

Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Urban Development



CITY OF PORTLAND

November 13, 2001

RE: 110 Longview Drive - 387-B-015 - R-2 zone

TO WHOM IT MAY CONCERN:

I am in receipt of a recent survey showing the placement of this single family dwelling with an attached garage and in-ground pool. There is a concern that the required setbacks have not been met for the attached garage.

My research of our microfiche shows that separate permits were applied for in 1994 for a pool and for a 2-car garage. The original house was constructed in May of 1968. On 5/4/94 a pool permit was issued and inspected by this office. On 10/4/94 a 2-car garage permit was issued and inspected by this office. I find nothing in our files to show that there was a violation present at that time, either at the permit application stage or at the inspection stage. I can only assume and determine that no violation of the ordinance existed at that time. The present ordinance would not allow the setbacks presently shown for the garage. Therefore the 2-car garage is considered to be legally nonconforming as to setbacks. The pool appears to meet the current setbacks. It is setback at, or beyond the front yard requirement for pools. I would consider the pool to be legally conforming to the current zoning ordinance.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: file

10-04-01 15:04

FROM-HOPKINSON+ABBONDANZA

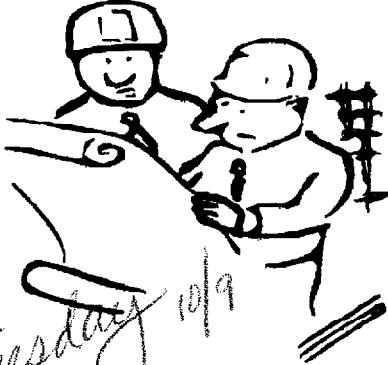
12078742330

T-474 P.01/02 F-534

Livingston-Hughes Surveyors

874-8716

88 Guinea Road
Kennebunkport, Maine 04046
207-967-9761



To: JIM

From: DAVE

Date: 10-4-01 Fax # _____

Call Tuesday 10/9
Marge @ City

Fax Cover Sheet

Message:

HOUSE BUILT IN '73 O.K.

GARAGE ADDED IN 90'S NEEDS 25'

POOL MAY ALSO NEED 25' TO P.O.W

THE FOREMAN ZONING DOES NOT ALLOW POOLS
IN "FRONT" YARDS SO THEY DON'T SPECIFY
A RIGHT OF WAY SETBACK.

MARGE @ CITY MAY FIND A BURIED
ALLOWANCE OR MAY HELP W/ VARIANCE. SEWERS
SHOULD CONTACT HER. PLEASE CALL W/ QUESTIONS.

Pages including cover 2

EACH OFFICE INDEPENDENTLY OWNED & OPERATED



170 U.S. Route 1
Falmouth, ME 04105
(207) 781-2856

TO: Marge Smuckle

FAX: 874-8716

FROM: Carol Doughty

FAX: (207) 781-4359

NUMBER OF PAGES
(Not including this cover sheet)

1

RE:

100 Longview Dr.

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THIS IS NOT A BOUNDARY SURVEY

MORTGAGE INSPECTION OF: DEED BOOK 11806 PAGE 329 COUNTY Cumberland
PLAN BOOK 84 PAGE 31 LOT 1

ADDRESS: 100 Longview Drive, Portland, Maine

387-B-15

Job Number: 338-45

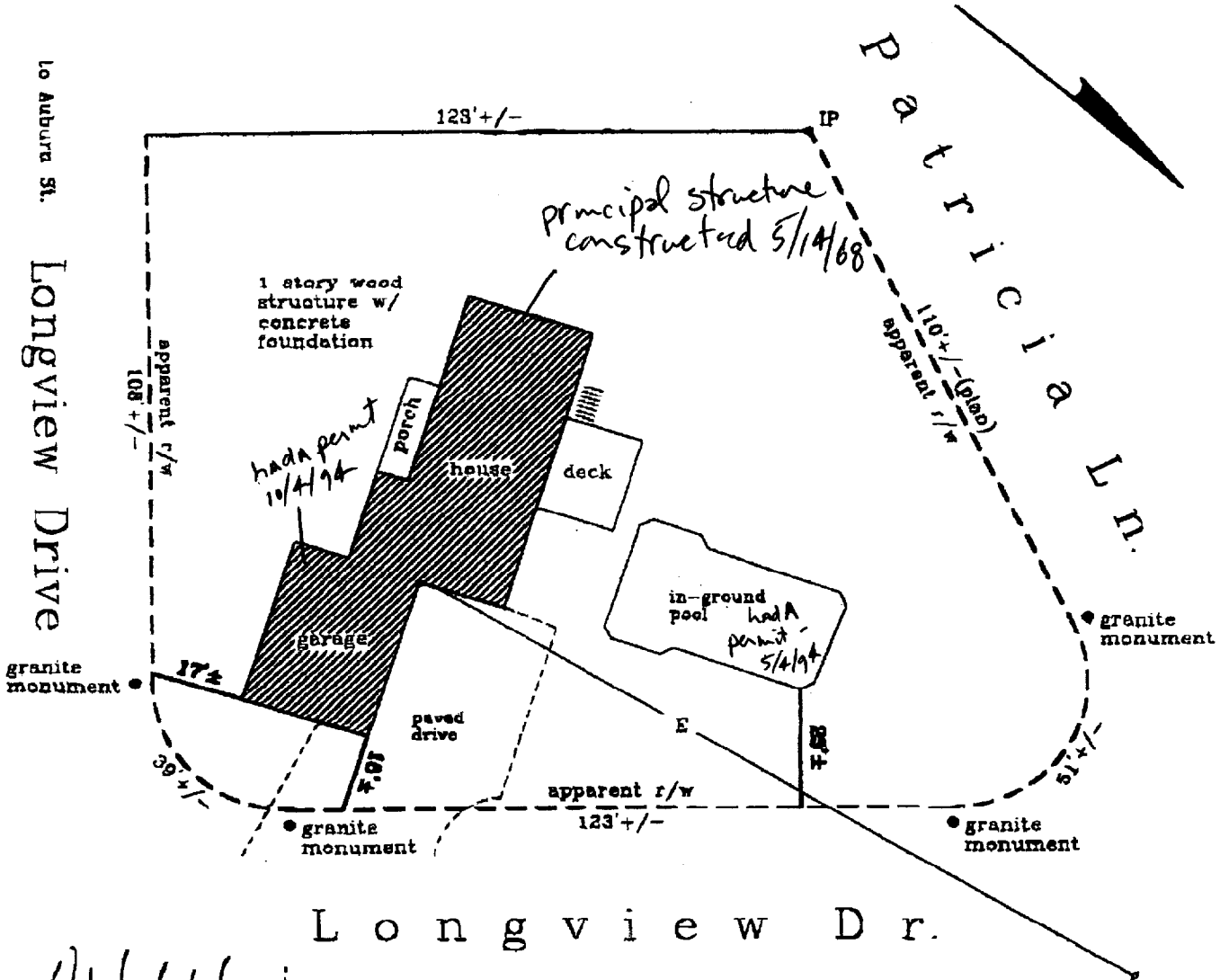
Inspection Date: 10-02-01

Scale: 1" = 30'

Client File#: 01-5566

Buyers: Terry & Jennifer Delmonte

Sellers: Kathleen C. Nelson



APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

I HEREBY CERTIFY TO: Hopkinson, Abbondanza & Backer,
the Lender and its title insurer.
Monuments found did not conflict with the deed description.
The dwelling setbacks do ~~not~~ violate town zoning requirements.
As delineated on the Federal Emergency Management Agency Community Panel: 230051-0008 C
The structure does not fall within the special flood hazard zone.
The land does not fall within the special flood hazard zone.

Livingston - Hughes
Professional Land Surveyors
88 Cuneo Road
Kennebunkport - Maine 04046
207-867-8761 phone/fax

THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY

Louquien Drive

Front

Back

Gate

MIN 25

DRIVEWAY

MIN 25

DRIVEWAY

EA



100 Longview Drive

VA 12099 2387-B-15

MAY 14, 1968 Addition & Pool

- house permit

5/4/94 Pool → has setbacks per us

10/4/94 - 2 cm g...

~~10 Monmouth Square Resid.~~
~~27 F-5~~ permits

diff. Address

93 ~~Cumberland~~ 103
4/25/77 2 → 3 unit

93 ~~Cumberland~~ Apt
1-2 9/1/87 2 unit
3-1-40

0. 138 11-1-5

City of Portland, Maine

IN THE CITY COUNCIL

AMENDMENT TO PORTLAND CITY CODE
§14-437 (ZONING ORDINANCE)
RE: SETBACK REDUCTIONS

Presently a
\$50⁰⁰ fee

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.



CITY OF PORTLAND, MAINE

SETBACK REDUCTION APPLICATION FOR EXISTING STRUCTURES

Applicant's name and address: _____

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

Owner's name and address (if different): _____

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

Zone: _____ Present Use: _____

Setback Reduction from: Section 14- _____ Future Use: _____

Please attach Plot Plan as outlined in Section 14-437. 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: _____

Signature of Applicant