

Zoning Division  
Marge Schmuckel  
Zoning Administrator

Department of Urban Development  
Lee Urban, Director



CRG: 341-G-004

CITY OF PORTLAND

April 19, 2002

Douglas E. Reynolds, P.E.  
Gorrill-Palmer Consulting Engineers, Inc.  
P.O. Box 1237  
26 Main Street  
Gray, ME 04039

RE: Determination Letter for 23-25 Broadway Street – 341-G-004 – R-3 Zone

Dear Doug,

I am in receipt of your request for a determination to allow a thirty (30) foot R-5 Zone extension into an R-3 Zone to allow the construction of a duplex on a lot at 23-25 Broadway Street.

First of all, the rendering of the lot that you submitted along with your request does not resemble what the Assessors are showing for a lot. Your rendering is showing land that is apparently owned by the Portland Water district. Certainly before we accepted any permit for construction, we would need appropriate deed descriptions.

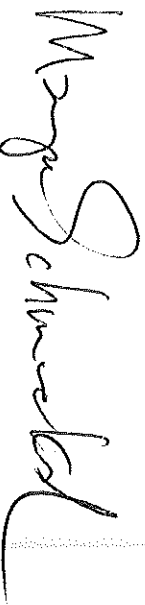
Secondly, the actual zone line extends differently than what you are supposing. The R-5/R-3 Zone line extends down the middle of the paper street called Third Street. Apparently this section of Third Street was vacated by the City. Before we fully accept that premise, I would need some documentation or verification of that fact. The important thing to note is that the zone line in question extends down the middle of this paper street. It does not split an existing lot. Therefore section 14-51 which allows for a thirty (30) foot extension of a zone line in certain circumstances, may not be used.

14-51 (attached), states that this section applies “Where a zone boundary line divides a lot in single or joint ownership of record at the time such line is established.....”. In this case the zone line does not split a lot, it extends down the middle of the paper street. The R-5 Zone may not extend another thirty (30) feet into the R-3 Zone. The entire lot is in an R-3 zone which only allows a new single family to be constructed. New duplexes may not be constructed. All the R-3 Zone setback requirements would need to be met in full.

Please note that you have the right to appeal my determination to the Zoning Board of Appeals. If you wish to exercise your right to appeal, you would have 30 days from the date of this letter in which to do so. You would need to contact this office for all the necessary paperwork that would be required in which to apply for an appeal.

This determination in no way approves any future building permit. This is not considered an application. Any future permit applications would require all Zoning requirements to be met in full.

Very truly yours,



Marge Schmuckal  
Zoning Administrator

Cc: Jim Wolf, W.A. One, P.O. 10127, Portland, ME 04104  
Penny Littell, Corporation Counsel  
Mark Adelson, Housing and Neighborhood Dev.  
File

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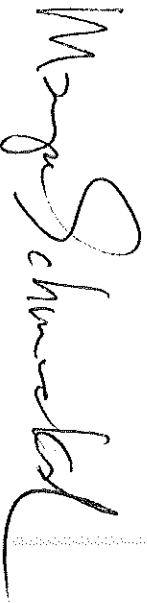
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Zoning Administrator

Cc: Jim Wolf, W.A. One, P.O. 10127, Portland, ME 04104  
Penny Littell, Corporation Counsel  
Mark Adelson, Housing and Neighborhood Dev.  
File



Gorrill-Palmer Consulting Engineers, Inc.

Traffic and Civil Engineering Services

PO Box 1237  
26 Main St.  
Gridy, ME 04039

207-657-6910  
FAX: 207-657-6912  
E-Mail: gpcei@maine.rr.com

March 13, 2002

Marge Schmuuckal  
Zoning Administrator  
City of Portland  
389 Congress Street  
Portland, ME 04101

Dear Marge:

341-9-4  
23-25 Broadway

Enclosed please find \$50 and a sketch plan of a lot of Broadway Street, which lies in the R-3 and R-5 zones. Prior to designing a duplex and making application for a building permit I ask that you determine if a duplex is allowed on the property.

We propose to extend the R-5 boundary 30 feet and situate the building in the extended zone area. The enclosed sketch has the area highlighted. Setbacks will be that in the R-5 zone and parking will be either by separate drives on either side of the building or in the R-5 zone only.

Please call me if you have any questions.

Sincerely,

Gorrill-Palmer Consulting Engineers, Inc.

Douglas E. Reynolds, P.E.  
Project Engineer

Copy: Jim Wolf

DER/der/JNS15/Broadway/letter

3/25/02 - spoke to D.R. - will submit another \$100 for this

ck 6.25 \$50  
ck 6.32 \$100

W.A. ONE  
P.O. BOX 10127  
PORTLAND, ME 04104  
TEL. 207-773-4988  
FAX 207-773-6875

March 25, 2002

Marge Schmuckel  
Zoning Administrator  
City of Portland  
389 Congress Street  
Portland, ME 04101

Dear Marge:

Enclosed please find a check for the additional \$100 that Doug Reynolds asked us to send per your request for the paperwork he submitted.

Very truly yours,



Joyce Yates

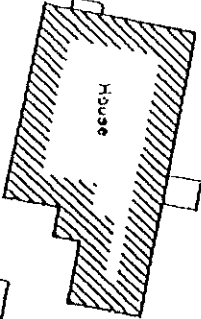
Enclosure

1" = 30 Feet

BROADWAY

(Bituminous)

1 1/4" Iron Pipe Found



Gravel Drive

Gravel Path

30' Zone Line Extension

R-3 / R-5

1 1/4" Iron Pipe Found (Bent)

Inv. In = 87.8'

1" Iron Pipe Found (Leaning, Disturbed)

Inv. Out = 87.4

(Bituminous)

Inv. = 88.2

12" Stub

Inv. = 88.2

15" Stub

Gravel path

(Third Street) (This portion not vacated)

Area of Proposed Duplex

24" CMP

Inv. = 97.4 (Filled with dirt)

Right of Way (See Reference 1)

(Code 1968, § 602.20.A; Ord. No. 15-92, § 4, 6-15-92)

**Sec. 14-51. Extension of zone lines.**

Where a zone boundary line divides a lot in single or joint ownership of record at the time such line is established, the provisions of this article for the less restricted portion of such lot shall extend not more than thirty (30) feet into the more restricted portion, provided that the lot has at least twenty (20) feet of street frontage in the less restricted zone when taken together with adjacent premises which are under the same or equivalent ownership or control. If such boundary line divides a business or industrial zone from a residence zone, no frontage on a street other than the principal business street in the less restricted zone may be taken into consideration in connection with the right herein granted. This section shall not apply to differing dimensional requirements, including height, within a zoning district.

(Code 1968, § 602.20.B; Ord. No. 35-89, 6-28-89)

**Sec. 14-52. Conformity required.**

No building or structure shall be erected, altered, enlarged, rebuilt, moved or used, and no premises shall be used unless in conformity with the provisions of this article.

(Code 1968, § 602.1.D)

**Sec. 14-53. Minimum requirements established.**

In interpreting and applying the provisions of this article, they shall be held to be minimum requirements for the promotion of health, safety, convenience and welfare of the citizens of the city; for reducing the danger from fires; and for improving the city.

(Code 1968, § 602.1.E)

**Sec. 14-54. Zone change fees.**

The following schedule of fees will be charged by the city for



W.A. ONE  
P.O. BOX 101227  
PORTLAND, ME 04104

S2-7445/2112  
027283382

632

PAY TO THE ORDER OF City of Portland

\$ 100-

DATE 3/25/02

DOLLARS   Special Features  
Resistant to Forgery  
Made in U.S.A.

Peoples Heritage Bank, N.A.  
One Portland Square  
Portland, ME 04101

A Bankworth Company

MEMO \_\_\_\_\_  
⑆211274450⑆ 0272 83382⑆ 0832

MP

W.A. ONE  
P.O. BOX 101227  
PORTLAND, ME 04104

S2-7445/2112  
027283382

625

PAY TO THE ORDER OF City of Portland

\$ 50-

DATE 3-11-02

DOLLARS   Special Features  
Resistant to Forgery  
Made in U.S.A.

Peoples Heritage Bank, N.A.  
One Portland Square  
Portland, ME 04101

A Bankworth Company

MEMO \_\_\_\_\_  
⑆211274450⑆ 0272 83382⑆ 0825

MP

**From:** "Doug Reynolds" <dergpcei@maine.rr.com>  
**To:** "Marge" <MES@ci.portland.me.us>  
**Date:** Mon, Apr 15, 2002 8:57 AM  
**Subject:** Broadway

Marge

On March 13 2002 I submitted to you a request for a zoning determination for a lot on Broadway Street. Although I feel that we have interpreted section 14-51 of the Land Use Code correctly, your letter is necessary as I have never dealt with this section of the code.

The potential buyer of the property is anxious to receive your letter and move forward with construction of their new building on this lot or begin searching for another piece of property.

If I could pass on a time frame as to when a response can be expected I believe you will put this person at ease.

I look forward to hearing from you and thank you for your help.

Zoning Division  
Marge Schannuckal  
Zoning Administrator

Department of Urban Development  
Lee Urban, Director



## CITY OF PORTLAND

August 16, 2002

Douglas E. Reynolds, P.E.  
C/o Gorill-Palmer Consulting Engineers, Inc.  
PO Box 1237  
Gray, ME 04039

RE: 23-25 Broadway St. -341-G-004 - R-3 Zone - two dwelling unit discussion continued

Dear Doug,

I am in receipt of your letter dated May 1, 2002 with the tax bill attached showing that W. A. One owns the lot described by assessor's number 341-H-002. That clarifies the ownership of that lot. Thank you.

The portion of the zoning map which Titcomb Associated used and which you also included with your letter, is no longer in effect. On January 17, 2001, the Portland City Council adopted a new GIS Zoning Map. This same map was revised and accepted by the Portland City Council on February 15, 2002. My original April 19, 2002 letter to you had a portion of that map attached. The old map has no bearing on a current zoning determination. The old map would not change my original, written decision.

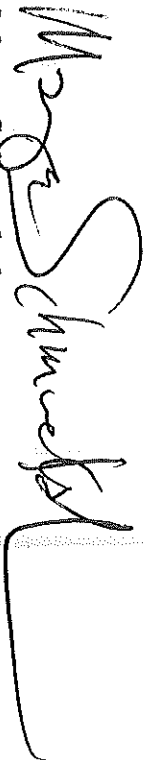
When and if you apply for any permit, it is a requirement that you submit a copy of the written deed description and/or sales agreement. This requirement is essential for the City to determine the right title and/or interest in a certain piece of property before issuing a building permit for construction. Yes, a copy of any vacated street or any other relevant documentation is needed as part of your application.

As I previously explained in my original letter, the R-5 zone line may not be extended into the R-3 zone because the existing conditions do not meet the requirements that are stated in section 14-51. My original determination has not changed. A new two unit is not allowable within the R-3 residential zone.

If you have any other specific questions regarding this property, perhaps it would be more productive to schedule a meeting.

Please note, that with the writing of this letter, you have not extended any rights for an appeal. The status of your property for constructing two units has not changed in any way. This office would not allow such a permit.

Very truly yours,



Marge Schmuckal  
Zoning Administrator

Cc: Lee Urban, Planning & Development Director  
Mark Adelson, Housing & Neighborhood Services Director  
Penny Littell, Corporation Counsel



KEEP THIS PORTION

ACCOUNT NUMBER  
36158

REAL ESTATE PROPERTY TAX STATEMENT  
City of Portland

CBL  
340 - L-017-001

2002  
Fiscal Year  
July 1, 2001 - June 30, 2002  
Owner of Record as of April 1, 2001

W A ONE  
PO BOX 10127  
PORTLAND ME 04104

Assessed Property Description  
340-L-17041-11-2  
342-A-8 REAR FOREST  
AVE 1315-1425  
192100 SQ FT

CURRENT BILLING DISTRIBUTION

School	\$590.14
Public Works	\$61.36
Parks & Recreation	\$31.24
Fire	\$82.55
Police	\$84.79
Debt Repayments	\$126.06
General Government	\$43.51
County	\$34.58
Health & Human Services	-\$16.73
Library	\$34.58
Metro Transit District	\$23.43
Enterprise Funds	\$1.12
Regional Waste Systems	\$18.97

CURRENT BILLING INFORMATION

Land Value	\$45,890.00
Building Value	\$0.00
Total Value	\$45,890.00
Exemptions	\$0.00
Homestead	\$0.00
Taxable Value	\$45,890.00
Tax Rate	24.31
<b>TOTAL TAX</b>	<b>\$1,115.60</b>
<b>AMOUNT PAID</b>	<b>\$557.80</b>

Remittance Instructions

To avoid standing in line, it is recommended that taxes be paid by mail. Please make check or money order payable to: **CITY OF PORTLAND**. Credit cards are not accepted for property tax payments.

Use enclosed envelope to mail in your payment.

Use top right margin for change of address.

DOUG



This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

**Current Owner Information**

Card Number 1 of 1  
 Parcel ID 340 L017001  
 Location 1315 FOREST AVE  
 Land Use VACANT LAND

Owner Address W A ONE  
 PO BOX 10127  
 PORTLAND ME 04104

Book/Page 340-L-17341-H-2  
 Legal 342-A-8 REAR FOREST  
 AVE 1315-1425  
 192100 SQ FT

**Valuation Information**

Land	Building	Total
\$45,890	\$ 0.00	\$45,890

**Property Information**

Year Built	Style	Story Height	Sq. Ft.	Total Acres
				4.41
Bedrooms	Full Baths	Half Baths	Total Rooms	Attic
				Basement

**Outbuildings**

Type	Quantity	Year Built	Size	Grade	Condition
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**Sales Information**

Date	Type	Price	Book/Page
03/27/2000	LAND		15384-011

**Picture and Sketch**

[Picture](#)

[Sketch](#)

[Click here to view Tax Roll Information.](#)

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

**New Search**





## CITY OF PORTLAND

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