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

September 9, 2009

Deborah Kilmartin
174 Barnstable Road
South Portland, ME 04106

RE: 22 Bailey Avenue – 332-G-1 to 6 – R-3 Residential Zone – Proposed Lot Split

Dear Ms. Kilmartin,

I am in receipt of your request to determine whether a proposed lot split results in a “buildable lot”. I am relying upon a submitted survey prepared by Robert T. Greenlaw of Ocean Park Land Surveying, LLC, date of survey 07/22/2004, Job Number 2009006. I would first of all call attention that even though this survey is signed and sealed, apparently it is inaccurate. This survey is not showing an existing garage that shall be demolished or removed prior to the split of the land. There is no note on the plan stating that it was present at the time of the survey. I am hoping that I can rely upon this plan for all other specifics that I am using for this determination. Separate permits from Inspection Services are required for both a demolition or the moving of this garage to determine compliance with City Ordinances.

I have reviewed both the original lot with an existing two family built around 1924 and the newly proposed vacant lot that abuts both Eastman Avenue and Tarbell Street. Both lots are meeting the underlying R-3 Zone *with the condition that the still existing garage is removed prior to the lot split*. It is a requirement that the garage be removed prior to the lot split so that a zoning violation will not exist. If the garage is to be moved, such an action will need review to insure compliance with Zoning.

You have also included an order by the Courts signed by E. Mary Kelly, Family Law Magistrate for the Maine District Court dated May 28, 2009. This court action exempts this land split from review from State and City Subdivision laws under 30-A MRSA 4.D-3. Although this lot split is not subject to review under State and City Subdivision laws, the new lot is subject to review under other City Site Plan Review requirements along with building permit requirements. This letter of determination is not to be construed as permission to build. As stated above, separate reviews and permits are required prior to the start of work. All other City Ordinances must be met as part of the review process.

I again mention that if there are any more revelations of errors or omissions on the submitted site plan, it may render this determination void. This letter should be submitted with any future building permit submittal on the newly proposed lot.

If you have any questions regarding this letter, please do not hesitate to contact me at 874-8695.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: file