



Planning &amp; Urban Development Department

*Jeff Levine, AICP, Director**Marge Schmuckal, Zoning Administrator*

October 1, 2014

Chad Hayes  
57 Ballpark Drive  
Portland, ME 04103

RE: 78 East Kidder Street – 163A-F-009 &amp; 018 – R-5 Zone

Dear Mr. Hayes,

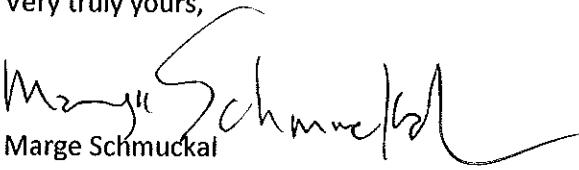
I am in receipt of your request concerning the split of the property you own at 78 East Kidder Street. The entire property is located within the R-5 Zone. My determination is based upon a signed, stamped survey by Robert C. Libby, Jr. dated March 2014 and revised on 8/26/14.

I have determined that Parcel 1 with the existing house meets all the regular R-5 zone requirements, such as, but not including, minimum street frontage, minimum rear setback and parking requirements.

I have also reviewed Parcel 2, the newly created lot. That proposed lot is meeting, or can meet the minimum R-5 zone requirements. It is also noted that Parcel 2 may be developed for a single family dwelling under the Small residential lot development, section 14-120(b) of the Land Use Ordinance. I have determined that the original 2<sup>nd</sup> lot that you owned was 4,617 square feet in size before any division. And with your "half" of the vacated street, the total of the rear lot (163A-F-009) totaled 5,943 s.f. which is under the maximum requirement of 1-120(b) 2(a). The total "original" lot, including the half of a vacated street is a total of 12,743 s.f. which is under the maximum required by section 14-120(b)2b. Therefore, I have determined that the new lot can be developed under the allowances for a new single family as outlined in 14-120(b), Small residential lot development. It is noted that you have also purchased 957 s.f. from an abutter. I determined that this purchase of land after your original property was developed does not invalidate the use of 14-120(b) for development. This single division of land is not required to be reviewed under State Law as a "Subdivision".

This determination does not substitute for the necessity of a building permit for a new single family dwelling. You have the right to appeal my decision within 30 days of the date of this letter. If you fail to exercise your rights to appeal, my decision is final. If you wish to appeal, please contact this office for the required paperwork to appeal.

Very truly yours,

  
Marge Schmuckal  
Zoning Administrator