



Alex Jaegerman, FAICP
Division Director, Planning Division

June 2nd, 2014

Tim Keiter
140 William Street
Portland, ME. 04103

RE: Application for Zoning Text Amendment to allow dwelling unit in existing carriage house
(Text amendment to 14-433)
ADDRESS: 140 William Street
APP. NO: # 2014-007
CBL: 192-C001001
APPLICANT: Tim Keiter
PLANNER: Jean Fraser

Dear Mr Keiter:

On April 28th, 2014 the City Council considered Order 202-13/14, Amendment to City Code §14-433 [*Amendment to Division 25 Space and Bulk Regulations and Exceptions, Section 14-433 Lots of record and accessory structure setbacks for existing buildings Re; Allowing Accessory Structures in R-3 and R-5 zones to be Converted to Dwelling Units Without Meeting Setback Requirements*] (copy attached). The City Council voted to pass the amendments with a vote of 9-0; the motion was made by Councilor Suslovic and seconded by Councilor Marshall for passage.

This amendment to the City Code has now come into effect, as was confirmed on the City's website at <http://www.portlandmaine.gov/131/City-Code>.

I confirm that in order for you to proceed with the conversion of the carriage house on your property, you would need to obtain a Conditional Use permit from the Zoning Board of Appeals (per 14-88 (a) 2). I confirm that the additional standards under provision 14-88 (a) 2 i. would be reviewed by the Planning Division as part of an Administrative Authorization site plan review. Once approved through Zoning and Site Plan, you would also need a Building Permit from the Inspections Division regarding the more detailed aspects of the proposal. The application forms for all of these are on the City's website at: <http://me-portland.civicplus.com/754/Applications-Fees>

If there are any questions, please contact Jean Fraser, Planner, at 874-8728 or at jf@portlandmaine.gov.

Sincerely,

Alexander Jaegerman
Planning Division Director

Attachment: Order 202-13/14

CC: Jeff Levine, AICP, Director of Planning and Urban Development
 Alexander Jaegerman, FAICP, Planning Division Director
 Barbara Barhydt, Development Review Services Manager
 Jean Fraser, Planner
 Philip DiPierro, Development Review Coordinator, Planning
 Marge Schmuckal, Zoning Administrator, Inspections Division
 Tammy Munson, Inspection Division Director
 Lannie Dobson, Administration, Inspections Division
 Gayle Guertin, Administration, Inspections Division
 Michael Bobinsky, Public Services Director
 Katherine Earley, Engineering Services Manager, Public Services
 Bill Clark, Project Engineer, Public Services
 David Margolis-Pinco, Deputy City Engineer, Public Services
 Doug Roncarati, Stormwater Coordinator, Public Services
 Greg Vining, Associate Engineer, Public Services
 Michelle Sweeney, Associate Engineer
 John Low, Associate Engineer, Public Services
 Rhonda Zazzara, Field Inspection Coordinator, Public Services
 Mike Farmer, Project Engineer, Public Services
 Jane Ward, Administration, Public Services
 Jeff Tarling, City Arborist, Public Services
 Jeremiah Bartlett, Public Services
 Captain Chris Pirone, Fire Department
 Danielle West-Chuhta, Corporation Counsel
 Thomas Errico, P.E., TY Lin Associates
 David Senus, P.E., Woodard and Curran
 Rick Blackburn, Assessor's Department
 Approval Letter File

Order 2007-13/14
Tab 24 4-7-14

MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL.

JOHN R. COYNE (5)
JILL C. DUSON (A/L)
JON HINCK (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)

AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14. LAND USE
ARTICLE III. Zoning,
DIVISION 25. Space and Bulk Regulations and Exceptions,
Section 14-433

Re: Allowing Accessory Structures in R-3 and R-5 Zones to be
Converted to Dwelling Units Without Meeting Setback Requirements

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

1. That Chapter 14, Article III, Division 25. Space and Bulk
Regulations and Exceptions, Section 14-433 of the Portland City
Code is hereby amended to read as follows: ..

Sec. 14-433. Lots of record and accessory structure setbacks for
existing buildings.

Any lot of record as of June 5, 1957, and held under
separate and distinct ownership from adjacent lots and having a
street frontage of forty (40) feet, or to which a means of
access has been previously approved by the city council as
provided elsewhere in this article, may be considered a
buildable lot in any residential zone except as provided below
for island residential zones, with a minimum lot size of five
thousand (5,000) square feet, except that a lot in the R-6 zone
may have a minimum lot size of three thousand (3,000) square
feet, provided that the applicable yard dimensions can be met.

A lot in the R-1, R-2, R-3, R-4, R-5, R-5A or R-6 zones
that was described in a subdivision plat approved by the
Planning Board after June 5, 1981, or a lot of record that
conformed to the applicable lot size requirement, lot width and
street frontage as of June 5, 1984, shall be considered a
buildable lot, provided that the applicable yard dimensions can
be met.

Where such a lot has a principal structure which existed as

of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards, provided that the normal applicable yard requirements cannot be met provided, however, that less restrictive zoning requirements which meet the requirements contained within 14-139(b) for residential small lot development shall apply:

a. R-1, R-2:

Rear yard: Ten (10) feet.

Side yard: Five (5) feet.

b. R-3, R-4, R-5, R-5A, R-6:

Rear yard: Five (5) feet.

Side yard: Five (5) feet.

Any detached or accessory structure in the R-3, R-4, R-5 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling uses—units without meeting front, side or rear ~~year~~yard setbacks, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum land area per dwelling unit.

Any such conversion in the R-3 zone or on a nonconforming lot in the R-5 zone shall be a conditional use subject to the requirements of section 14-88(a)2 for lots in the R-3 zone, or to the requirements of section 14-118(a)5 for nonconforming lots in the R-5 zone, and shall be in lieu of any additional dwelling units authorized under sections 14-88 or 14-118.

Any lot of record as of July 15, 1985, and held under separate and distinct ownership from adjacent lots and meeting the applicable street frontage requirements of that time may be considered a buildable lot in the IR-1 and IR-2 zones, provided that the applicable yard dimensions can be met and provided further that a lot in the IR-1 zone shall have a minimum area of ten thousand (10,000) square feet and a lot of the IR-2 zone shall have a minimum area of six thousand five hundred (6,500) square feet unless it is served by both public sewer and public water, in which case it shall have a minimum area of five thousand ~~(5,000)~~ square feet.

A lot in the IR-1, IR-2 and I-B zones that was described in a subdivision plat approved by the Planning Board after July 15, 1982, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.
