



PORTLAND MAINE

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

July 19, 2011

Wayne M. & Cathy M. Barton
PO Box 8044
Portland, ME 04104

RE: 76 Alba Street – currently 180-E-8 & 1 – R-3 Residential Zone

Dear Mr. and Mrs. Barton,

I am in receipt of your request to determine whether the proposed division of land will meet the underlying zoning. The property is located within the R-3 Residential Zone. My review and analysis is based upon a submitted survey prepared by Timothy DeFilipp of TKM Land surveyors, Inc. The survey plan is dated July 2011.

Based upon the survey, I have determined that the portion of the lot retaining all the structures (house and detached garage) is meeting the requirements of the R-3 Zone. It is pointed out that the front and side setbacks are considered to be legally nonconforming and are unaffected by the proposed land division. It is further noted that the required rear setback of twenty-five (25) is being met with the proposed division. The 35% maximum lot coverage is also being met with the proposed division.

The remaining 3125 square foot portion of the lot is intended to be conveyed to an abutter located at 75 Mabel Street (180-E-2). Such a conveyance to an abutter is allowable under the Land Use Zoning Ordinance. The creation of a nonconforming lot can *only* be conveyed to an abutter. It cannot stand alone nor be sold separately to any other party. It is not a separate buildable or conforming lot.

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

Applicant: Wayne & Kathy Barton Date: 7/19/11
Address: 76 ALBA ST/mabel C-B-L: 180-E-8 portion of 1

CHECK-LIST AGAINST ZONING ORDINANCE

Date -

Zone Location - R-3

Interior or corner lot - of Best St

Proposed Use/Work - Divide Lot

Sewage Disposal - City

Lot Street Frontage - 50' - 50.03' existing

Front Yard - No change - legal nonconforming (less than 25')

Rear Yard - 25' from rear of Garage - 25.15' shown

Side Yard - No change - legal nonconforming (5' & 4' side yds at closest)

Projections -

Width of Lot - 65' _{min} - 50.03' shown - No change proposed - legal nonconforming

Height - No change

Lot Area - New lot area - 6875 # - 6,500 #

Lot Coverage/Impervious Surface - 35% MAX of 2406.25 # max lot cov.

Area per Family - 6,500 # _{min} - 6875 # shown

Off-street Parking - HAS GARAGE - OK

Loading Bays -

Site Plan -

Shoreland Zoning/ Stream Protection - N/A

Flood Plains - Panel 7 - Zone X

lot to be conveyed: 3125 # - CAN NOT be a separate
to a better 180-E-002 buildable lot

Request for Zoning Determination

Property: Wayne M. and Cathy M. Barton

Re: Lots 180-E-1 and 180-E-8 Lot #'s 60 & 43

Objective: To potentially convey a portion of Lot # 180-E-1
(⁷⁵⁻77 Mabel St.) to abutting property owners.
180-E-2

Lot to be conveyed= 3125 Square Feet.

Lot to be retained aggregate size w/ Lot # 180-E-8 (76 Alba St.)=
6875 Square Feet.

Legal descriptions and plan indicate lot sizes.

Enclosed: legal descriptions, conveyed lot and retained lot,
surveyors plan, tax information.

Wayne Barton

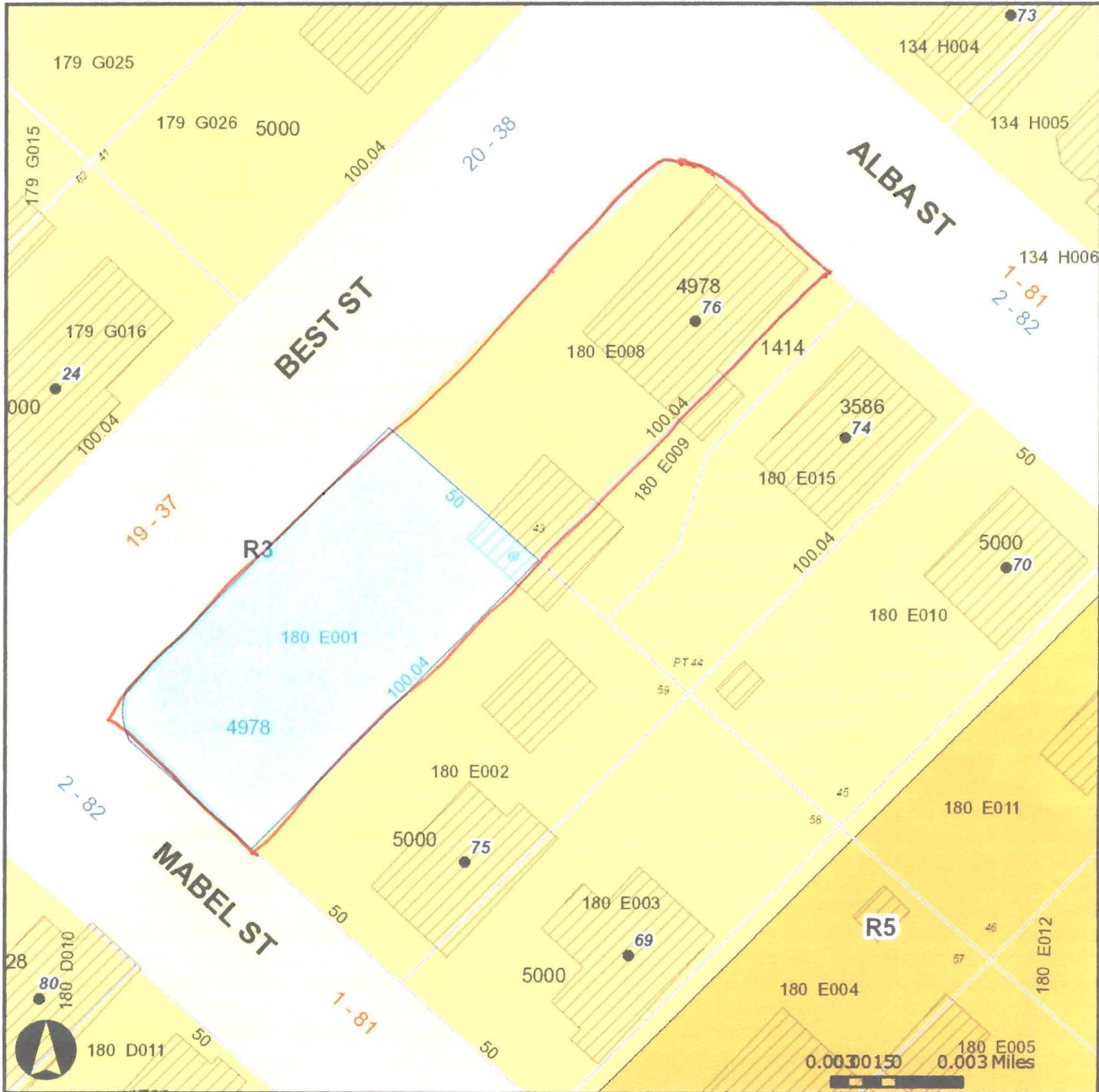
772.5598(H)

waynebarton@gwi.net

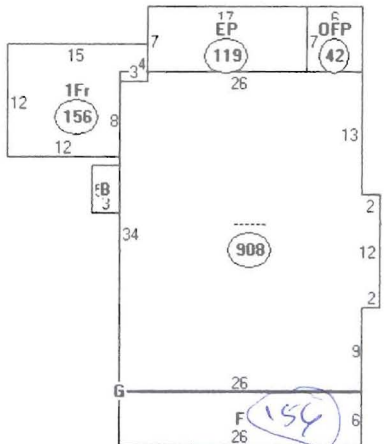
Please return plan. Have electronic version available (Email).



Map



| | | | |
|------------|------------------------|---------------------|--------------------|
| Parcels | Shoreland Overlay Zone | Zoning (continued) | Zoning (continued) |
| Parcels | Stream Overlay Zone | R1 Residential | C25 |
| Parcels | Stream_protection | R2 Residential | C26 |
| Interstate | Island Zoning | R3 Residential | C27 |
| Streets | C43 | R4 Residential | C28 |
| | I-B | R5 Residential | C29 |
| | I-TS | R6 Residential | C30 |
| | | ROS Recreation Open | C31 |



| Descriptor/Area | Area |
|-----------------|------|
| A:..... | 908 |
| 308 sqft | |
| B: 1Fr | 156 |
| 15 sqft | |
| C: 1Fr | 156 |
| 156 sqft | |
| D: EP | 119 |
| 119 sqft | |
| E: OFP | 42 |
| 42 sqft | |
| F: OFP | 156 |
| 156 sqft | |
| G: OFP | 308 |
| 308 sqft | |

detached garage
 $18 \times 20 = 360$
 $18 \times 24 = 432$
2188 #

New lot size: $6875 \# \times 35\% = 2406.25 \#$ max lot cov.

Exhibit A

A certain lot or parcel of land, with the buildings and any improvements thereon, situated in the City of Portland, County of Cumberland and State of Maine, located at the southwesterly corner of Best and Alba Streets in said Portland, being Lot 43 in its entirety and being a portion of Lot 60 as shown on a plan entitled "Plan of Lots, Central Avenue & Alba Street, Deering Centre", dated 4/29/1895 and recorded in the Cumberland County Registry of Deeds Plan Book 8 Page 7, and being more particularly described as follows:

Beginning at the intersection of the southeasterly sideline of said Best Street and the southwesterly sideline of said Alba Street, said intersection being the northwesterly corner of said Lot 43;

Thence South 33°00'00" East along the southwesterly sideline of said Alba Street fifty and three hundredths (50.03) feet to the northwesterly corner of Lot 44 as shown on said plan;

Thence turning South 59°00'31" West along said Lot 44 and continuing along the northwesterly side line of Lot 59 as shown on said plan one hundred thirty-seven and five tenths (137.50) feet to a #5 rebar to be set;

Thence turning N 33°00'00" West fifty and three hundredths (50.03) feet to the southwesterly sideline of said Best Street and a #5 rebar to be set;

Thence turning North 59°00'31" East along southwesterly sideline of said Best Street one hundred thirty-seven and five tenths (137.50) feet to the point of beginning.

The above certain lot or parcel of land, with the buildings and any improvements thereon contains six thousand eight hundred seventy-five (6,875) square feet.

Bearing are magnetic to the year 2010.

Meaning and intending to describe a portion of the land conveyed by Bryan R. Speirs to Wayne M. Barton and Cathy M. Barton by Warranty Deed recorded in said Registry Book 7606 Page 124.

Reference is to a plan entitled "Lot Division" prepared for Wayne Barton, prepared by TKM Land Surveyors, dated July 2011 and identified as Job Number 10-24. Said plan is not recorded.

The above description prepared by Timothy DeFilipp, PLS #2246.

July 1, 2011

RECEIVED

JUL - 8 2011

Dept. of Building Inspections
City of Portland, Maine

Exhibit A

A certain lot or parcel of land, with any improvements thereon, situated in the City of Portland, County of Cumberland and State of Maine, located at the northeasterly corner of Best and Mabel Streets in said Portland, being a portion of Lot number 60 as shown on a plan entitled "Plan of Lots, Central Avenue & Alba Street, Deering Centre", dated 4/29/1895 and recorded in the Cumberland County Registry of Deeds Plan Book 8 Page 7, and being more particularly described as follows:

Beginning at the intersection of the southeasterly sideline of said Best Street and the northeasterly sideline of said Mabel Street, said intersection being the southwesterly corner of said Lot 60 and identified with a #5 rebar set with a yellow cap, #2246;

Thence North 59°00'31" East along the southeasterly sideline of said Best Street sixty-two and five tenths (62.50) feet to remaining land of the Grantor herein and a #5 rebar to be set;

Thence turning South 33°00'00" East along remaining land of the Grantor herein fifty and three hundredths (50.03) feet to the northwesterly side line of Lot 59 as shown on said plan and a #5 rebar to be set;

Thence turning South 59°00'31" West along said Lot 59 sixty-two and five tenths (62.50) feet to the southeasterly corner of said Lot 60, the northeasterly sideline of said Mabel Street and a #5 rebar set with a yellow cap, #2246;

Thence turning North 33°00'00" West fifty and three hundredths (50.03) feet to the point of beginning.

The above certain lot or parcel of land, with any improvements thereon contains three thousand one hundred twenty five (3,125) square feet.

Bearing are magnetic to the year 2010.

Meaning and intending to describe a portion of the land conveyed by Bryan R. Speirs to Wayne M. Barton and Cathy M. Barton by Warranty Deed recorded in said Registry Book 7606 Page 124.

Reference is to a plan entitled "Lot Division" prepared for Wayne Barton, prepared by TKM Land Surveyors, dated July 2011 and identified as Job Number 10-24. Said plan is not recorded.

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RECEIVED
July 1, 2011

JUL - 8 2011

Dept. of Building Inspections
City of Portland, Maine



CITY OF PORTLAND, MAINE

Department of Building Inspections

Original Receipt

1-31-2011

Received from _____

Location of Work _____

Cost of Construction \$ _____ Building Fee: _____

Permit Fee \$ _____ Site Fee: _____

Certificate of Occupancy Fee: _____

Total: 150

Building (IL) _____ Plumbing (IS) _____ Electrical (I2) _____ Site Plan (U2) _____

Other Zoning Department notification

CBL: 1354-1

Check #: 559- Total Collected \$ 150

**No work is to be started until permit issued.
Please keep original receipt for your records.**

Taken by: _____

WHITE - Applicant's Copy
YELLOW - Office Copy
PINK - Permit Copy

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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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.

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[Tax Roll](#)

[Q & A](#)

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CBL 180 E001001
Land Use Type VACANT LAND
Property Location 77 MABEL ST
Owner Information BARTON WAYNE M & CATHY M JTS
 PO BOX 8044
 PORTLAND ME 04104
Book and Page 7606/124
Legal Description 180-E-1
 MABEL ST 77-79
 BEST ST 21-27
 4978 SF
Acres 0.114

Current Assessed Valuation:

| | | |
|----------------------------------|------------|---|
| TAX ACCT NO. | 25488 | OWNER OF RECORD AS OF APRIL 2010 |
| LAND VALUE | \$3,700.00 | BARTON WAYNE M & CATHY M JTS |
| BUILDING VALUE | \$0.00 | PO BOX 8044 |
| NET TAXABLE - REAL ESTATE | \$3,700.00 | PORTLAND ME 04104 |
| TAX AMOUNT | \$66.30 | |

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



Best viewed at 800x600, with Internet Explorer



[View Map](#)

Sales Information:

| | | | |
|------------------|-----------------|--------------|------------------|
| Sale Date | Type | Price | Book/Page |
| 1/22/1987 | LAND + BUILDING | \$0.00 | 7606/124 |

[New Search!](#)



Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 315 | (202) 674-0406

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[Q & A](#)

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CBL 180 E008001
Land Use Type SINGLE FAMILY
Property Location 76 ALBA ST
Owner Information BARTON WAYNE M & CATHY M JTS
 PO BOX 8044
 PORTLAND ME 04104
Book and Page 180-E-8
Legal Description ALBA ST 76-78
 BEST ST 29-35
 4978 SF
Acres 0.114

Current Assessed Valuation:

TAX ACCT NO. 25500 **OWNER OF RECORD AS OF APRIL 2010**
 BARTON WAYNE M &
 CATHY M JTS
 PO BOX 8044
 PORTLAND ME 04104
LAND VALUE \$85,700.00
BUILDING VALUE \$90,100.00
HOMESTEAD EXEMPTION (\$10,000.00)
NET TAXABLE - REAL ESTATE \$165,800.00
TAX AMOUNT \$2,971.14

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 1927
Style/Structure Type BUNGALOW
Stories 1
Bedrooms 2
Full Baths 1
Total Rooms 5
Attic UNFIN
Basement FULL
Square Feet 1079

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



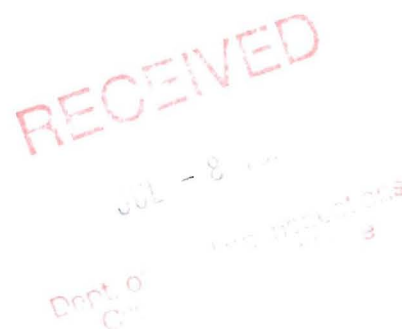
Best viewed at 800x600, with Internet Explorer

Outbuildings/Yard Improvements:

Card 1

Year Built 1960
Structure GARAGE-WD/CB
Size 18X20
Units 1
Grade C
Condition F

[New Search!](#)



No 180

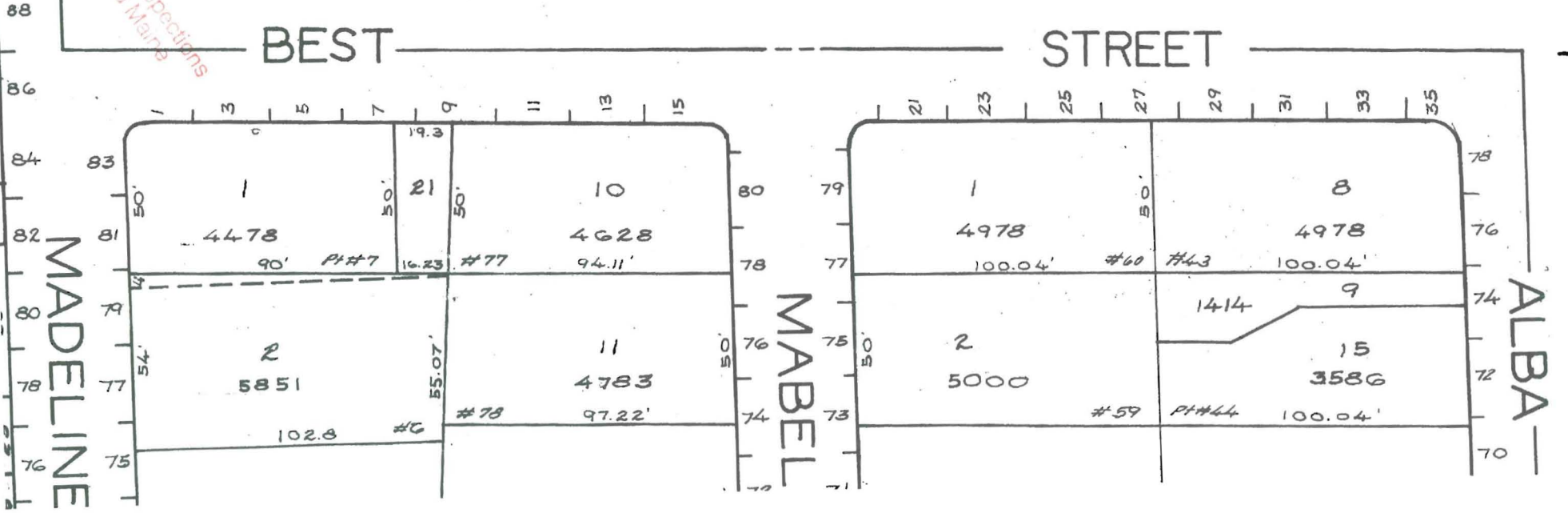
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City of Portland, Maine

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BEST

STREET



R-3 Zone

ALBA STREET

Front

side

side

exists

Rear

1" = 20'

R/W

S 33°00'00" E
50.03'

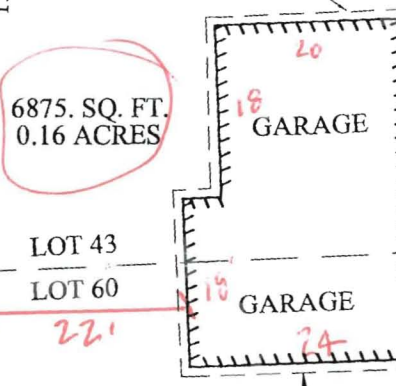
IPF

50.03'

IPF

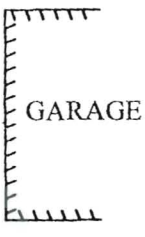
50.03'

N/F
STEVEN HANSON
74 ALBA STREET
180-E-15-9
BK 14393 PG 234
LOT 44 - PB 8 PG 7



REMAINING LAND
OF BARTON

25.15'



N 59°00'31" E
137.50'

EP

LOT 43
LOT 60

LOT 44
LOT 59

LOT 45
LOT 58

S 33°00'00" E
50.03'

LOT TO BE CONVEYED

3125. SQ. FT.
0.07 ACRES

N/F
ANDREW RICHARDS
ANGELA PELLEGRINO
75 MABEL STREET
180-E-2
BK 16704 PG 186
LOT 59 - PB 8 PG 7

N 59°00'31" E
62.50'

S 59°00'31" W
62.50'

IPF

50.03'

50.03'

N 33°00'00" W

EP

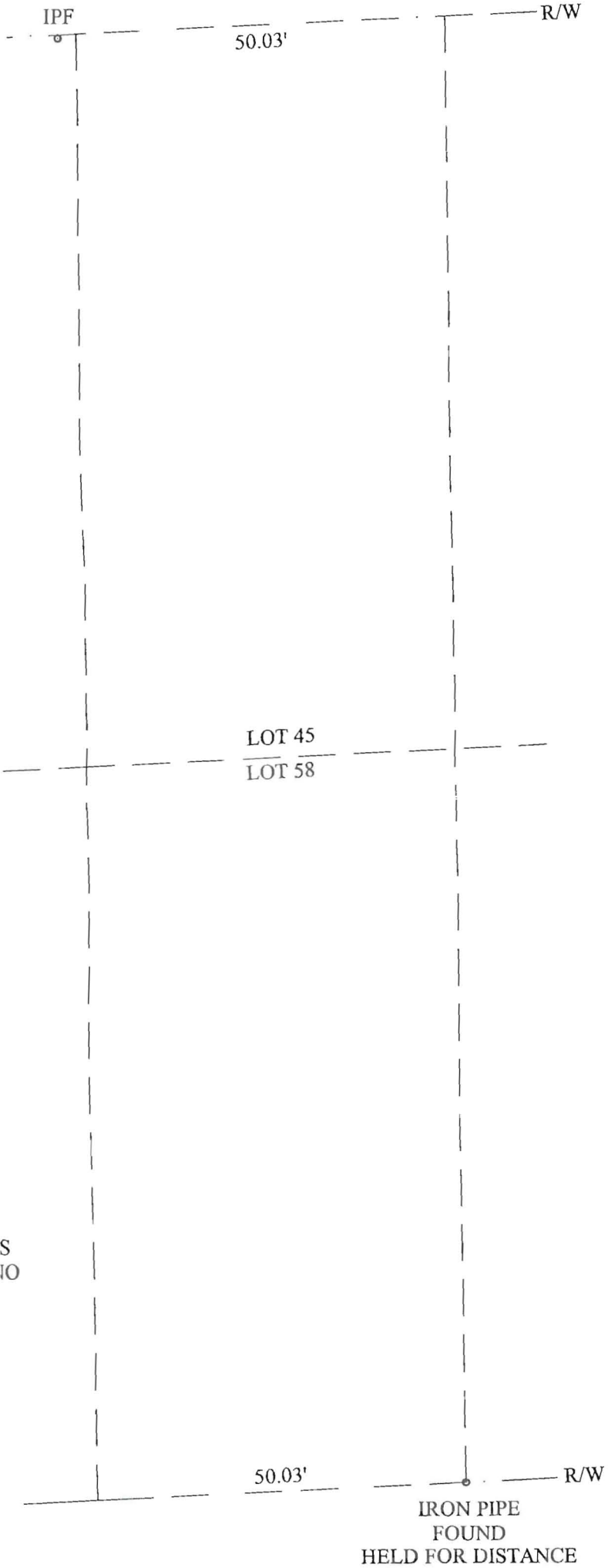
HEL

MABEL STREET

MONUMENT
FOUND

R/W

ET



REET

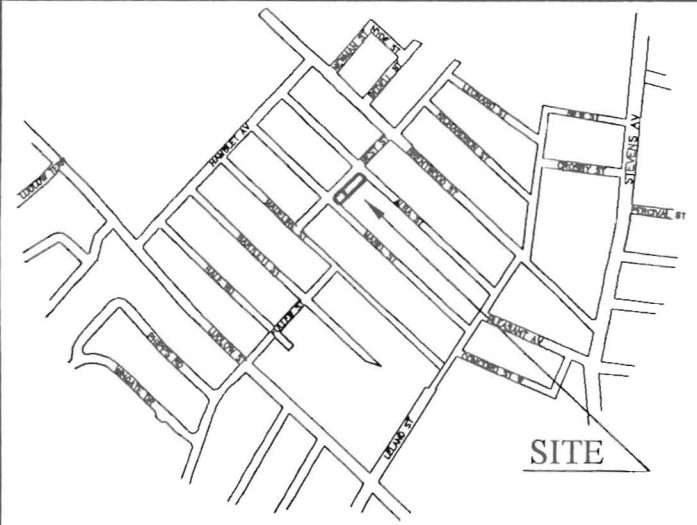
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City of Portland Maine

CERTIFICATION

TKM Land Surveyors, Inc. hereby certifies THAT
this LOT DIVISION survey conforms to
the Standards of the Maine State Board of Licensure
for Professional Land Surveyors.



LOCATION MAP
(N.T.S.)

REFERENCES:

- (1) CITY OF PORTLAND
COUNTY OF CUMBERLAND
STATE OF MAINE
- (2) TAX MAP 180 BLOCK E LOT 8
TAX MAP 180 BLOCK E LOT 1
- (3) PLAN OF LOTS
CENTRAL AVENUE & ALBA STREET
DEERING CENTRE
RECORDED: 4/29/1895
PLAN BOOK 8 PAGE 7

NOTES:

- (1) SOURCE DEED: BOOK 7606 PAGE 124
- (2) OWNER OF RECORD: WAYNE M. BARTON
CATHY M. BARTON
PO BOX 8044
PORTLAND, ME 04104
- (3) AREA OF SURVEYED PARCEL:
10,000. SQ.FT.
- (4) BEARINGS ARE MAGNETIC
TO THE YEAR 2010
- (5) ALL BOOK, PLAN BOOK AND PAGE
REFERENCES ARE AT THE
CUMBERLAND COUNTY REGISTRY
OF DEEDS IN PORTLAND, MAINE
- (6)

PROJECT: **LOT DIVISION**
77 MABEL STREET
PORTLAND, MAINE

PREPARED FOR:
WAYNE BARTON
76 ALBA STREET
PORTLAND, MAINE

PREPARED BY:
TKM
LAND SURVEYORS, INC.
29 ROSEWOOD DRIVE
WESTBROOK, MAINE 04092-2546
TEL. (207) 854-4205

*Seal on Larger
"original"*

Timothy DeFilipp

| | | |
|--------------|-----------------|----------------------------|
| DESIGNED: TD | JOB NO.: 10-24 | |
| DRAWN: TD | DATE: JULY 2011 | TIMOTHY DEFILIPP, PLS 2246 |
| CHECKED: TD | SCALE: 1"=20' | NOT VALID UNLESS EMBOSSED |