

Zoning Administrator  
Marge Schmuckal



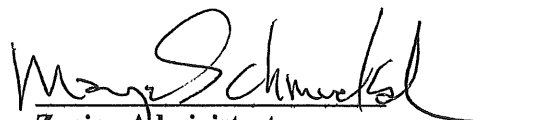
Department of Urban Development

**CITY OF PORTLAND**  
**CERTIFICATE OF SETBACK REDUCTION**

I, *Marge Schmuckal*, Zoning Administrator for the City of Portland, Cumberland County, State of Maine, Hereby certify that on the 4th day of September, 2003, the following setback reduction was granted pursuant to the provisions of section 14-437 of the City of Portland's Land Use Code.

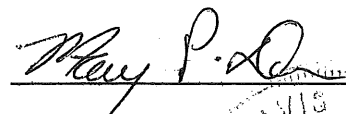
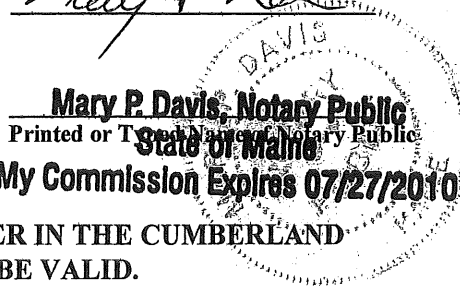
1. **Property Owner:** James Shortt and Judith Noonan
2. **Chart-Block-Lot:** 53 Phipps Road, Portland, ME - 183A-A-005
3. **Property:** Cumberland County Registry *Book 6246, Page 206.*
4. **Setback reduction granted:** *This is to allow an approximate twenty-three (23) plus or minus, foot rear yard setback instead of the twenty-five (25) foot rear yard setback as required under section 14-90 of the R-3 residential zone, as allowed under section 14-437 (Setback Reductions). All illegal and unpermitted rear decks have been removed and are not covered under this certificate of setback reduction.*

In Witness Whereof, I have hereto set my hand and seal this 4th day of September, 2003.

  
Zoning Administrator

STATE OF MAINE  
Cumberland, ss

Then personally appeared the above-named MARGE Schmuckal and acknowledged the above certificate to be his/her free act and deed in his/her capacity as Zoning Administrator for the City of Portland.

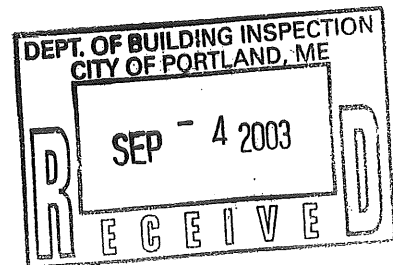
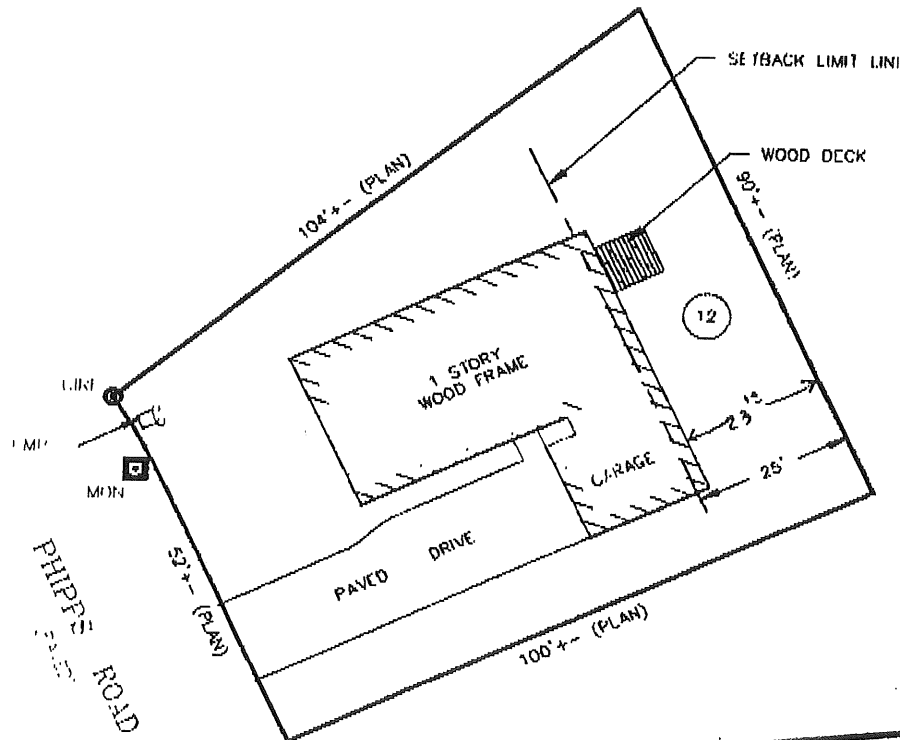
  
  
Mary P. Davis, Notary Public  
Printed or Typed Name of Notary Public  
State of Maine  
My Commission Expires 07/27/2010

**THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS FOR THE SETBACK REDUCTION TO BE VALID.**

MARGE-

- ① CLOTH TAPE SURVEY-
- ② 1 CORNER MARKER & 1 MONUMENT
- ③ DIFFICULT LOCATION IN FRONT

I WOULD GO 23' ± 6"



Scale: 1" = 30'



# CITY OF PORTLAND, MAINE

## SETBACK REDUCTION APPLICATION FOR EXISTING STRUCTURES

Applicant's name and address: James G. Shortt  
53 Phipps Rd. Portland, ME 04102

Applicant's interest in property (e.g. owner, purchaser, etc.):  
owner

Owner's name and address (if different): N/A

Address of property and Assessor's chart, block, and lot number: Block A  
53 Phipps Rd Portland, ME 04102 Tax Map: #183A, Lot #00500

Zone: R3 A-90 (red setback) Present Use: Single Family home

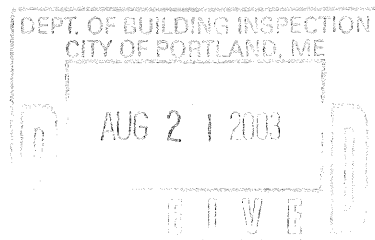
Setback Reduction from: Section 14-d-3 Future Use: Single Family home

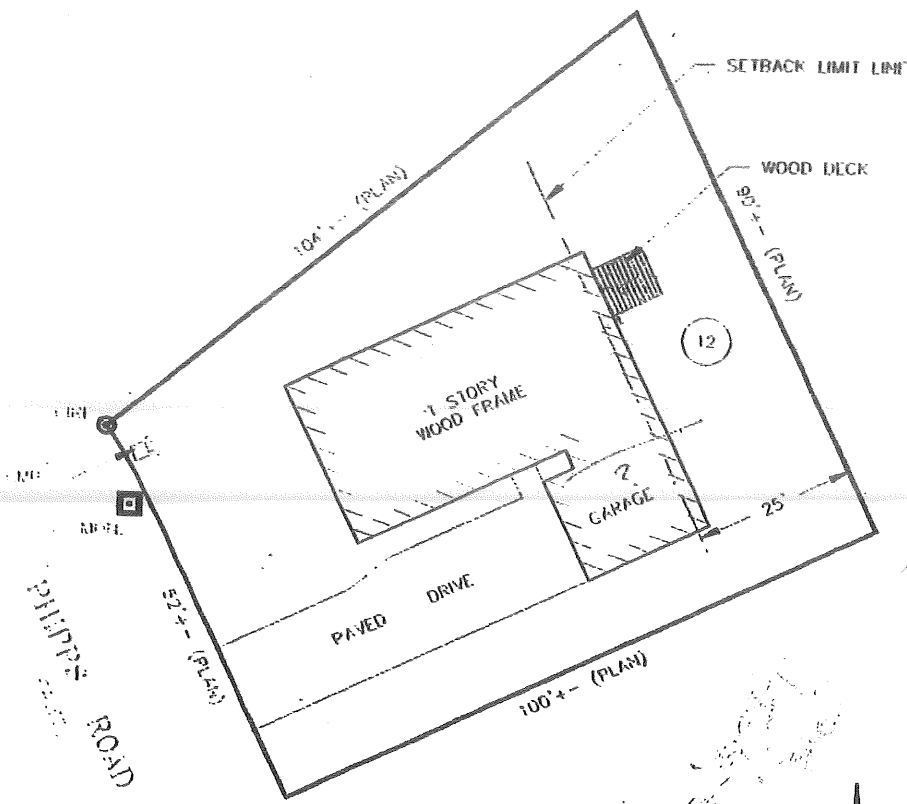
Please attach Plot Plan as outlined in Section 14-437. The required fee is \$50.00.

The undersigned hereby makes application for a setback reduction as above described, and certifies that all information herein supplied by him/her is true and correct to the best of his/her knowledge and belief.

Dated: 8/22/03

James G. Shortt  
Signature of Applicant





20' to rear of house

deck to be removed prior to 9/1/03

See revised sheet from Bruce Goodwin

Scale: 1" = 30'

### MORTGAGE LOAN INSPECTION PLAN

The dwelling DOES NOT conform to the local zoning at the time of construction. Structure and wood deck violate Municipal setback requirement. The dwelling IS NOT in a special flood zone as defined by the flood insurance rate map.

**THIS IS NOT A STANDARD BOUNDARY SURVEY.** Information shown on this plan is for mortgage purposes only. Property lines shown on this plan are based on current lines of occupation, current deed information (referenced below), and tax map information (referenced below). **A STANDARD BOUNDARY SURVEY IS SUGGESTED TO CONFIRM ALL BOUNDARY LINES SHOWN ON THIS PLAN.** Anyone using this plan for anything other than mortgage loan purposes does so at their own risk. This plan may not be recorded or used for any land divisions. The property shown on this plan may be subject to easements, covenants, and restrictions of record, which may or may not be shown on this plan.

**PROPERTY INFORMATION:**

Street: 53 Phipps Rd., City/Town: Portland County: Cumberland, Maine  
 Client: James Shortt and Judith Noonan  
 Deed Reference: Book 6246, Page 206  
 Plan Reference: Book 117, Page 64 Lot: 12  
 Tax Map # 183A, Lot 00000, Block A  
 Lending Institution: NE Moves Mortgage  
 Scale: As noted on plan. Date: 07/30/2003  
 ATC FILE # 37665 Job #: ATC04-61

**Bruce W. Goodwin, P.L.S.**  
**P. O. Box 2314**  
**So. Portland, Maine 04116-2314**

*Bruce W. Goodwin*  
 Bruce W. Goodwin, PLS  
 State of Maine  
 Professional Land Surveyor #

Date: 8/22/05  
TO: Marge Schmuckel  
From: James Shortt (879-0247)  
RE: Setback Reduction Request  
at 53 Phipps Rd.

Part. ME 09102  
No of Pages: 3 including cover page

This is the copy of the current deed  
that I did not have attached to my  
application this morning.



Order No: 37665 ()

## EXHIBIT 'A'

A certain lot or parcel of land with the buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, and being Lot No. 12 as shown on a Plan of Wadsworth Heights, Section A, in Portland, Maine, made for Frank Morris, Builder, by Robert P. Titcomb, Inc., Land Surveyors, said Plan being recorded in the Cumberland County Registry of Deeds in Plan Book 117, Page 64.

This conveyance is made subject to utility easements as shown on said Plan, together with any other easements and rights of way of record.

Being the same premises conveyed to James G. Shortt and Judith A. Noonan by virtue of a warranty deed from Frank C. Long, Mary A. Long and Amanda C. Rowe dated August 15, 2003 to be recorded herewith.

**WARRANTY DEED  
(Maine Statutory Short Form)**

KNOW ALL MEN BY THESE PRESENTS, that AMANDA C. ROWE and MARY A. LONG and FRANK C. LONG, of Portland, County of Cumberland and State of Maine, for consideration paid, grants to JAMES G. SHORTT and JUDITH A. NOONAN whose mailing address is 94 Concord Street, Portland, Maine 04103, as joint tenants with WARRANTY COVENANTS, the real property in Portland, County of Cumberland, State of Maine, described as follows:

A certain lot or parcel of land with the buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, and being Lot No. 12 as shown on a Plan of Wadsworth Heights, Section A in Portland, Maine, made for Frank Morris, Builder, by Robert P. Titcomb, Inc., Land Surveyors, said Plan being recorded in the Cumberland County Registry of Deeds in Plan Book 117, Page 64.

SUBJECT TO utility easements as shown on said Plan, together with any other easements and right of way of record.

Meaning and intending to convey and hereby conveying the same premises described in a deed from Frank C. Long and Mary A. Long to Amanda C. Rowe and Mary A. Long and Frank C. Long dated July 10, 2003 and recorded in the Cumberland County Registry of Deeds in Book 19744, Page 326.

WITNESS our hands and seals this 15<sup>th</sup> day of August, 2003.

Signed, Sealed and Delivered  
in the presence of

M. J. Loveitt

Amanda C. Rowe  
Amanda C. Rowe

M. J. Loveitt

Mary A. Long  
Mary A. Long

M. J. Loveitt

Frank C. Long  
Frank C. Long

State of Maine  
Cumberland, ss.

August 15, 2003

Then personally appeared the above named AMANDA C. ROWE and MARY A. LONG and FRANK C. LONG and acknowledged the foregoing instrument to be their free act and deed.  
Before me,

Marsha J. Loveitt  
Notary Public/Attorney-at-Law

Marsha J. Loveitt  
My Commission  
Expires 8 / 25 / 03



# CITY OF PORTLAND, MAINE

## SETBACK REDUCTION APPLICATION FOR EXISTING STRUCTURES

Applicant's name and address: \_\_\_\_\_

Applicant's interest in property (e.g. owner, purchaser, etc.): \_\_\_\_\_

Owner's name and address (if different): \_\_\_\_\_

Address of property and Assessor's chart, block, and lot number: \_\_\_\_\_

Zone: \_\_\_\_\_ Present Use: \_\_\_\_\_

Setback Reduction from: Section 14- \_\_\_\_\_ Future Use: \_\_\_\_\_

Please attach Plot Plan as outlined in Section 14-437. The required fee is \$50.00.

The undersigned hereby makes application for a setback reduction as above described, and certifies that all information herein supplied by him/her is true and correct to the best of his/her knowledge and belief.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature of Applicant



# City of Portland, Maine

IN THE CITY COUNCIL

## AMENDMENT TO PORTLAND CITY CODE §14-437 (ZONING ORDINANCE) RE: SETBACK REDUCTIONS

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE  
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

That Section 14-437 of the Portland City Code is hereby enacted,  
said section to read as follows:

### Sec. 14-437. Setback reductions.

(a) *Authority.* The zoning administrator may grant setback reductions to the extent provided by this section.

(b) *Procedure.* Application for a setback reduction shall be submitted to the building inspections division. A payment of a nonrefundable application fee, as established from time to time by order of the City Council to cover administrative costs, shall accompany each application. The application shall be in such form as prescribed by the zoning administrator and shall contain at least the following information and documentation:

- (1) The name and address of the applicant and his or her interest in the subject property;
- (2) The name and address of the owner, if different from the applicant;
- (3) The address or location and the city assessor's chart, block and lot number of the subject property;
- (4) The present use and zoning classification of the subject property;
- (5) Plot plan showing sufficient monumentation to indicate the location of all structures existing and proposed in relation to the lot lines. Such a plan must be prepared by a State of Maine Registered Land Surveyor. If, in the opinion of the surveyor, sufficient monumentation is not available, then a standard boundary survey will be necessary to meet the requirements of this section.

(c) *Purpose.* The purpose of setback reductions is to validate the situs of mislocated single-family, owner-occupied residential structures and those structures accessory thereto,

which are not otherwise legally sited and which were in existence on (date of passage). *November 15, 1993*

(d) *Conditions for setback reductions.* Setback reductions which may be granted by the zoning administrator are subject to the following conditions:

- (1) The sole use of the property is (and, if the application should be granted, will remain) as a single-family detached dwelling.
- (2) The property is located in R-1, R-2, R-3, R-4, R-5, R-6, IR-1, IR-2, IR-3 or RP zones.
- (3) The reduction sought can not be reduced by more than the following:

IR-1, IR-2, IR-3, R-3, RP, R-1 R-2, R-4 and R-5 zones:

Front yard: Ten (10) feet

Rear yard: Ten (10) feet

Side yard: Five (5) feet

R-6 zone:

Front yard: Five (5) feet

Rear yard: Ten (10) feet

Side yard: Five (5) feet

- (4) No relief may be granted under this section in cases where the building authority determines that the setback violation was the result of a willful act by either the applicant or a prior owner.
- (5) This section shall only apply to the inadvertent misplacement of a structure.
- (6) *Recording of setback reduction.* The zoning administrator shall provide a signed instrument in recordable form, indicating any setback reduction granted under the terms of this section. The applicant for such reduction shall be responsible for recording this instrument in the Cumberland County Registry of Deeds. The abuttor's affidavit will also be recorded.

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**

Card Number 1 of 1  
 Parcel ID 183A A005001  
 Location 53 PHIPPS RD  
 Land Use SINGLE FAMILY

Owner Address LONG FRANK C WWII VET & MARY A JTS  
 53 PHIPPS RD  
 PORTLAND ME 04102

Book/Page  
 Legal 183A-A-5  
 PHIPPS RD 51-53  
 7750 SF

**Valuation Information**

Land \$32,030 Building \$89,460 Total \$121,490

**Property Information**

Year Built 1984	Style Ranch	Story Height 1	Sq. Ft. 1350	Total Acres 0.178	
Bedrooms 3	Full Baths 2	Half Baths	Total Rooms 6	Attic None	Basement Crawl

**Outbuildings**

Type	Quantity	Year Built	Size	Grade	Condition
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**Sales Information**

Date	Type	Price	Book/Page
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**Picture and Sketch**

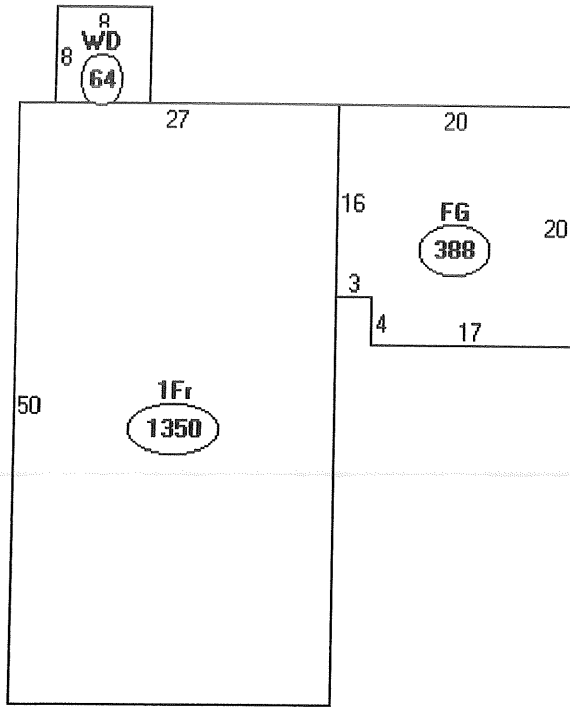
Picture Sketch

[Click here](#) to view Tax Roll Information.

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

**New Search!**





Descriptor/Area

- A: 1Fr  
1350 sqft
- B: WD  
64 sqft
- C: FG  
388 sqft

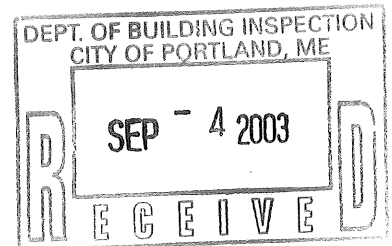
BRUCE W. GOODWIN, PLS  
TEL: 1-207-776-1665 FAX: 1-207-799-2326

FACSIMILE TRANSMITTAL SHEET

TO: Marge	FROM: Bruce
COMPANY: Code Enforcement	DATE: 9/4/2003
FAX NUMBER: 874-8716	TOTAL NO. OF PAGES INCLUDING COVER: 2
PHONE NUMBER: 874-8695	SENDER'S REFERENCE NUMBER: ATC04-61
RE: 53 Phipps Rd.	YOUR REFERENCE NUMBER: 183A-A-5

URGENT   
 FOR REVIEW   
 PLEASE COMMENT   
 PLEASE REPLY   
 PLEASE RECYCLE

NOTES/COMMENTS:



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P. O. BOX 2314, SO. PORTLAND MAINE, 04116-2314