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## 42 OBrion St - permit #01825

9 messages

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**Christina Stacey** <cstacey@portlandmaine.gov>  
To: jason@portcityarch.com

Thu, Jan 18, 2018 at 2:42 PM

Hi Jason,

Thanks for chatting about my questions. As I mentioned, I am concerned that the gabled roof will not meet the side stepback requirement (or at least my previous understanding of that requirement). You mentioned that you recall other project(s) that allowed gabled roofs to meet the stepback - if you can provide any addresses so I can look at the permit history, that would be helpful.

Also, if you can just confirm in writing that the average grade shown on the elevations is correct and based on the civil drawing, I would appreciate it!

Thanks,  
Chris

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Chris Stacey - Zoning Specialist  
Permitting & Inspections Department  
City of Portland  
389 Congress St.  
Portland, ME 04101  
(207) 874-8695  
[cstacey@portlandmaine.gov](mailto:cstacey@portlandmaine.gov)

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**Jason Pica** <jason@portcityarch.com>  
To: Christina Stacey <cstacey@portlandmaine.gov>

Thu, Jan 18, 2018 at 3:41 PM

Good Afternoon, See attached quick elevation sketch showing the structure that is in question on the stepback. I'm just looking to verify that this small area is the structure that is in question. The opposite side of the building contains a stairway and circulation has been approved on previous projects to be allowed within the setback (31 Fore St). We are still researching the ordinance and previous projects where it may have been accepted with the gable roof.

Also, I can confirm that the written dimensions on the Elevations match the civil drawings and the site survey. The grade was inadvertently drawn lower than reality and the civil drawings.

Thanks for your help.

Jason Pica

Senior Architectural Designer

Port City Architecture

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**From:** Christina Stacey [mailto:[cstacey@portlandmaine.gov](mailto:cstacey@portlandmaine.gov)]  
**Sent:** Thursday, January 18, 2018 2:43 PM  
**To:** [jason@portcityarch.com](mailto:jason@portcityarch.com)  
**Subject:** 42 OBrion St - permit #01825

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**42 OBRION ST - ELEVATIONS SETBACK QUESTION.pdf**  
48K

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**Christina Stacey** <[cstacey@portlandmaine.gov](mailto:cstacey@portlandmaine.gov)>  
To: Jason Pica <[jason@portcityarch.com](mailto:jason@portcityarch.com)>

Tue, Jan 23, 2018 at 8:32 AM

Hi Jason,

Yes, the small corner you depict on the NW roof side is one area of concern. The dormer on the opposite side is of concern too. Your e-mail alludes to Section 14-430, which exempts from the height limitation "roof structures for the housing of elevators, stairways, tanks, fans, or other building operating equipment not intended for human occupancy..." We have interpreted this to mean that the structure must be of the minimum size to accommodate the stairway and that no "living space" (i.e. areas intended for human occupancy) can be part of the structure. As I said in our call, I am not aware of a dormer yet that has been approved for this purpose, so I don't have a good example to go by. I did talk with the Zoning Administrator and she agreed that one concern with dormers would be if it creates additional headroom for the purpose of increasing the overall living space of the fourth floor, in addition to accommodating the stairway. I think we it would be helpful to see an elevation view that shows the 10' stepback area marked, proving that the dormer height and volume within that stepback is the minimum needed to accommodate the stairway for code purposes. Obviously, once beyond the stepback the dormer height (as long as total under the 45' max) is not a concern. I also want to know whether the overall length of the dormer is creating additional floor area that may not be necessary to the stair access - see the approximately 4' by 6' area next to each set of stairs, towards the gable end walls.

Chris

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**Jason Pica** <jason@portcityarch.com>  
To: Christina Stacey <cstacey@portlandmaine.gov>

Wed, Jan 24, 2018 at 2:28 PM

Good Afternoon, See attached revised drawings that address the zoning concerns. In order to remove the gabled roof from the setback requirements over 35', we reduced the overall height of the building by 12" ( we took 6" from the floor to floors of the first and second floor), this removed all structure from the required setback. To address the opposite side of the building with the stair case, we pushed the dormered area back towards the center of the building by 6'2" and created a low headroom area to the front with same pitched roof as the opposite side which does not fall within the setback. Let me know of any other issues or concerns. Thanks

Jason Pica

Senior Architectural Designer

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**From:** Christina Stacey [mailto:[cstacey@portlandmaine.gov](mailto:cstacey@portlandmaine.gov)]  
**Sent:** Tuesday, January 23, 2018 8:33 AM  
**To:** Jason Pica <[jason@portcityarch.com](mailto:jason@portcityarch.com)>  
**Subject:** Re: 42 OBrion St - permit #01825

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Chris Stacey - Zoning Specialist  
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 **42 OBrion St - permit #01825 - SK-1.pdf**  
184K

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**Christina Stacey** <[cstacey@portlandmaine.gov](mailto:cstacey@portlandmaine.gov)>  
To: Jason Pica <[jason@portcityarch.com](mailto:jason@portcityarch.com)>

Mon, Jan 29, 2018 at 9:42 AM

Hi Jason,

I showed this new plan to the Zoning Administrator. She has not yet seen a dormer being used for the Section 14-430 height limit exemption, but her interpretation is that a dormer could be considered a "roof structure" as allowed under the rule. She cautions that an affected neighbor could appeal her interpretation, as historically we have only seen the exemption applied to tower-style structures.

She did ask if you can supply a cross-sectional view (from the east) demonstrating that the dormer is the absolute minimum size that would be needed to provide adequate headroom for the stairs. Specifically, she is wondering if the dormer can be narrowed further, since headroom does not necessarily need to be created for the lower part of the stairs.

Thanks,  
Chris  
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**Jason Pica** <[jason@portcityarch.com](mailto:jason@portcityarch.com)>  
To: Christina Stacey <[cstacey@portlandmaine.gov](mailto:cstacey@portlandmaine.gov)>

Fri, Feb 9, 2018 at 4:26 PM

Good Afternoon, See attached for the revised drawings as well as the addition of the section showing the stair headroom. From the previous version we pushed the dormer in an additional 2'-2" to 8'4" (6'2" previously). Hope this clears it up, Thanks

**From:** Christina Stacey [mailto:[cstacey@portlandmaine.gov](mailto:cstacey@portlandmaine.gov)]  
**Sent:** Monday, January 29, 2018 9:43 AM

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 **42 OBrion St - permit #01825 - SK-1R1.pdf**  
236K

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**Christina Stacey** <cstacey@portlandmaine.gov>  
To: Jason Pica <jason@portcityarch.com>

Mon, Feb 12, 2018 at 2:30 PM

Hi Jason,

I think this should work, but I have a request - I need to be able to overwrite the previous plans with new versions that are like-for-like. Is it possible to incorporate these revised views into the appropriate plans? For example, the original submission had all four elevation views on one sheet - can the new north elevation be inserted into that sheet?

Thanks!  
Chris

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**Christina Stacey** <cstacey@portlandmaine.gov>  
To: Jason Pica <jason@portcityarch.com>

Thu, Feb 15, 2018 at 9:09 AM

Hi Jason,

I forgot to mention one more issue on the plans. The bonus room in one unit shows what appears to be a bar sink and refrigerator. We are concerned about these types of items because of issues with people creating illegal dwelling units over time. We are OK with the bar sink and the small countertop, but the refrigerator appears to be full-size. Is this correct? We would limit this only to a mini-fridge size.

Thanks,  
Chris

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**Jason Pica** <jason@portcityarch.com>  
To: Christina Stacey <cstacey@portlandmaine.gov>

Fri, Feb 16, 2018 at 11:15 AM

Good Morning, Please see attached for the New Elevations sheet A2.1 as well as a revised A1.2 for the third floor, I added a note that the fridge would be an under counter bar fridge. Thanks

**From:** Christina Stacey [mailto:[cstacey@portlandmaine.gov](mailto:cstacey@portlandmaine.gov)]

**Sent:** Thursday, February 15, 2018 9:09 AM

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## 2 attachments



**40 OBRION - A1.2 - FLOOR PLAN - 2ND AND 3RD FLOOR REV 2-15-18.pdf**  
267K



**40 OBRION - A2.1 - ELEVATIONS REV 2-15-18.pdf**  
312K