in a deed to Paul F. and Michelle M. Birkel recorded in Book 11262 Page 229, and all the land described in a deed to Paul F. And Michelle M. Birkel recorded in Book 12825 Page 307.

August 7, 2014

DEED DESCRIPTION
FOR
PAUL BIRKEL

2014-102P House lot at 104 Murray Street, Portland, Maine

A certain parcel of land situated on the southwesterly side of Murray Street in the City of Portland, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at the easternmost corner of the land now or formerly of Adele Jackson (see Book 7489 Page 158) on the southwesterly sideline of Murray Street;

Thence, S 54° 17' 27" E by Murray Street 108.00 feet to a 5/8" capped iron rod set;

Thence, S 35° 55' 39" W a distance of 113.90 feet a 5/8" capped iron rod set and the land now or formerly of Michelle M. Birkel (Book 22447 Page 218);

Thence, N 54° 10' 54" W by said land 108.00 feet to a 5/8" capped iron rod set and the land of said Jackson;

Thence, N 35° 55' 39" E by said land 113.69 feet to the point of beginning.

Said parcel contains 12,290 square feet and is shown on "Boundary Survey at 104 Murray Street, Portland, Maine made for record owners Paul & Michelle Birkel July 22, 2014 Owen Haskell, Inc. Job No. 2014-102P."

Said parcel is a portion of the land described in a deed to Paul F. And Michelle M. Birkel recorded in Book 11262 Page 229.



CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

INVOICE OF FEES

Application No: 0000-2009	Applicant: BIRKEL PAUL F & MICHELLE M
Project Name: 96 MURRAY ST	Location: 96 MURRAY ST
CBL: 162 F007001	Application Type: Determination Letter
Invoice Date: 08/14/2014	

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**

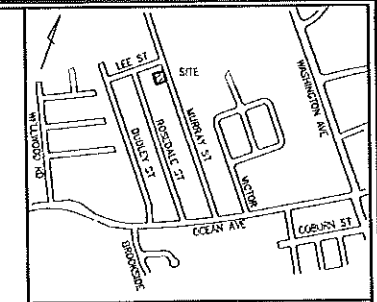
Fee Description	Qty	Fee/Deposit Charge
Zoning Determinations	1	\$150.00
		<u>\$150.00</u>
Total Current Fees:	+	\$150.00
Total Current Payments:	-	\$150.00
Amount Due Now:		\$0.00

CBL 162 F007001
Bill To: BIRKEL PAUL F & MICHELLE M JTS
 224 FORESIDE RD
 FALMOUTH, ME 04105

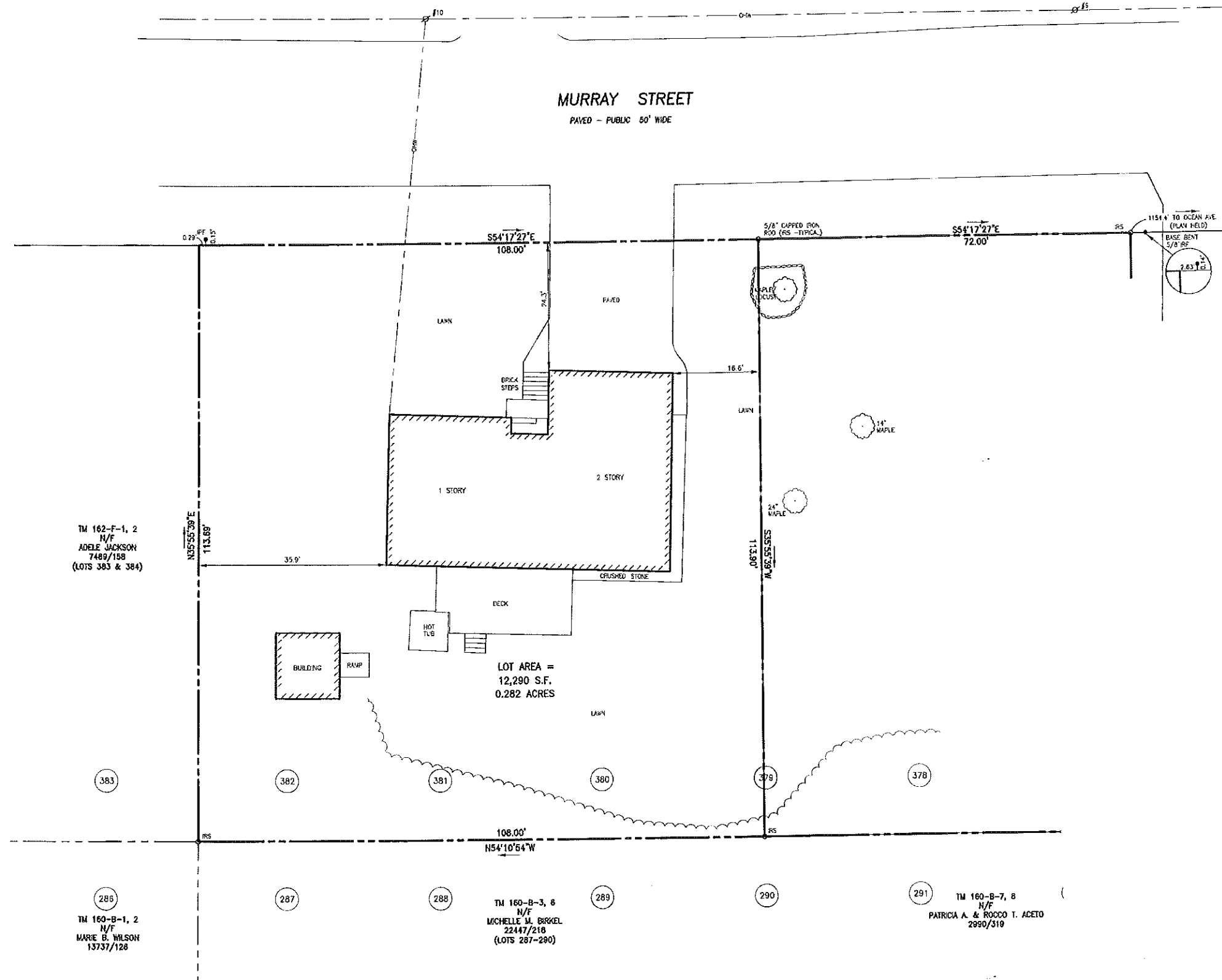
Application No: 0000-2009
Invoice Date: 08/14/2014
Invoice No: 46148
Total Amt Due: \$0.00
Payment Amount:

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/792/Permit-Status>

[Click Here to Pay On Line](#)



LOCATION MAP
N.T.S.



TM 162-F-1, 2
N/F
ADELE JACKSON
7489/158
(LOTS 383 & 384)

LOT AREA =
12,290 S.F.
0.282 ACRES

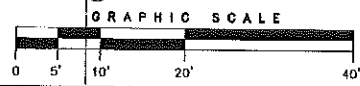
TM 160-B-1, 2
N/F
MARIE B. WILSON
13737/128

TM 160-B-3, 6
N/F
MICHELLE M. BIRKEL
22447/218
(LOTS 287-290)

TM 160-B-7, 8
N/F
PATRICIA A. & ROCCO T. ACETO
2990/310

LEGEND

- IRON PIPE OR ROD FOUND
- UTILITY POLE
- MANHOLE
- HYDRANT
- WATER VALVE OR SHUTOFF
- DECIDUOUS TREE
- OVERHEAD WIRES
- LOT NO. FOR PLAN REFERENCE 1



PLAN REFERENCES

1. "FOREST-HILLS (EXTENSION) PORTLAND - ME. OWNED BY A.H. CHAFMAN LAND CO. JULY, 1923 REVISED SEPT. 1923 E.N. SHEFFIELD" RECORDED IN PLAN BOOK 15 PAGE 44.
2. "STANDARD BOUNDARY & TOPOGRAPHIC SURVEY ON MURRAY STREET, PORTLAND, MAINE MADE FOR CITY OF PORTLAND SEPT. 29, 1959 OWEN HASKELL, INC. JOB NO. 99268P" REVISED 10/13/99.
3. CAD DRAWING PROVIDED BY THE CITY OF PORTLAND ENGINEERING DEPARTMENT FOR PROJECT BAY-REED-GLENGARDEN CSD 2006.

GENERAL NOTES

1. OWNER OF RECORD: PAUL F. & MICHELLE M. BIRKEL, 224 FORESIDE ROAD, FALMOUTH, MAINE CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 11262 PAGE 228
2. PARCEL IS SHOWN AS LOTS 3-6 BLOCK F ON CITY OF PORTLAND'S ASSESSORS MAP 152.
3. BEARINGS ARE GRID NORTH AS BASED ON COORDINATES SHOWN ON NAILS FOUND IN THE CENTERLINE OF MURRAY STREET (CITY NOS. 30605-30607) AND MONUMENT NO. 338 ON OCEAN AVENUE.
4. THE SIDELINES OF MURRAY STREET ARE BASED ON NAILS FOUND AS SHOWN ON PLAN REFERENCE 3.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE, WITH THE EXCEPTION OF MARKERS NOT SET AT ALL CORNERS.

DATE: 8-7-2014
JOHN C. SCHWANDA, PLS NO. 1252



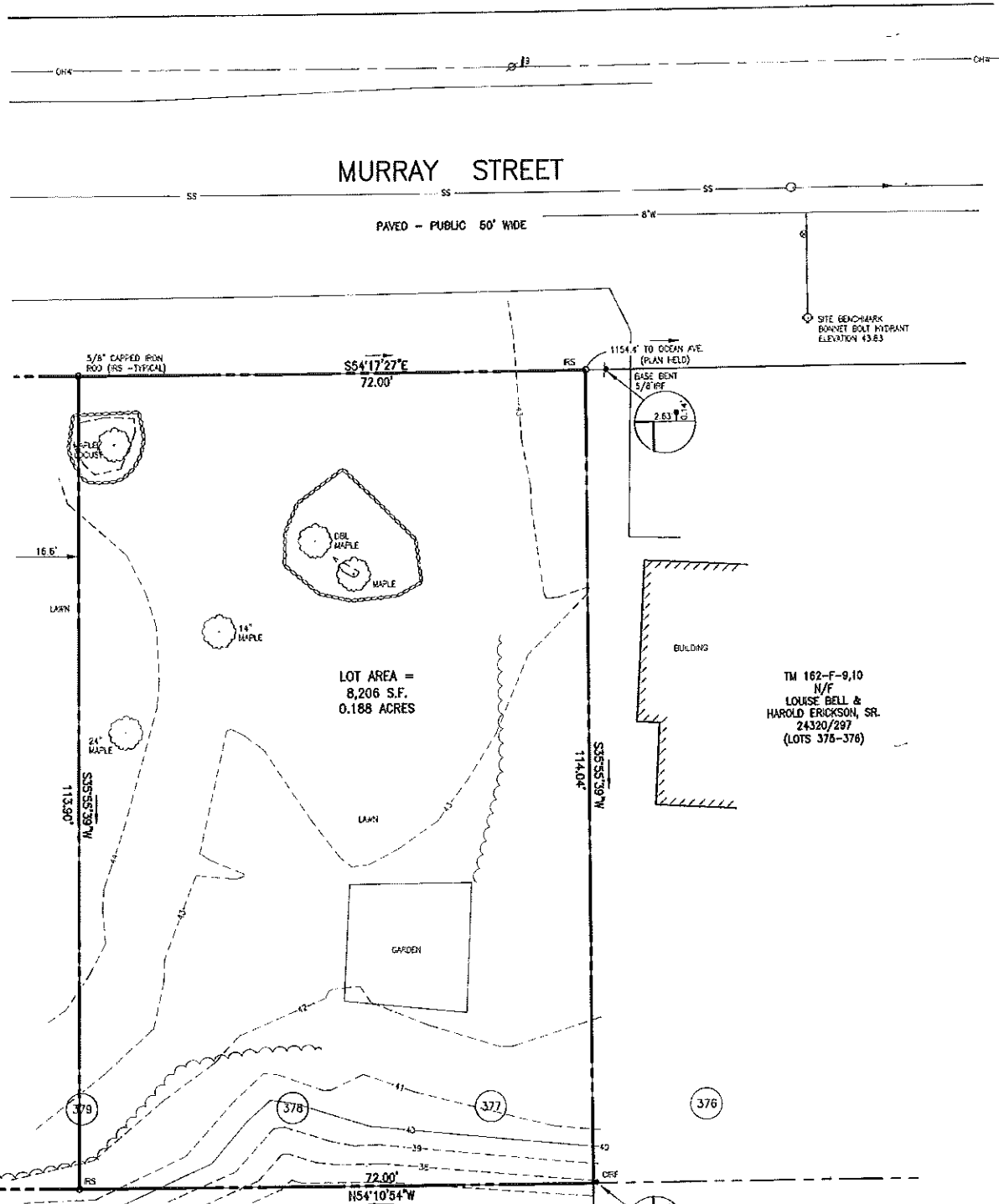
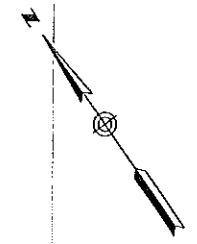
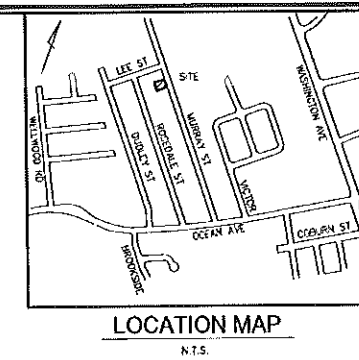
BOUNDARY SURVEY

AT
104 MURRAY STREET, PORTLAND, MAINE
MADE FOR RECORD OWNERS
PAUL & MICHELLE BIRKEL
224 FORESIDE ROAD, FALMOUTH, MAINE

OWEN HASKELL, INC.

290 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424
PROFESSIONAL LAND SURVEYORS

Drawn By	JCS	Date	JULY 22, 2014	Job No.	2014-102P
Trace By	JHW	Scale	1" = 10'	Dwg. No.	1-1
Check By	JCS	Book No.	1127		



MURRAY STREET

PAVED - PUBLIC 60' WIDE

LOT AREA =
8,206 S.F.
0.188 ACRES

TM 162-F-9,10
N/F
LOUISE BELL &
HAROLD ERICKSON, SR.
24320/297
(LOTS 378-376)

TM 160-B-3, 6
N/F
MICHELLE M. BIRKEL
22447/218
(LOTS 287-290)

TM 160-B-7, 8
N/F
PATRICIA A. & ROCCO T. ACETO
22990/319

TM 160-B-9-12
N/F
LEROY & ARNA REILLY
22525/152
(LOTS 293-296)

PLAN REFERENCES

1. "FOREST-HILLS (EXTENSION) PORTLAND - ME. OWNED BY A.H. CHAPMAN L&D CO. JULY, 1923 REVISED SEPT. 1923 E.N. SHEFFIELD" RECORDED IN PLAN BOOK 15 PAGE 44.
2. "STANDARD BOUNDARY & TOPOGRAPHIC SURVEY ON MURRAY STREET, PORTLAND, MAINE MADE FOR CITY OF PORTLAND SEPT. 29, 1999 OWEN HASKELL, INC. JOB NO. 99268P" REVISED 10/13/99.
3. CAD DRAWING PROVIDED BY THE CITY OF PORTLAND ENGINEERING DEPARTMENT FOR PROJECT BAY-REED-GLENGARDEN CSO 2006.

GENERAL NOTES

1. OWNER OF RECORD: PAUL F. & MICHELLE M. BIRKEL, 224 FORESIDE ROAD, FALMOUTH, MAINE CUMBERLAND COUNTY REGISTRY OF DEEDS BOOK 12825, PAGE 307, AND BOOK 11262 PAGE 229
2. PARCEL IS SHOWN AS LOTS 7 & 8 BLOCK F ON CITY OF PORTLAND'S ASSESSORS MAP 162.
3. BEARINGS ARE GRID NORTH AS BASED ON COORDINATES SHOWN ON NALS FOUND IN THE CENTERLINE OF MURRAY STREET (CITY NOS. 30605-30607) AND MONUMENT NO. 336 ON OCEAN AVENUE.
4. THE SIDELINES OF MURRAY STREET ARE BASED ON NALS FOUND AS SHOWN ON PLAN REFERENCE 3.
5. ELEVATIONS ARE BASED ON CITY DATUM REFERENCED TO HYDRANT SHOWN HEREON AS IS SHOWN ON PLAN REFERENCE 2.

LEGEND

- IRON PIPE OR ROD FOUND
- UTILITY POLE
- MANHOLE
- HYDRANT
- WATER VALVE OR SHUTOFF
- DECIDUOUS TREE
- OHW OVERHEAD WRES
- SS SANITARY SEWER
- W WATER MAIN
- (82) LOT NO. PER PLAN REFERENCE 1
- 40 1' CONTOUR

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE, WITH THE EXCEPTION OF MARKERS NOT SET AT ALL CORNERS.

DATE: 6-7-2014
 John C. Schwanda
 JOHN C. SCHWANDA, PLS NO. 1252



BOUNDARY SURVEY
 AT
 96 MURRAY STREET, PORTLAND, MAINE
 MADE FOR RECORD OWNERS
PAUL & MICHELLE BIRKEL
 224 FORESIDE ROAD, FALMOUTH, MAINE

OWEN HASKELL, INC.
 380 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207)774-0424
 PROFESSIONAL LAND SURVEYORS

Drawn By	JCS	Date	JULY 22, 2014	Job No.	2014-102P
Trace By	JLW	Scale	1" = 10'	Draw. No.	1-2
Check By	JCS	Book No.	1127		

