

Strengthening a Remarkable City, Building a Community for Life . www.portlandmaine.gov

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

October 3, 2011

Chase Land Transaction 780 Kansas Lane Monroe, LA 71203

RE: Kathleen L. Barry Loan #1165187171 28 Morse Street, Portland, ME

To Whom It May Concern:

I am in receipt of a request for a determination concerning the conveyance of a 5 foot strip of land along the boundary of Kathleen L. Barry's property on 28 Morse Street in Portland to her abutter, Robert Nelson of 38 Morse Street.

Both properties are located in an R-5 residential zone. My determination is based upon a signed and stamped survey by John Swan PLS for Owen Haskell, Inc. This survey is dated September 17, 2010 and revised as of 4-6-11. This survey was performed for Robert C. Nelson's property located at 38 Morse Street. I do not have a survey for the property owned by Kathleen L. Barry.

The 5 foot strip of land that is proposed to be conveyed to an abutter is not totaled in the amount of square footage that is intended to be conveyed.

Based upon the information at my disposal at this time, I cannot confirm that any applicable zoning codes will not be adversely impacted were this conveyance to go forward. In regards to Kathleen L. Barry's property, I do see a violation of 14-336 where parking would be closer than 5 feet from the side property line. There is a note on the submitted survey that states: "first 50' of driveway to be relocated 50' to the south". The relocation would be required to be done first, *prior* to the conveyance of land. Because I do not have a survey showing the existing structure on the land of Kathleen L. Barry, I cannot confirm that the conveyance of land will not create a side setback violation.

If you have any questions regarding this letter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours chmute Marge Schruckal

Zoning Administrator

Room 315 - 389 Congress Street - Portland, Maine 04101 (207) 874-8695 - FAX:(207) 874-8716 - TTY:(207) 874-3936

Planning and Urban Development City of Portland 389 Congress Street, Room 315 Portland, Maine 04101

September , 2011



Chase Land Transaction 780 Kansas Lane Monroe, LA 71203

RE: Kathleen L. Barry Loan #1165187171 28 Morse Street, Portland, Maine

To Whom It May Concern:

I hereby confirm that I am authorized on behalf of the City of Portland to determine the compliance with Portland's ordinances with respect to the conveyance of real property within said City. I hereby certify that the proposed conveyance of a 5' strip of land along the boundary of Kathleen L. Barry's property on 28 Morse Street in Portland to her abutter, Robert Nelson, does not violate any applicable zoning codes and will not adversely impact the ability to convey the property in the future.

City of Portland

By:

Marge Schmuckal Zoning Administrator

STATE OF MAINE CUMBERLAND, SS.

September ____, 2011

Then personally appeared the above-named Marge Schmuckal, in her capacity as Zoning Administrator for the City of Portland, and acknowledged the foregoing instrument to be her free act and deed.

Before me,

Notary Public/Maine Attorney at Law

Printed Name

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	
Nacional Internet	
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24.6

Acres

3

CBL Land Use Type SINGLE FAMILY Property Location 28 MORSE ST BARRY KATHLEEN L 28 MORSE ST PORTLAND ME 04103 14190/209 Owner Information Book and Page 163A-A-13-14 MORSE ST 26-30 Legal Description

163A A013001

9214 SP 0.212

Current Assessed Valuation:

branethe fifty	TAX ACCT NO.	23016	OWNER OF RECORD AS OF APRIL 2011 BARRY KATHLEEN L
and prices and	LAND VALUE	\$70,100.00	28 MORSE ST
	BUILDING VALUE	\$103,700.00	PORTLAND ME 04103
	HOMESTEAD EXEMPTION	(\$10,000.00)	
In research for the party . Total of the state	NET TAXABLE - REAL ESTATE	\$163,800.00	
	TAX AMOUNT	\$2,994.26	

Any information concerning tax payments should be directed to the

CAPE

Treasury office at 874-8490 or e-mailed **Building Information:**

Card 1 of	1	
Year Built	1953	
Style/Structure Type	CAPE	
# Stories	1	
Bedrooms	з	
Full Baths	1	
Half Baths	1	
Total Rooms	5	
Attic	FULL FINSH	
Basement	FULL	
Square Feet	1415	
View Sketch	View Map	View Pid



Sales Information:

22	5	Date
10,	11	1998

Туре LAND + BUILDING

New Search!

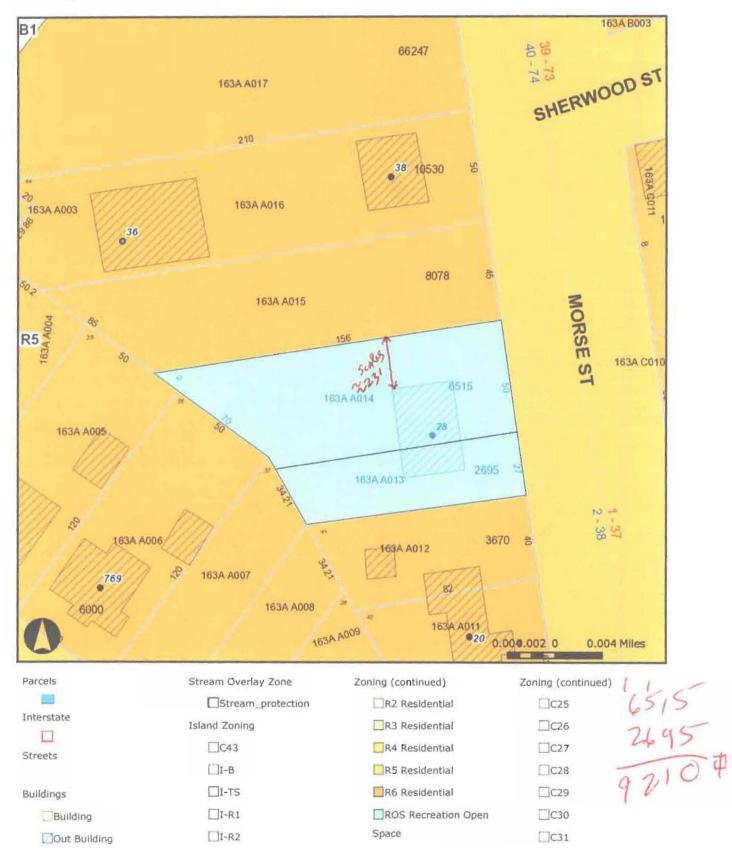
Price

\$0.00

Book/Page 14190/209

Page 1 of 1

Мар



MONAGHAN LEAHY, LLP

ATTORNEYS AT LAW

THOMAS G. LEAHY KEVIN G. LIBBY CHRISTOPHER C. DINAN JOHN J. WALL, III KENNETH D. PIERCE CORNELIA S. FUCHS ZACHARY I. GREENFIELD ERICA M. JOHANSON PATRICK D. THORNTON

THOMAS F. MONAGHAN OF COUNSEL 95 EXCHANGE STREET P.O. BOX 7046 PORTLAND, MAINE 04112-7046

TEL 207-774-3906 FAX 207-774-3833

September 19, 2011

Marge Schmuckal Planning and Urban Development City of Portland 389 Congress Street, Room 315 Portland, Maine 04101

RE: Kathleen L. Barry 28 Morse Street, Portland, Maine

Dear Marge:

We are assisting our client, Robert Nelson in the acquisition of a 5' strip of land located along the boundary of his land on Morse Street, from his abutter, Kathleen L. Barry.

In this regard we are in working to obtain the documentation required by the Chase, holder of a mortgage secured by Ms. Barry's property, in order to get a partial release from this mortgage. One of the documents required is a resolution from the City Planning Commission certifying that the proposed conveyance does not violate any applicable zoning codes and will not adversely impact the ability of Ms. Barry to convey her property in the future. I attach a copy of a sketch of the proposed conveyance for your review.

In hopes of facilitating this request, I have attached a sample letter that you may use to provide this resolution. Feel free to make any changes, if necessary. Once executed, please return it to our office in the enclosed envelope.

Thank you for your assistance with this matter.

Regards,

Monaghan Leahy, LLP

Evelyn H. King, Paralegal

Planning and Urban Development City of Portland 389 Congress Street, Room 315 Portland, Maine 04101

2 0 2011

September , 2011

Chase Land Transaction 780 Kansas Lane Monroe, LA 71203

RE: Kathleen L. Barry Loan #1165187171 28 Morse Street, Portland, Maine

To Whom It May Concern:

This letter confirms that the proposed conveyance of a 5' strip of land along the boundary of Kathleen L. Barry's property on 28 Morse Street in Portland to her abutter, Robert Nelson, does not violate any applicable zoning codes and will not adversely impact the ability to convey the property in the future.

Regards,

City of Portland



390 U.S. Route 1, Unit 10 · Falmouth, Maine 04105 · 207/774-0424 · FAX: 774-0511 · oht@owenhaskell.com

HASKELL, INC.

PROPOSED 5-FOOT STRIP TO BE ACQUIRED

A certain lot or parcel of land situated on the westerly side of Morse Street in the City of Portland, County of Cumberland and State of Maine bounded and described as follows;

Beginning at a point on the westerly sideline of Morse Street at the southeast corner of Lot 2 as shown on "Site Plan at 38 Morse Street, Portland, Maine made for Robert C. Nelson" dated Sept. 17, 2010 revised thru 4-6-11 by Owen Haskell, Inc.;

Thence, S 06°32'30" W along the westerly sideline of said Morse Street 5.00 feet;

Thence, N 85°40'10" W across land now or formerly of Barry as described in deed book 14190 page 209 a distance of 155.12 feet to land now or formerly of Broda as described in deed book 22591 page 320;

Thence, N 40°35'40" E along land of said Broda 7.06 feet to the southwest corner of Lot 2 as shown on said plan;

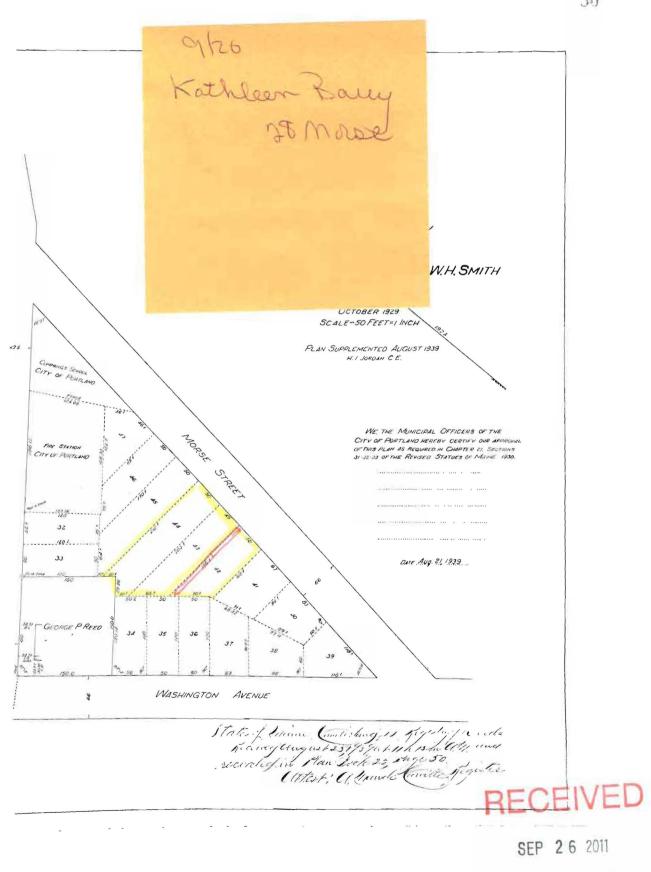
Thence, S 85°40'11" E along said Lot 2 a distance of 160.30 feet to the westerly sideline of said Morse Street and the point of beginning containing 788 sq. ft. more or less.



2007-113 5 foot strip-ecb

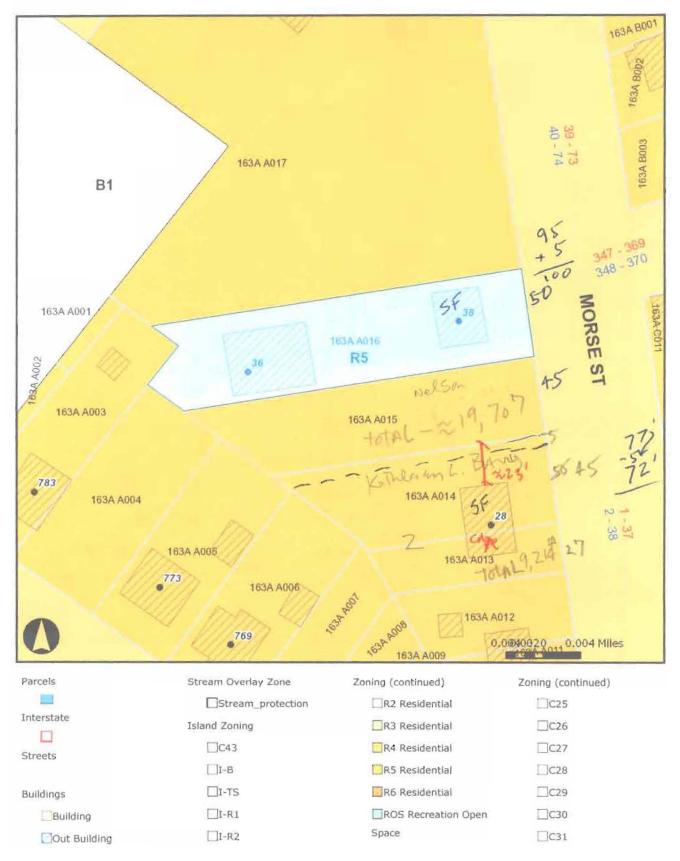


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Dept. of Building Inspections City of Portland Maine

Мар



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

Current Owner Information:

	CBL	163A A013001	
Services	Land Use Type	SINGLE FAMILY	
	Property Location	28 MORSE ST	
adding at over 2	Owner Information	BARRY KATHLEEN L 28 MORSE ST	
Distances Barnisiana		PORTLAND ME 04103	
	Book and Page	14190/209	
Harin.	Legisi Description	163A-A-13-14 MORSE ST 26-30	
Tax dernit		9214 SF	
No. Internet	Acres	0.212	
y link	Current Assesse	d Valuation:	
	TAX ACCT NO.	23016	OWNER OF RECORD AS OF APRIL 2011 BARRY KATHLEEN L
TO HAVE THESE			BARRT RATIFICEN L
services and	LAND VALUE	\$70,100.00	28 MORSE ST
	BUILDING VALUE	\$103,700.00	PORTLAND ME 04103
	HOMESTEAD EXEMPTIO	N (\$10,000.00)	
Distances to the new	NET TAVABLE - DEAL SE	TATE #163 800 00	

NET TAXABLE - REAL ESTATE \$163,800.00 TAX AMOUNT \$2,994.26

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

Building Information:

Card 1 of	1	
Year Built	1953	
Style/Structure Type	CAPE	
# Stories	1	
Bedrooms	3	
Full Baths	3 1	
Haif Baths	1	
Total Rooms	5	
Attic	FULL FINSH	
Basement	FULL.	
Square Feet	1415	
View.Sketch	View Map	View Picture



Sales Information:

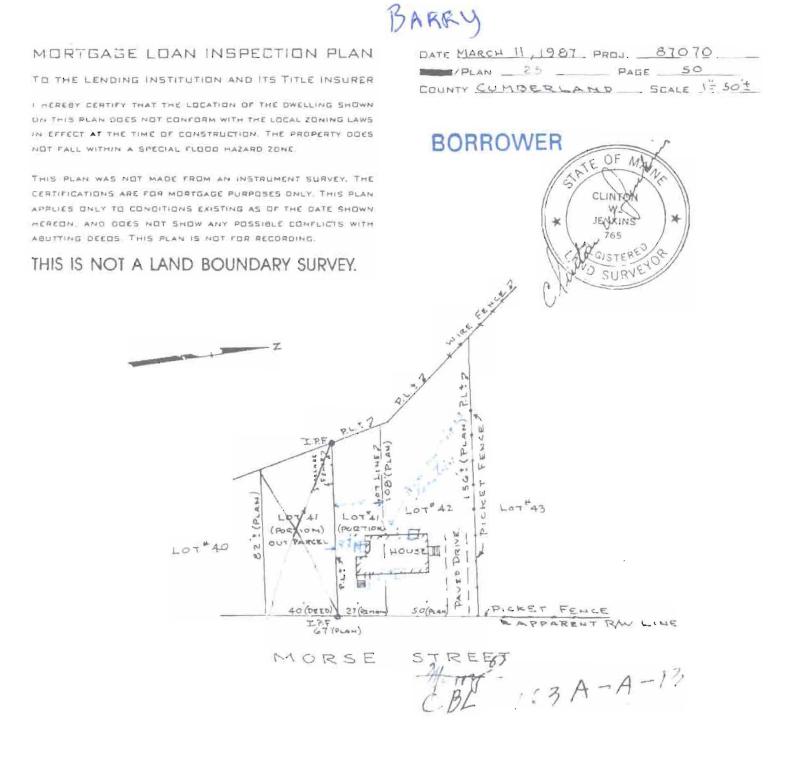
Sale Date 10/1/1998 Type LAND + BUILDING

Book/Page 14190/209

Price

\$0.00

New Searcht



PROPERTY OF JOAN E. DERICE. LOCATED AT # 28 MORSE STREET, PORTLAND, MAINE.

PURCHASER - SHIRLEY C. AND KATHLEEN L. BARRY.

CLINTON W. JENKINS, R.L.S. 13 TITCOMB ROAD YARMOUTH, MAINE 04096 TEL. 846-9617



Strengthening a Remarkable City, Building a Community for Life . www.portlandmaine.gov

Receipts Details:

Tender Information: Check , BusinessName: Monaghan Leahy, LLP RE: 28 Morse Street portland Maine, Check Number: 36325 Tender Amount: 150.00

Receipt Header:

Cashier Id: ldobson Receipt Date: 9/23/2011 Receipt Number: 6815

Receipt Details:

Referance ID:	228	Fee Type:	BP-DP
Receipt Number:	0	Payment Date:	
Transaction Amount:	150.00	Charge Amount:	150.00
Job ID: Miscellaneo	us charges		
Additional Comm	ents: ZD 28 Morse St		

Thank You for your Payment!

FAX



To: Evelyn King Monaghan Lerhy 14 Fax Number: 774-3833 From: Marge Schmutzl Fax Number: 10/3/11 Date: rect Regarding: 28 Mase St Total Number Of Pages Including Cover: Phone Number For Follow-Up: 874 - 8695

Comments:

Evelyn, This is The best That I can do at This time -MAGE

City Of Portland, Maine Inspections Division Services 389 Congress St Room 315 Portland Me 04101-3509 Phone: (207) 874-8703 or (207)874-8693 Fax: (207) 874-8716 http://www.portlandmaine.gov/

5' Strip ~ 801.5# (Not jin worth given Date: 10/3/11 LAND to An Abith C-B-L: 163A-A-13:14 BARRY LIST AGAINST TO BE 1620 A Applicant: Address: Mose St. 163A-A-15:16 Nelson trans-ST ZONING ORDINAN Dale -R-5 Zone Zone Location sigle fAm Interior of corner lot -Proposed Use/Work -2011-06-15 4 Age to perso gmage Servage Disposal -95 (stt str.p 100 tratage Loi Street Frontage -77 Fat Front Yard -Rear Yard -Side Yard -Projections -Width of Lot -Existy Blog existing Blog Height -9,214 (sstra) 6,000 Amin latsize + 001 (sisting) Lot Area -84134 Lot Coverage/ Impervious Surface potential Area per Family - 3,000 \$ perdu up to Zing OK Nochte Off-street Parking -Loading Bays -Site Plan -NHA Shoreland Zoning/Stream Protection -Flood Plains -

City of Portland Land Use Code of Ordinances Chapter 14 Rev.12-15-10 Sec. 14-334 Whenever any exception to the parking requirements under this section has been finally denied on its merits by either the Zoning Board of Appeals or the Planning Board, a second request for an exception seeking essentially the same relief, whether or not in the same form or on the same theory, shall not be brought before either body within one (1) year of such denial unless, in the opinion of the board before which it was initially brought, substantial new evidence is available or a mistake of law or fact significantly affected the prior denial. (Code 1968, \$ 602.14.D; Ord. No. 430-83, \$ 1, 4-25-83; Ord. No. 94-99, 11-15-99; Ord. No. 241-10/11, 11-15-10)

Sec. 14-335. Off-street parking restricted.

Off-street parking shall not include:

- (a) More than one (1) commercial motor vehicle in any residence zone, the R-P zone or any B-1 zone;
- (b) More than six (6) commercial motor vehicles in any B-2 zone;
- Loading, sales, dead storage, repair, or servicing of any kind, except when customarily incidental or accessory to a conforming principal building or use when located in an I-2, I-2b, I-3 zone and I-3b zone;
- (d) Except in the case of a car dealer, more than one (1) unregistered motor vehicle stored outside for a period in excess of thirty (30) days in any residence zone, the R-P zone or any business zone;
- (e) Notwithstanding (1) above, any truck body, commercial trailer or similar commercial vehicles in any residence zone or the R-P zone.

(Code 1968, § 602.14.E; Ord. No. 298-88, 5-31-88)

Sec. 14-336. Location in residence zones for six or fewer vehicles.

(a) Where off-street parking for six (6) or fewer vehicles is required or provided in any residence zone, it shall not be located closer than fifty (50) feet to any street line if less than five (5) feet from any lot line and shall not be closer to any street line than the required depth of the front yard for the same lot, except on a corner lot where the minimum depth from the line of the side street shall be the minimum width of the side yard on the side City of Portland Land Use Code of Ordinances Chapter 14 Sec. 14-336 Rev.12-15-10 street. Lots in the R-6 zone shall not be required to provide the five-foot setback required by this section, but parking in the R-6 zone shall meet the front yard setbacks set forth in this section.

(b) Parking shall be prohibited in the front yard of lots containing two (2) or more dwelling units, except within one (1) driveway on the lot. "Driveway," as used in this paragraph, shall not include any turnaround area. (Code 1968, § 602.14.F; Ord. No. 231-90, § 1, 3-5-90; Ord. No. 310-98, § 2, 5-4-98)

Sec. 14-337. Location in residence zones for more than six vehicles.

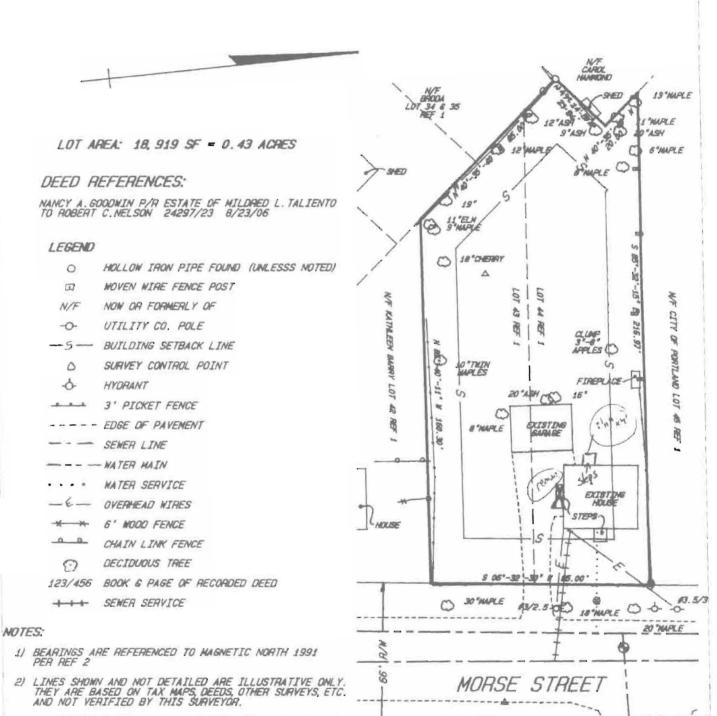
Where off-street parking for more than six (6) vehicles is required or provided for nonresidential uses in residence zones, it shall not be located closer than twenty-five (25) feet to any residential structure on an adjoining lot. (Code 1968, § 602.14.G)

Sec. 14-338. When located within required open yard areas in the residence zones.

(a) Where off-street parking for <u>more than six</u> (6) vehicles is required or provided on a lot in a residence zone and vehicles are to be or may be parked within the area otherwise required to be kept open and unoccupied for front, side and rear yards in the zone in which such parking is located, the following requirements shall be met:

- (1) A continuous curb guard, rectangular in cross-section, at least six (6) inches in height and permanently anchored, shall be provided and maintained at least five (5) feet from the street or lot line between such off-street parking and that part of the street or lot line involved; or a continuous bumper guard of adequate strength, the top of which shall be at least twenty (20) inches in height, shall be provided and maintained between such off-street parking and that part of the street or lot line involved so that bumpers of vehicles cannot project beyond its face toward the street or lot line involved, either above or below the impact surface.
- (2) Where such off-street parking shall abut a lot in residential use or an unoccupied lot which is located in

Nelson



3) ELEVATIONS BASED ON BOLT IN 1ST MON MLY DE DOEM

MONAGHAN LEAHY, LLP

ATTORNEYS AT LAW

THOMAS G. LEAHY KEVIN G. LIBBY CHRISTOPHER C. DINAN JOHN J. WALL, III KENNETH D. PIERCE CORNELIA S. FUCHS ZACHARY I. GREENFIELD ERICA M. JOHANSON PATRICK D. THORNTON

THOMAS F. MONAGHAN OF COUNSEL 95 EXCHANGE STREET P.O. BOX 7046 PORTLAND, MAINE 04112-7046

TEL 207-774-3906 FAX 207-774-3833

September 20, 2011

Marge Schmuckal Planning and Urban Development City of Portland 389 Congress Street, Room 315 Portland, Maine 04101

RE: Kathleen L. Barry 28 Morse Street, Portland, Maine

Dear Marge:

Thank you for your call today regarding our request for the compliance letter. I enclose herewith our check in the amount of \$150.00 to cover the fee for this service.

I also enclose a revised "proposed letter" that I ask that you consider using as a sample for the certification. We added a sentence regarding your qualifications, and then added a notary clause in further compliance to the bank's requirements. They asked for a "Resolution" and this draft may be more what they had in mind. If you don't feel that you can use this exact language, please amend it as needed.

Thank you for your assistance with this matter.

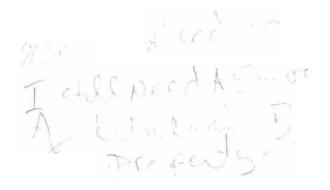
163A - A

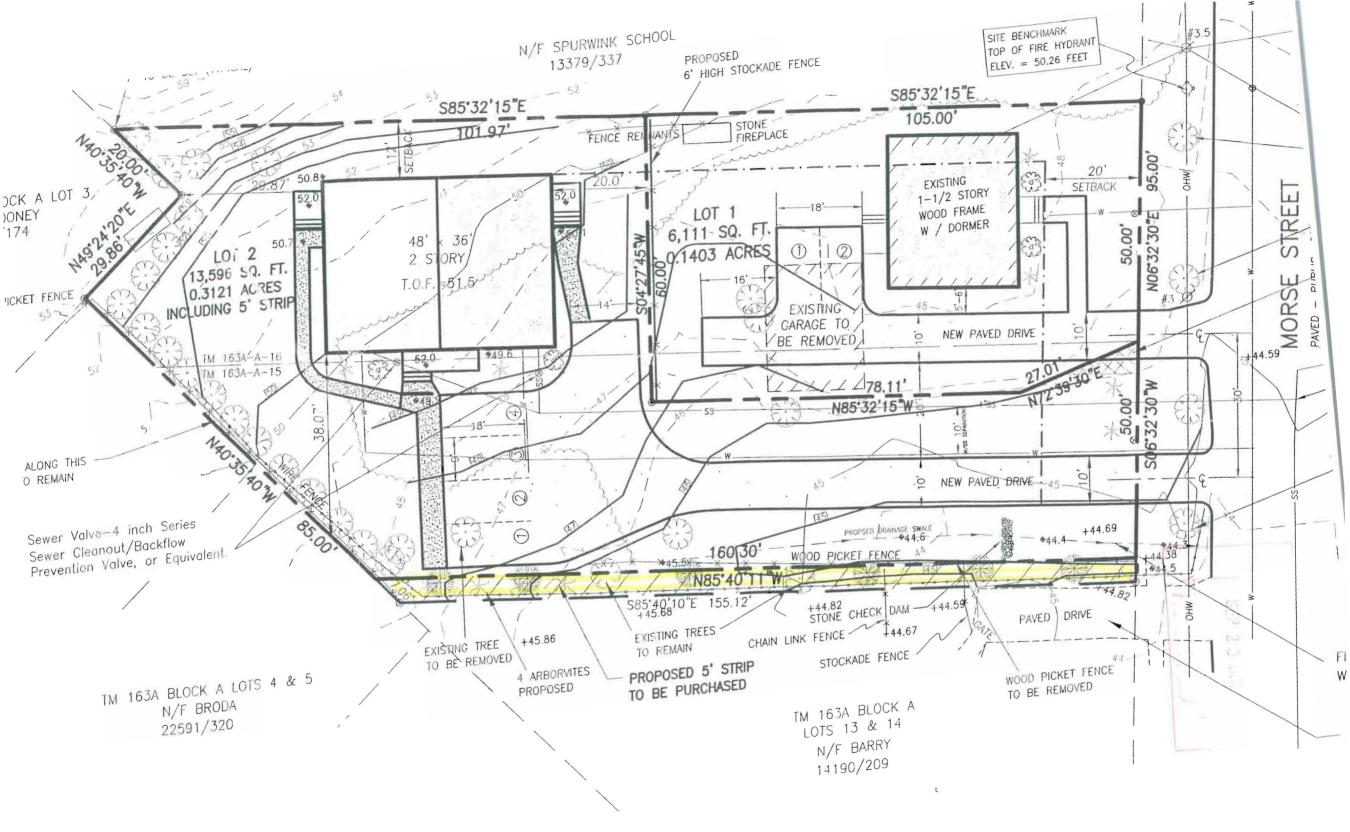
Regards,

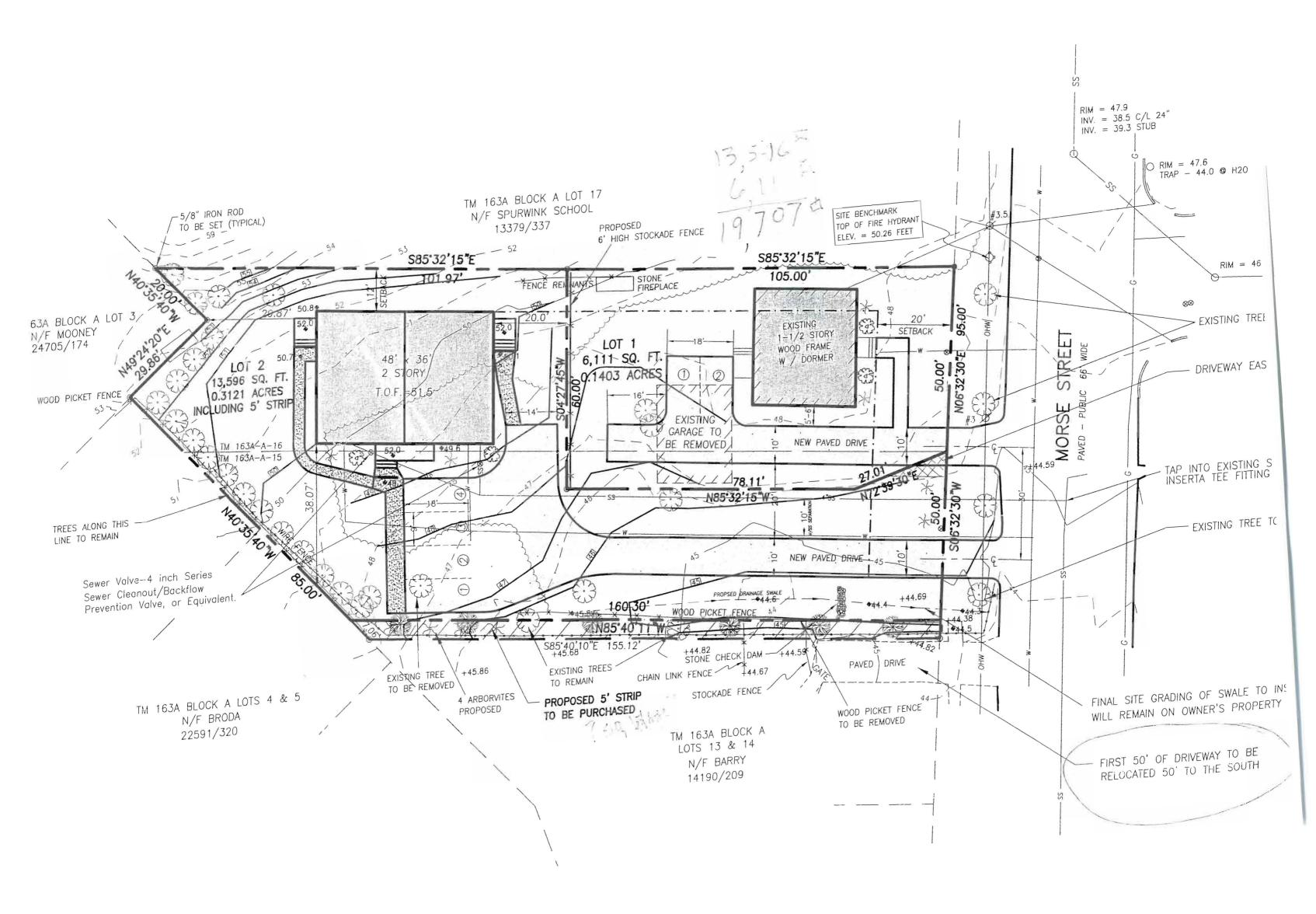
Monaghan Leahy, LLP

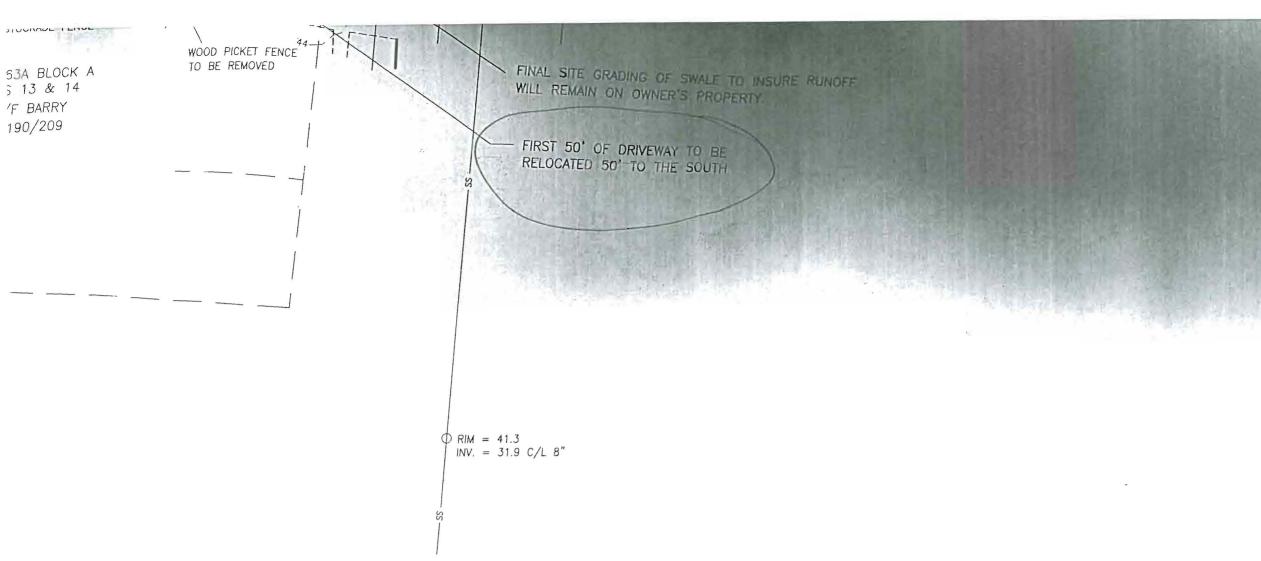
Zvelyn Kirs

Evelyn H. King, Paralegal









REV.3	4-6-11	PLAN REVISIONS PER CIT	TY COMMENTS	
REV.2	3-6-11	PLAN REVISIONS PER CI	TY COMMENTS	
REV.1	12-10-10	PLAN REVISIONS PER CI	TY COMMENTS	
	SITE PLAN AT 38 MORSE STREET, PORTLAND, MAINE MADE FOR ROBERT C. NELSON 47 ALICE COURT, PORTLAND, MAINE OWEN HASKELL, INC. 390 U.S. ROUTE ONE, FALMOUTH, ME 04105 (207) 774-0424 PROFESSIONAL LAND SURVEYORS			
Drwn B	y JMW	Date	Job No.	
Trace E	By RWC	SEPT. 17, 2010	2007-113 P	
Check	By JMW	Scale	Drwg. No.	
Book N	lo. 1060	1" = 20'	1-3	

W. TIBBETTS, P.E.

Jak Ridge Road wick, Maine 04011 one:(207) 725-2667 ax (207) 725-6168

CERTIFICATION:

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.

4/12/11

DATE

D.

JOHN W. SWAN, PLS NO. 1038

