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

January 14, 2010

Mony Hang
143 Summit Street
Portland, ME 04103

RE: 735-737 Washington Avenue corner Morse Street – 163A-C-5 – R-5 Zone

Dear Mony Hang,

I am in receipt of your request to determine whether a division of land located at 735-737 Washington Avenue and the corner of Morse Street meets all the specifications of the underlying R-5 Land Use Zoning requirements.

I have based my determination upon a submitted signed survey performed by Daniel J. Dalfonso of Daniel J. Dalfonso LLC. The survey is entitled, "Plan showing a standard boundary survey made for Guy Ciccarelli Jr & Anna Marie Ciccarelli – 735 Washington Avenue – Portland, Maine. This survey is dated 08-22-05 with a revised date of 12-31-2007 and with a drawing number of 1070.

Using the above said survey, I have determined that the division of land results in the two lots meeting all the dimensional requirements of the underlying R-5 Residential Zone.

However, I condition my determination with the following requirement. During my research of the lot(s), I have also determined that the existing two unit building has never been legalized and is considered to be an illegal two unit. Our documentation indicates that the last approved use for zoning is a single family. The Assessor's records show that the change of use was probably made in 1962 without the benefit of required permits. If the current owner wants to keep the two unit use, a change of use permit will be required.

Please note that this determination letter is not an approval for commencement of construction on the vacant lot. There is a requirement to apply for a building permit and site plan review prior to any new construction.

With any determination, you have the right to appeal my decision. 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 matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: Guy Ciccarelli Jr & Anna Marie Ciccarelli, 735 Washington Avenue, Portland
File