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*Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

March 22, 2007

Roz Anton
ReMax Absolute Realty
100 Foden Road, Suite 204 W
South Portland, ME 04106

RE: 233 Taft Avenue, corner of Robin Street – 272-N- 61 to 67 – R-3 Zone -
determination

Dear Ms. Anton,

I am in receipt of your request to determine whether the proposed division of land would be allowable under the Land Use Ordinance and if the newly created lot would be considered to be “buildable” under the ordinance.

My review and determination are based upon a corrected boundary survey and proposed lot split prepared by Back Bay Boundary, Inc. dated February 12, 2007, and revised on March 16, 2007, job number 2007008.

The survey shows all the lots held in common along with the location of existing structures. It depicts a division of land into two parcels. The original single family house lot fronting on Taft Avenue with a detached 8' x 12' shed directly on the side street boundary line create one lot. The second lot is comprised of an area totaling 8,528.6 square feet in size and fronting on Robin Street.

It is noted that the first lot, with the existing single family dwelling, has an 8' x 12' shed that abuts directly along Robin Street. A research of our files shows that the shed has not been permitted and is not meeting current setbacks. This shed must be permitted and moved to meet the current R-3 zone requirements prior to finalizing the proposed lot division.

Once the detached shed has been legally permitted, both lots shown on the submitted survey will be meeting the underlying R-3 Zone requirements. The newly created vacant lot meets the minimum lot size, street frontage and lot width. Please be aware that there is a requirement in the Land Use Zoning Ordinance (section 14-403) that states: “For a lot abutting any portion of a street which is unimproved or improved but not permanently

paved, that portion which abuts the lot, and any like portion between such portion and the nearest permanently paved street or portion which is the principal access to such lot, shall be improved, including sewers, storm drains, pavements, curbs and, if located on a designated school walking route, sidewalks, in accordance with the minimum technical standards promulgated by the public works authority..." This lot can be considered to be "buildable" if a proposed building meets the R-3 zoning requirements along with the street being brought up to City standards a approved by the public works division.

I am cautioning the applicant concerning the area of the building envelope that is depicted on the survey plans. This envelope can be deceiving to a future owner or developer. First of all, the side setbacks are showing a single story dwelling, not a two story dwelling. I am also bringing attention to the rear setbacks that are shown on the plan. Setbacks are determined by the orientation of a principle structure. Once the structure is shown on the plan, measurements are taken from the placement of the structure. If the back edge of a structure is near the property line that is on an angle along the southeastern line of the property, the 25 foot rear property line may not be met.

This is not an approval to begin construction. Separate permits with appropriate submitted information shall be required to be reviewed and approved prior to any construction. It would be helpful to submit a copy of the survey submitted with this determination request along with the survey for the individual lot showing the proposed building(s). Please note that any proposed site plan shall match the submitted construction plans in all details including all projections such as decks, stairs, and/or chimneys(s). At the same time the planning division reviews site issues including grades and drainage.

It is also noted that a division into two lots does not require a subdivision review. However, if there were to be a second division (i.e. the creation of three or more lots from the original parcel) within five years of the first division, it is required that a subdivision review through the planning board be approved.

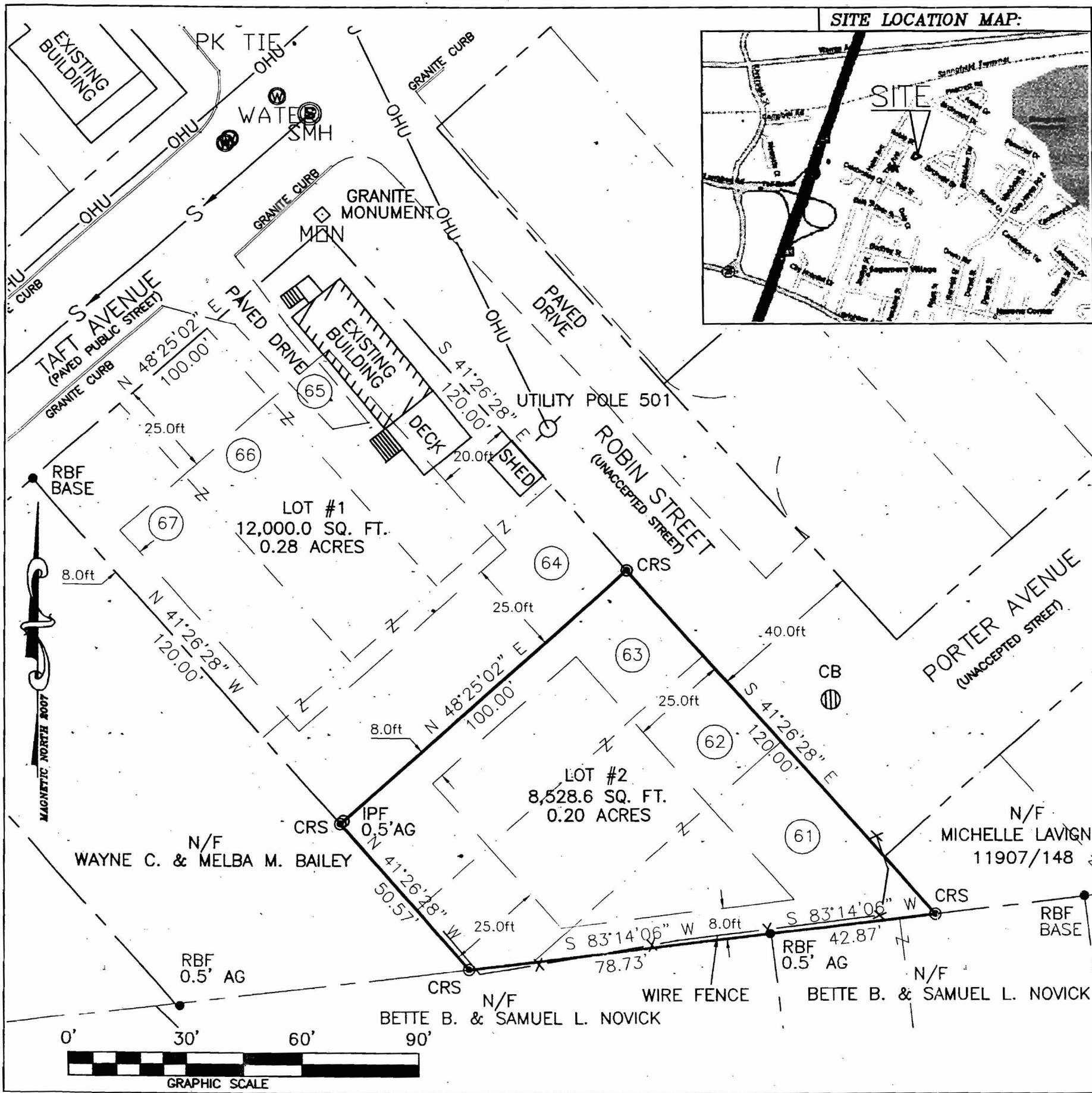
If you have any questions concerning this determination, please do not hesitate to contact this office.

Very truly yours,

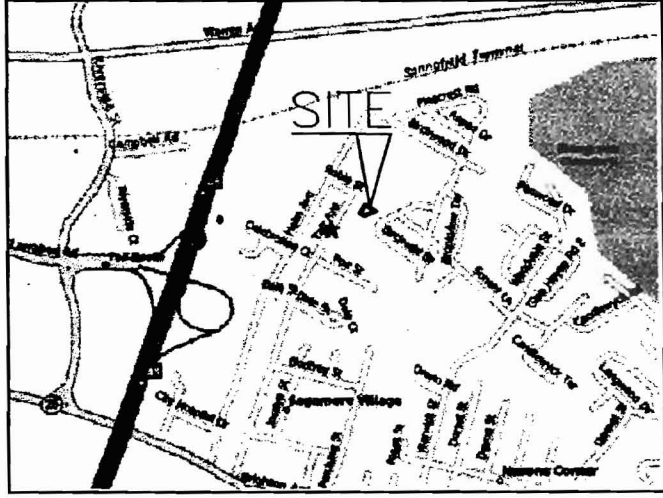


Marge Schmuckal
Zoning Administrator

file



SITE LOCATION MAP:

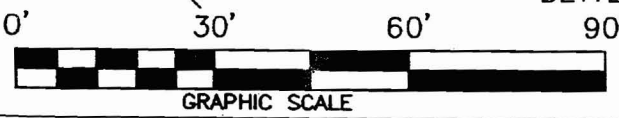


- NOTES:**
1. RECORD OWNER OF PAGE 245 AS RECORDED
 2. BEARINGS ARE BASED SURVEY, UTILIZING THE LIETZ SOKKISHA SET MAGNETIC COMPASS.
 3. AREA OF SUBJECT PA
 4. REFERENCE IS MADE
 - a.) CITY OF PORTLAN 61-67.
 - b.) PLAN OF PORTLAN CUMBERLAND COUNTY RE 07-12-1912.
 - c.) CITY OF PORTLAN AND TAFT AVENUE, DATEI

ZONING: R-3 RESIDENT
SETBACKS: FROM
 SIDE
 ON
 MINIMUM LOT SIZE
 MINIMUM LOT FRONTAGE
 MAXIMUM BUILDING
 MAXIMUM LOT COVERAGE

LEGEND

- RBF ● 5/8" Ref
- IPFO Iron Pipe
- (50.00') Distance plan or c
- N/F Now Or F
- Z- Indicates
- ⊕ Utility Po
- E- Overhead
- - - Abutter L
- Property
- - - Street Lin



SURVEYORS STATE

I HEREBY CERTIFY THAT FOR PROFESSIONAL LAND 2005 WITH THE FOLLOW

a) NO WRITTEN REPORT
 ROBERT T. GREENLAW P
 V. PRESIDENT BACK BA

reverse