



CITY OF PORTLAND

CERTIFICATE OF SETBACK REDUCTION

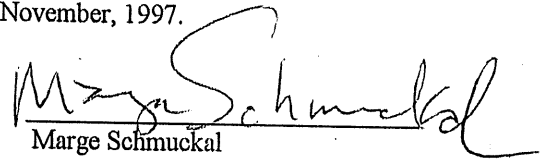
310-E-56

I, Marge Schmuckal, Zoning Administrator for the City of Portland, Cumberland County, State of Maine, hereby certify that on the 5th day of November, 1997, 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: Alfred J. Waxler
2. Address and Assessor's Chart, Block and Lot of subject property:  
85 Farnham Street, Portland, Maine  
310-E-56
3. Property: Cumberland County Registry Book \_\_\_\_, Page \_\_\_\_.  
(Last recorded \_\_\_\_\_ Deed in Chain of Title); and including easement recording: Cumberland County Registry Book \_\_\_\_, Page \_\_\_\_
4. Setback Reduction Granted: This is to authorize a 15 foot front yard setback in an R-3 Zone instead of the required 25 foot front yard setback. In addition, this is to authorize a 5 foot left sideyard setback instead of the required 8 foot side yard setback. A third reduction is to authorize a 3 foot right side yard setback instead of the required 8 foot side yard setback.

File →

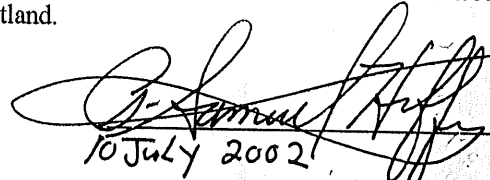
IN WITNESS WHEREOF, I have hereto set my hand and seal this 5th day of November, 1997.

  
 Marge Schmuckal  
 Zoning Administrator

STATE OF MAINE  
Cumberland, ss.

November 5, 1997

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

  
 10 July 2002  
P. Samuel Hoffes

Printed or Typed Name  
Notary Public

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



# 50<sup>00</sup> fee

# CITY OF PORTLAND, MAINE

## SETBACK REDUCTION APPLICATION FOR EXISTING STRUCTURES

Applicant's name and address: Richard and Sherrie Bricchetto  
85 Farnham St. Portland, ME 04103 - 773-9448 - W <sup>10am - 6pm</sup>  
797-5368-H

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

Purchaser

Owner's name and address (if different): Alfred Waxler

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

310 - E - 56

Zone: R-3

Present Use: single family - mobile

Setback Reduction from: Section 14-90a Future Use: SAME

Please attach Plot Plan as outlined in Section 14-<sup>14-90C</sup>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: Oct 27, 1997

Sherrie Bricchetto  
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 authorities

"THIS IS NOT A BOUNDARY SURVEY"

I HEREBY CERTIFY TO THE LENDING INSTITUTION AND/OR TITLE INSURANCE COMPANY DESIGNATED BELOW EXCLUSIVELY THAT THIS PLAN, AS NOTED, DEPICTS THE RESULTS OF A CURRENT EXAMINATION OF THE PREMISES DESCRIBED IN EXHIBIT "A" (ATTACHED) TO BE RECORDED AT THE APPLICABLE COUNTY REGISTRY OF DEEDS AND THAT ALL VISIBLE EASEMENTS, ENCROACHMENTS AND BUILDINGS, IF ANY, ARE LOCATED ON THE GROUND AS SHOWN HEREON SUBJECT TO THE QUALIFICATIONS SET FORTH IN THE "NOTES" BELOW.

NOTES:

1) THIS PLAN HAS BEEN PREPARED FROM AN INSPECTION OF THE SITE ON OCTOBER 10, 1997 FOR THE SOLE BENEFIT OF THE LENDING INSTITUTION AND/OR TITLE INSURANCE COMPANY DESIGNATED BELOW EXCLUSIVELY, AND THE RESPONSIBILITY THEREFORE, DOES NOT AND SHALL NOT EXTEND TO ANY OTHER PERSON OR PERSONS. STATEMENTS MADE HEREON ARE NOT STATEMENTS OF WARRANTY, BUT ARE STATEMENTS OF OPINION MADE TO THE BEST OF THIS SURVEYOR'S KNOWLEDGE, INFORMATION, & BELIEF. SURVEYWORKS, INC. IS NOT LIABLE FOR ANY OTHER USE BY ANY OTHER PERSON OR ENTITY.

2) THIS PLAN, AS AN INSTRUMENT OF PROFESSIONAL SERVICE, CONFORMS TO THE CURRENT BOARD OF REGISTRATION FOR LAND SURVEYOR STANDARDS AND SPECIFICATIONS FOR CATEGORY 3, MORTGAGE LOAN INSPECTION AND IS NOT TO BE CONSTRUED AS A BOUNDARY SURVEY OF THE SUBJECT REAL PROPERTY.

3) THIS PLAN IS AN APPROXIMATE REPRESENTATION OF THE PREMISES (OR PORTION OF THE PREMISES NOTED ABOVE) AND IS FOR THE PURPOSE OF SHOWING, IN MAP FORM, THE SUBJECT REAL PROPERTY AND THE OBVIOUS IMPROVEMENTS THAT LIE WITHIN THE APPARENT BOUNDARY LINES OF SAID REAL PROPERTY, IN ORDER THAT THE MORTGAGEE AND/OR TITLE INSURER MAY USE SAID PLAN FOR DETERMINING THE INSURABILITY OF SAID PROPERTY AND THE IMPROVEMENTS THEREON. NO REPRESENTATION IS MADE, OR TO BE INFERRED, THAT THE APPARENT BOUNDARY LINES SHOWN HEREIN ARE THE TRUE PROPERTY LINES. THIS PLAN SHALL NOT BE USED AS A BASIS FOR A LEGAL DESCRIPTION. DO NOT USE PLAN OFFSETS FOR ESTABLISHING LOT LINES OR FOR THE ERECTION OF ANY IMPROVEMENTS, FENCES, WALLS, HEDGES, ETC.

4) THE BUILDING(S) DEPICTED DID CONFORM WITH MUNICIPAL SETBACK REQUIREMENTS OF LOCAL ZONING AT TIME OF CONSTRUCTION. HOWEVER WITH RECENT CONSTRUCTION AND/OR IMPROVEMENTS, THE GARAGE DOES NOT CONFORM WITH MUNICIPAL SETBACK RESTRICTIONS OF LOCAL ZONING.

5) THE PREMISES ARE NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS DELINEATED IN F.E.M.A. FLOOD INSURANCE RATE MAP.

# MORTGAGE LOAN INSPECTION

Prepared For: MECHANICS SAVINGS BANK

Buyer: RICHARD S. & SHERIE A. BRICHETTO

Seller: ALFRED J. WAXLER

Location: 85 FARNHAM STREET PORTLAND, MAINE

Tax Map Reference: MAP 310 BLK E LOT 56 File No. 97-1652

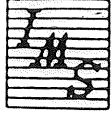
Requested By: ANDROSCOGGIN TITLE COMPANY Date: 10/13/97

Scale: 1" = 30'

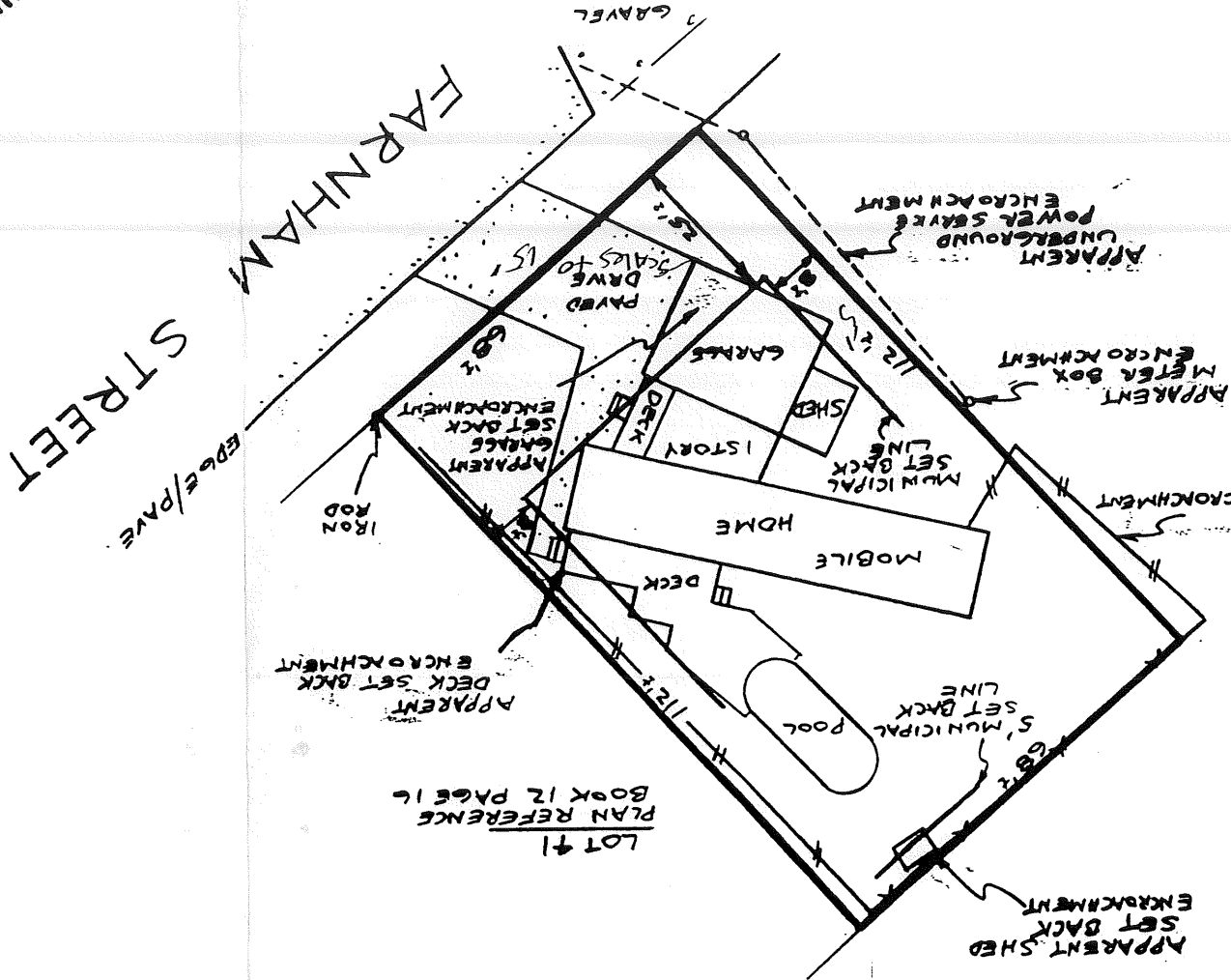
Drafted By: GSL Job No: 97-5826

## Surveyworks, Inc.

Land Use Consultants



1344 MAIN STREET LEWISTON, MAINE 04240  
TEL (207) 784-1888 FAX (207) 788-8478



LOT 41  
PLAN REFERENCE  
BOOK 12 PAGE 16



PROFESSIONAL SURVEYOR'S 5 139 M4 584884