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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

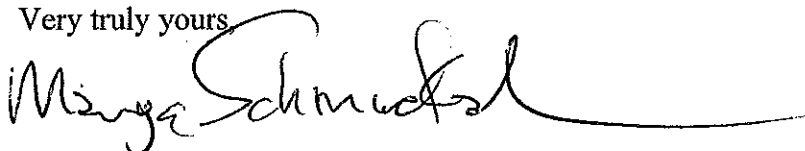
proposed 5.01 foot strip is not in violation of the zoning ordinance. The proposed 5.01 foot strip does not require a subdivision review. It may be possible to position the 5.01 foot strip of land at the opposite side of the lot along the common property line of parcel A and parcel C as long as all R-3 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

May 6, 2012

To: Marge Schmuckle

From: Douglas and Elizabeth Andrews

Re: 417 Auburn Street, 22 Kenneth Street & 12 Kenneth Street

Dear Ms. Schmuckle:

As you know, Doug and I have been trying to sell our properties at the above addresses for some time. In March we put all three properties under contract with three different buyers. In the process of trying to close on these properties, several problems have come up. One problem is getting water to 12 Kenneth street and another problem is where the lot line between the two vacant lots falls in relationship to the back of the house. All parties have agreed that they would like a ruling by the City zoning department IN WRITING as to the solutions to these problems before they will close on the properties. The next scheduled closing is May 18.

Property C is the house lot and is being purchased by one person. There are no actual problems with this lot and its deed. However, Property A, 22 Kenneth Street, is being purchased by her partner and the plan is to use this lot simply as their back yard. Property B, 12 Kenneth Street, is being purchased by MZ Properties and their plan is to build on this property.

The first problem is that 12 Kenneth Street has no water access. There is no main water service on Kenneth Street and to provide one for this one property is cost prohibitive, quoted as 34 thousand dollars. However, like other properties on Kenneth, water could be supplied from either Jackson Street or Clayton Street provided there is at least five feet frontage on that street owned by 12 Kenneth Street. It is my understanding that this was previously discussed with you and that permission was granted verbally to put a five foot strip of land and a 15 ft wide easement along side it for the purpose of obtaining water from Clayton Street. This strip was proposed to go along the lot line between the house and the boundary of 22 Kenneth Street. However, no one seems to know who actually got this permission or from whom so I am requesting that permission now.

*New Deck built 1988 & 90 NO permits*

*of from zoning perspective*

The problem with this request now lies in the fact that the perspective house owner and the perspective owner of the back yard lot, #22 Kenneth are not happy with this arrangement and do not want this strip and easement at that place in their yard. They are requesting that the strip and the easement be placed at the other end of the lot at 22 Kenneth Street. If this is allowed, there will still be 90 feet of road frontage on Clayton Street for this lot and so it should remain legal and buildable.

The second issue is that these same perspective owners would like to exchange the land they are giving to 12 Kenneth for a strip of land along the boundary between 22 Kenneth and 12 Kenneth. This makes good sense because the current boundary goes along the inside of a fence already in place and moving the line just a few feet will put the boundary at the fence. We assume this is just a matter of two abutters swapping some land, but of course we need to know that for fact.

THEREFORE, THE FOUR QUESTIONS WE NEED ANSWERED IN WRITING FROM YOUR DEPARTMENT ARE:

1. Can we make a five foot strip of land across Lot A but owned by Lot B for the purpose of obtaining utilities?
2. If yes, can we place that along Kenneth Street at the front end of the lot or must we place it between the house lot and Lot A at the back end of the lot? *I Am going by what is shown*
3. Can we move the lot line between Lot A and Lot B a few feet as they are abutting properties and movement of this lot line will make no important change in their size? *APPEARS SO -*
4. Can these changes (if allowed) be made by me before the sale or should they be made after the sale since there will be three different owners of three different lots and the term 'abutter' might be more cleanly defined? *not under my purview*

I have attached a copy of these proposed changes and a full sized copy of this proposal will be delivered to your office on Monday morning, May 7. I am also available to meet with you at your convenience or discuss this further by phone.

As soon as you email me or call with the amount of the fee for this service I will deliver it to your office as well.

If we can have the written decision emailed, that would be great. I will also come pick up the decision once it is ready. We are hopeful this can be

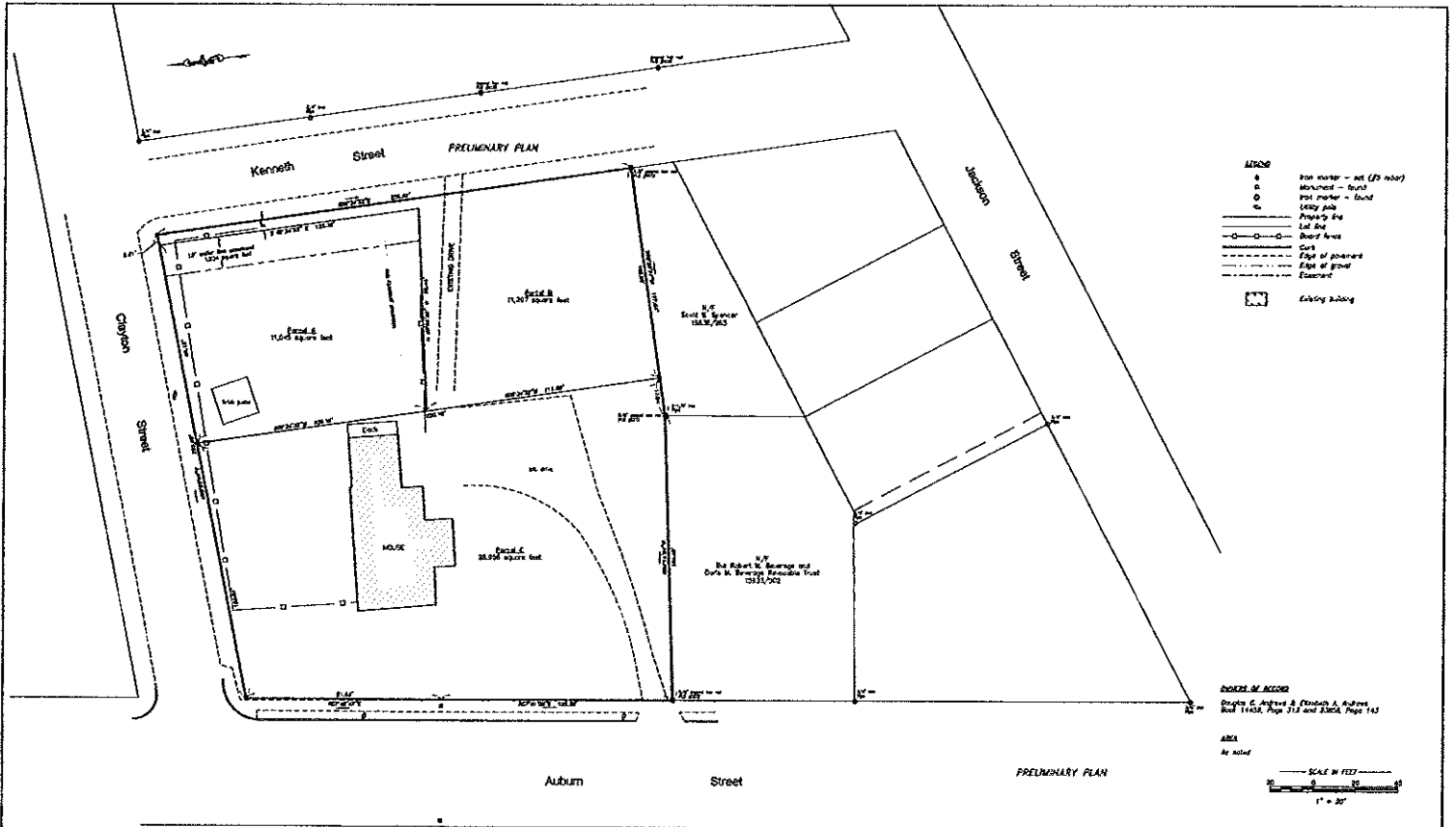
accomplished in time for our scheduled closing on May 18 and truly appreciate your timely consideration of this matter.

Thank you very much.

Very truly yours,

Elizabeth A. Andrews  
207-831-8135  
[eandrews47@maine.rr.com](mailto:eandrews47@maine.rr.com)

Douglas C. Andrews, DVM  
207-632-9300  
[dandrew2@maine.rr.com](mailto:dandrew2@maine.rr.com)



- LEGEND**
- Iron marker - set (25' above)
  - Monument - found
  - Iron marker - found
  - Utility pole
  - Property line
  - Lot line
  - Board fence
  - Curb
  - Edge of pavement
  - Edge of ground
  - Existing building

**INDEX OF RECORD**  
 Douglas C. Andrews & Elizabeth A. Andrews  
 Book 11436, Page 312 and 310A, Page 143

**AREA**  
 As noted

**SCALE IN FEET**  
 1" = 20'

**REFERENCE**

- (1) Plat of Property in Auburn, 1846, made for George Lyon & Shading Associates by E.C. Jones & Company, dated April 1846, recorded in the Cumberland County Registry of Deeds in Plan Book 21, Page 37.
- (2) City of Portland Civil Engineering Department street right of way maps.
- (3) Standard Boundary Survey made by Arthur J. Beckwith by Record Remittance, dated September 25, 1920.

**NOTE**

- (1) Book and Page references are to the Cumberland County Registry of Deeds, unless otherwise specified.
- (2) Bearings are determined by magnetic north as defined here in Standard Boundary Survey of Auburn Street and Sumner Street made by Edward Associates dated April 6, 1920.

**DEFINITIONS**

This survey substantially conforms to the current standards of practice set forth by the Iowa State Board of Licensure for Land Surveyors.

Rev. J. Crumba      PLS 21173

Doc. # [REDACTED]		Issuance & period of E.E. record		11/2
PLAN BY				
<b>BOUNDARY SURVEY AND LOT DIVISION</b>				
117 Auburn Street, Portland, Maine				
WAGE FOR				
<b>Elizabeth Andrews</b>				
117 Auburn Street	DATE: May 14, 2013	SCALE: 1"=20'	Project: 1173	
117 Auburn Street	<b>Tilcomb Associates</b>			
117 Auburn Street	117 Auburn Street, Portland, Maine 04101			



# PORTLAND MAINE

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Receipts Details:

**Tender Information:** Check , Check Number: 3080

**Tender Amount:** 150.00

Receipt Header:

**Cashier Id:** bsaucier

**Receipt Date:** 5/15/2012

**Receipt Number:** 43945

Receipt Details:

Reference ID:	401	Fee Type:	BP-DP
Receipt Number:	0	Payment Date:	
Transaction Amount:	150.00	Charge Amount:	150.00
Job ID: Miscellaneous charges			
Additional Comments: 12 & 22 Kenneth St. Determination			

Thank You for your Payment!

**Marge Schmuckal - 417 AUBURN STREET, 12 KENNETH STREET & 22 KENNETH STREET**

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**From:** Elizabeth Andrews <eandrews47@maine.rr.com>  
**To:** <mes@portlandmaine.gov>  
**Date:** 5/6/2012 12:50 PM  
**Subject:** 417 AUBURN STREET, 12 KENNETH STREET & 22 KENNETH STREET  
**CC:** Douglas Andrews <dandrew2@maine.rr.com>, Elizabeth Andrews <eandrews47@m...>  
**Attachments:** May 6zoning letter.doc; 203067\_3May12\_R1 .pdf

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MARGE,

*pd 5/15/12*

Here is a copy of the letter and proposed plan that is being delivered to your office on Monday morning, May 7.  
Thank you again for your timely consideration of this matter.

Elizabeth Andrews



# REAL ESTATE ASSESSMENT RECORD - CITY OF PORTLAND, MAINE

LAND NOS. 407-423	STREET Auburn	BLDG. NO. 417	DEVELOPMENT NO.	AREA	DIST. 13	ZONE	CHART 382	BLOCK A	LOT 9
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RECORD OF TAXPAYER		YEAR	BOOK	PAGE
TAXPAYER ADDRESS AND DESCRIPTION				
EVANS BEATRICE M				
417 AUBURN ST				
CITY				
LAND & BLDG AUBURN ST #407-423				
& CLAYTON ST #1-9				
ASSESSORS PLAN 382-A-9				
AREA 30236 SQ FT				

LAND VALUE COMPUTATIONS AND SUMMARY				
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE
131/16	2200	6.00	122	730
				960
C.I. + 5%				
				+ 5%
<b>TOTAL VALUE LAND</b>				
1010				
<b>TOTAL VALUE BUILDINGS</b>				
4090				
<b>TOTAL VALUE LAND AND BUILDINGS</b>				
5100				
SQ. FT. TO-FROM CH. BLK. LOT				
SQ. FT. TO-FROM CH. BLK. LOT				

LAND VALUE COMPUTATIONS AND SUMMARY				
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE
<b>TOTAL VALUE LAND</b>				
<b>TOTAL VALUE BUILDINGS</b>				
<b>TOTAL VALUE LAND AND BUILDINGS</b>				
SQ. FT. TO-FROM CH. BLK. LOT				
SQ. FT. TO-FROM CH. BLK. LOT				
YEAR	ORIG. COST	RENTAL		
YEAR	SALE PRICE	EXPENSE		
YEAR	U. S. R. S.	NET		

122 @ 10070 = 122  
200 3070 = 131

ASSESSMENT RECORD		PROPERTY FACTORS		IMPROVEMENTS	
LAND	BLDG.	TOPOGRAPHY	LEVEL	WATER	WOODED
175			✓		
2000				SEWER	
2475				GAS	
600				ELECTRICITY	
2450				ALL UTILITIES	
2050				TREND OF DISTRICT	
600				IMPROVING	
2325				STATIC	
5955				DECLINING	
600					
2325					
5955					

GRADE DENOTES QUALITY OF CONSTRUCTION: A—EXCELLENT; B—GOOD; C—AVERAGE; D—CHEAP; E—VERY CHEAP

1/13/306 - Outside chimney + gas stove. 7/29/50 - 5179-267-14  
 4/19/52 185 5222 D.P. acc

FOUNDATION		CONSTRUCTION			PLUMBING	
CONCRETE	✓	WOOD JOIST	✓	BATHROOM	2	✓
CONCRETE BLOCK	✓	STEEL JOIST	✓	TOILET ROOM		✓
BRICK OR STONE	✓	MILL TYPE		WATER CLOSET		✓
PIERS	✓	REIN. CONCRETE		LAVATORY		✓
CELLAR AREA FULL	✓	FLOOR FINISH		KITCHEN SINK		✓
1/4	1/2	B	1 2 3	STD. WAT. HEAT		✓
NO. CELLAR		CEMENT	✓	AUTO. WAT. HEAT		✓
EXTERIOR WALLS	✓	EARTH		ELECT. WAT. SYST.		✓
CLAPBOARDS	✓	PINE	✓	LAUNDRY TUBS		✓
WIDE SIDING	✓	HARDWOOD	✓	NO PLUMBING		✓
DROP SIDING	✓	TERRAZZO		TILING		✓
NO SHEATHING		TILE		BATH FL. & WCOT.		✓
WOOD SHINGLES				TOILET FL. & WCOT.		✓
ASBES. SHINGLES				ELECTRIC		✓
STUCCO ON FRAME		ATTIC FLR. & STAIRS		NO LIGHTING		✓
BRICK ON TILE		INTERIOR FINISH		NO. OF ROOMS		✓
BRICK VENEER		B	1 2 3	BSMT.		6
BRICK ON TILE		PINE	✓	1ST		6
SOLID BRICK		HARDWOOD	✓	3RD		
STONE VENEER		PLASTER	✓	OCCUPANCY		
CONC. OR CIND. BL.		UNFINISHED		SINGLE FAMILY		✓
TERRA COTTA		METAL CLG.		TWO FAMILY		
VITROLITE		RECREAT. ROOM		APARTMENT		
PLATE GLASS		FINISHED ATTIC		STORE		
INSULATION		FIREPLACE	53	THEATRE		
WEATHERSTRIP		HEATING		HOTEL		
ROOFING		PIPELESS FURNACE		OFFICES		
ASPH. SHINGLES	✓	HOT AIR FURNACE		WAREHOUSE		
WOOD SHINGLES		FORCED AIR FURN.	✓	COMM. GARAGE		
ASBES. SHINGLES		STEAM		GAS STATION		
SLATE TILE		HOT WAT. OR VAPOR		TOW. LISTS		
METAL		NO HEATING		ECONOMIC CLASS		
COMPOSITION		GAS BURNER		UNDER BUILT		
ROLL ROOFING		CIL BURNER	P-27	DT. 9-6-50		
INSULATION		STOKER		LD. 50		

UNIT	1951	1953	1956
1808 S. F.	8480	8480	
S. F.			
ADDITIONS	7440	310	
BASEMENT			
WALLS			
ROOF			
FLOORS			
ATTIC			
FINISH			
FIREPLACE			
HEATING	1260	760	
PLUMBING	1240	240	7200
TILING			
TOTAL	9420	9620	9860
FACT 410	850	850	1850
REP. VAL.	10270	11340	10710

SUMMARY OF BUILDINGS											
OCGY	TYPE	GR.	AGE	REMOD.	COND.	REF. VAL.	P. D.	PHY. VAL.	F. D.	SOUND VAL.	TAX VAL.
Dwg	A 2st. 1/2	C	150?		F	10270	512	4620	257	3700	2225
	B Sketch				F	870	550	390	B	390	245
	D 1/2					11340	55	5100	100	4080	2450
	E					10710	55	4820	200	3800	2325
	F										
	G										
YEAR						/1951 TOTAL BLDGS.				4090	2450
TAX VAL.											
OLD VAL.											
CHANGE											

YEAR 19

APR 23 33

1561

1808

337 75

36

23	22	21	20	19	18	17	16	15	14	13	12	11	10	9	8	7	6	5	4	3	2	1
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12107

2000

2000

2000

2000

2000

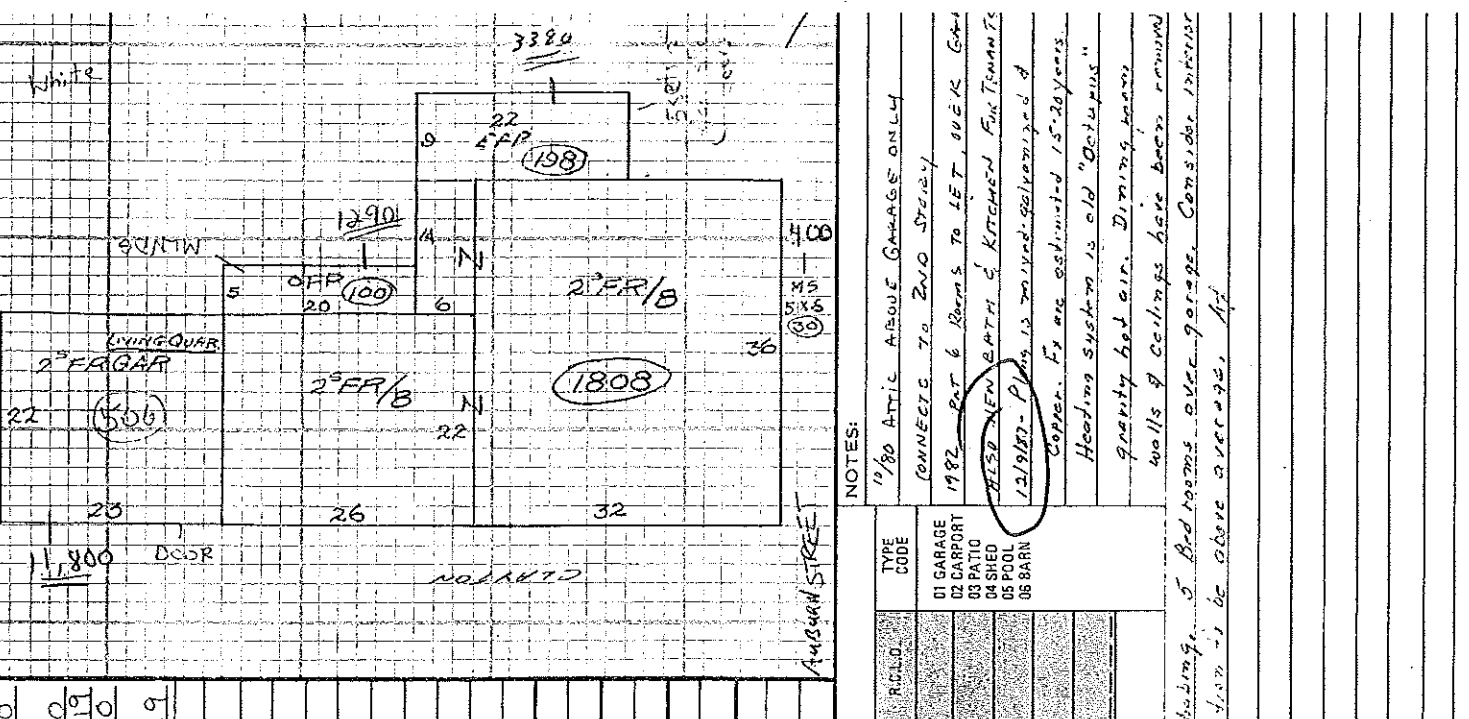
2000

2000

2000

2000

2000



OTHER FEATURES		
MASONRY TRIM	0	
MODERNIZED KITCHEN	0	
RECREATION ROOM	0	
WOODBURNING FIREPLACE	19	
BASÉMENT GARAGE	0	
ATTACHED GARAGE	0	
TOTAL OTHER FEATURE POINTS	19	

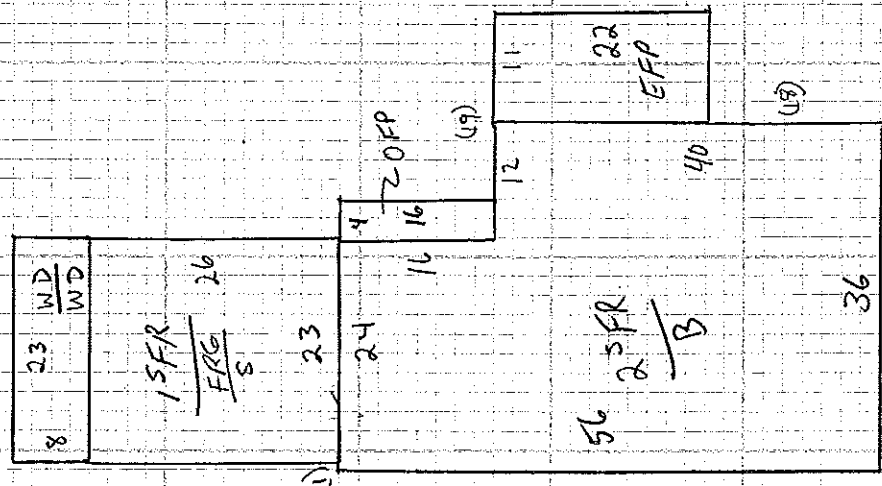
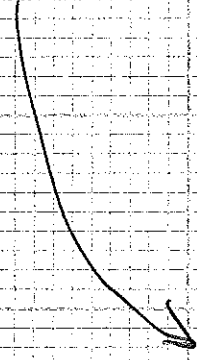
GROUND FLOOR AREA	
ADDITION POINTS	19
GRADE FACTOR	1983/89
C & D FACTOR	19
CDU	GOOD
DEPRECIATION	%
DWELLING COMPUTATIONS	
BASE PRICE	78,300
PLUMBING	4500
BASEMENT FIN.	
ATTIC	
HEATING	
ADDITIONS	16,880
DORMERS	
TOTAL BASE	99,680
GRADE FACTOR	1.15
TOTAL	114,630
OTHER FEATURES	1900
TOTAL	116,530
C & D FACTOR	
REPL. COST	116,530
DEPREC.	50
R.C.L.D.	40
TOTAL	58,270
OTHER BUILDINGS AND YARD	69,920

NO.	TYPE	SIZE	GRADE	RATE	REPL. COST	DEPR.	RC.L.D.	TYPE CODE	TOTAL VALUE	
									YEAR	NO. OF ENTRIES
1	GARAGE							01	58,270	1989
2	CARPORT							02	69,920	
3	PATIO							03		
4	SHED							04		
5	POOL							05		
6	BARN							06		

NOTES:  
 11/80 ATTIC ABOVE GARAGE ONLY  
 CONNECT TO 2ND STORY  
 1982 - Par 6 Rooms to LET, OVER K. GAR  
 ALSO NEW BATH & KITCHEN FOR TENANTS  
 12/1987 - Pipes is replaced galvanized & copper. Fx are estimated 15-20 years  
 Heating system is old "Octopus"  
 Gravity hot air. Dining room walls & ceilings have been removed  
 of exterior condition is above average. At

VACANT LOT  
 DWELLING DATA  
 CONSTRUCTION  
 2.0 STORY  
 1 BRICK 4 CONC. BLK. 7 STONE  
 2 FRAME 5 STUCCO 8  
 3 FR. & MAS. 6  
 AGE  
 ERRECTED 1 0 0 0 REMODELED 19  
 LIVING ACCOMMODATIONS  
 BED. ROOMS 6 FAMILY ROOMS  
 TOTAL ROOMS 12  
 FULL BATHS 3 HALF BATHS 1 TOTAL BATHS 4  
 BASEMENT & ATTIC  
 FIN. BSMT. AREA  
 HEAD ROOM  
 GARAGE S D  
 PERS/SLAB/CRAWL  
 BASEMENT (FULL)  
 0 1/4 1/2 3/4  
 EXTERIOR WALLS  
 WOOD/VINYL ALUM.  
 SHINGLES-WOOD  
 SHINGLES-ASPHALT  
 SHINGLES-ASBESTOS  
 BRICK VENEER  
 BLANKET INSULATION  
 ROOF INSULATION  
 ROOFING  
 SHINGLES-ASPHALT  
 SHINGLES-WOOD  
 SHINGLES-ASBESTOS  
 SLATE  
 ROLL  
 FLOORS  
 CONCRETE  
 EARTH  
 PINE  
 HARDWOOD  
 ASPH. TILE  
 CARPET  
 NOTES:  
 1. NO. OF ENTRIES  
 OWNER  
 TENANT  
 NO. ANSWER  
 INSPECTED  
 REFUSED ENTRY  
 INFO @ DOOR  
 REFUSED INFO

WHITE / BLACK



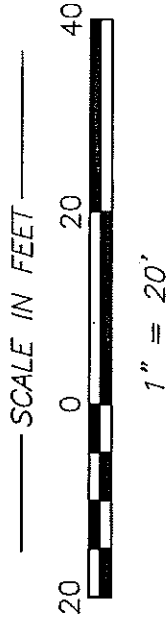
OWNERS OF RECORD

Douglas C. Andrews & Elizabeth A. Andrews  
Book 14459, Page 313 and 23858, Page 143

AREA

As noted

PRELIMINARY PLAN




3/4" Iron  
Pipe

CERTIFICATION

This survey substantially conforms to the current standards of practice set forth by the Maine State Board of Licensure for Land Surveyors.

Rex J. Croteau

PLS #2273

Rev. 1	05/03/2012	easements & parcel A & B revised	RJC
PLAN OF <b>BOUNDARY SURVEY AND LOT DIVISION</b> Portland, Maine			
MADE FOR <b>Elizabeth Andrews</b> Portland, Maine			
417 Auburn Street		DATE: Mar. 14, 2012	SCALE: 1"=20'
JOB# 203067		BOOK# 719	
203067_14Mar12_R1		FILE# 7976	
		<b>Titcomb Associates</b> 133 Gray Road Falmouth, Maine 04105	