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Greg Mitchell - Acting Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator

May 24, 2012

Douglas and Elizabeth Andrews

RE: 417 Auburn Street (called parcel C) -382-A-009
12 Kenneth Street (called parcel B) – 382-A-5 & 6
22 Kenneth Street (called parcel A) – 382-A-7 & 8

Dear Mr. & Mrs. Andrews,

I am in receipt of your request of a determination concerning the properties located at 417 Auburn Street, 12 Kenneth Street and 22 Kenneth Street. I have based my determination response on a submitted survey prepared by Rex Croteau of Titcomb Associates dated March 14, 2012 with a job # 203067. The submitted survey is not signed and not sealed. I have also done research of the files located in Inspection Services and the Assessor's office. All the lots are located in a R-3 residential zone.

417 Auburn Street: Parcel C is shown to be 28,956 square feet in land area which is well over the R-3 minimum lot size of 6,500 square feet. The minimum street frontage and minimum lot width of the R-3 zone are being met. The building has existed prior to the basis of the City's current zoning ordinance of 1957. The legal use of the building is a single family with an accessory dwelling unit. The Zoning Board of Appeals approved a conditional use for the accessory dwelling unit on 12/06/2007. Please note that all conditions must be maintained during the existence of the accessory dwelling unit, such as the owner residing on site in one of the approved units.

The survey shows the existence of a 6' x 23' deck on the rear of the building. Inspection Services never received a building permit for this deck. Using the Assessor's records, it appears the deck was erected between 1988 and 1990. Again, this office does not have any evidence of a required building permit. This is important because the deck has been built to within approximately 1 foot of the rear property line. The rear deck is in violation of the required rear setback in the R-3 residential zone. It is my understanding that parcel A is to be conveyed to a separate owner from parcel C. Under zoning, the deck creates a violation of the zoning ordinance. If the deck were to be removed, the violation of the zoning ordinance would be eliminated.

12 Kenneth Street: The submitted survey shows a 5.01 foot strip of land that extends from parcel B along Kenneth Street and ends at Clayton Street. The 5.01 foot of land is proposed to part of parcel B. Parcel B is shown to be 11,297 square foot in land area which is well over the R-3 minimum required land area of 6,500 square foot. The R-3 zone minimum requirement for street frontage and lot width are being met. The

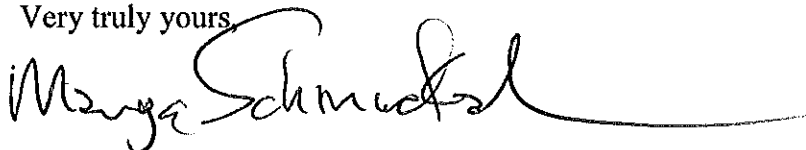
proposed 5.01 foot strip is not in violation of the zoning ordinance. The proposed 5.01 foot strip does not require a subdivision review. It may be possible to position the 5.01 foot strip of land at the opposite side of the lot along the common property line of parcel A and parcel C as long as all R-3 zone requirements are met. It is not my role to design or recommend any lot configuration. My role is to be sure that the zoning ordinance is being met and any proposal is not in violation of the zoning ordinance.

22 Kenneth Street: Parcel A as shown on the submitted survey is shown to be 11,045 square foot in land area which is well over the R-3 minimum land area requirement of 6,500 square foot. It is being shown as having more than the minimum street frontage of 50 feet. It is being shown as having more than the minimum R-3 lot width requirement of 65 feet.

You have asked me further on whether the proposed changes should be made now or later. It is not under my purview to advise you on this issue. You should consult your own attorney on this issue before making any decision. My concern is to uphold the zoning ordinance.

If you have any further questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal", with a long horizontal flourish extending to the right.

Marge Schmuckal
Zoning Administrator