# DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

### CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

MOIT **PERMIT** 

Permit Number: 010854

Nice Foods Corp/no contract This is to certify that Build a 380 SqFt Attached D has permission to \_

AT 42 Washington Ave

E015001 ptine this permit shall comply with all provided that the person persons, d of the es or the City of Portland regulating of the provisions of the Statutes of N ne a

of buildings and str

the construction, maintenance and this department.

Apply to Public Works for street line and grade if nature of work requires such information.

N ication inspec must and wr n permis h procui e this t dina or thereo gosed-in. d or o R NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

tures, and of the application on file in

OTHER REQUIRED APPROVALS Fire Dept. Wy mis

Health Dept.

Appeal Board Other

Department Name

PENALTY FOR REMOVING THIS CARD

ocation of Construction:	Owner Name	<del></del>	<u> </u>	wner Address:		===	013 E01	
42 Washington Ave	Nice Food		· · · · · · · · · · · · · · · · · · ·	wner Address: 197 Riverside St	i i	207-772-0360		
Business Name:	Contractor N							
n/a	no contrac		Contractor Address: Phone					
Lessee/Buyer's Name		n/a n/a Permit Type:						
n/a	Phone: n/a		1	Additions - Com	nmercial		İ	Zone:
Past Use:		<u> </u>		Cost of Work		CEO District:	1	
rast use: Commercial / Food Se	Proposed Us		1	ermit Fee: \$36.00	\$1,60		CEO District:	ļ
Commercial / Food Se			Ft Attached -0360 when F	IRE DEPT:			TION:	<u> </u>
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Proposed Project Descripti						ומי	CTION: oup: M/A 3 CERNAT ISSU THE REPORT	14/
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			<b>●</b>   S	atur			Date:	
Permit Taken By:	Date Applied For:	T		Zoning	g Approva	ıl		
cih	07/12/2001						/	
1. This permit applic	cation does not preclude the	Spe	cial Zone or Review	Zon	ing Appeal		Historic Prese	ervation
Applicant(s) from Federal Rules.	meeting applicable State a	nd 📗 St	noreland	☐ Varian	ce		Not in District	t or Landi
<ol> <li>Building permits of</li> </ol>	4		$\mathbf{n} \cdot \mathbf{n} \cdot \mathbf{n}$			l l		
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# THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE PERMIT IS ISSUED

# **All Purpose Building Permit Application**

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: 40/42 WASHINGTON AVE.							
Total Square Footage of Proposed Structure 30859 Proposed Francisco Square Footage of Lot 5198							
Tax Assessor's Chart, Block & Lot Number  Owner: 42 WASh Are Telephone#:							
Chart# 13 Block# E Lot#15 NICE FOODS CORP. 772.0360							
Lessee/Buyer's Name (If Applicable)  Owner's/Purchaser/Lessee Address:  Cost Of  Work: Fee: \$ 1,600.00 \$ 36,00							
Current use: Sct down (Btauran + Pato area							
If the location is currently vacant, what was prior use: Approximately how long has it been vacant:							
Proposed use: School 18 taurant   patro chec School Floor 14/22 check, For occupancy							
Project description: 14'XZZ' deck for eating, alcho!							
Contractor's Name, Address & Telephone: SELF							
Applicants Name, Address & Telephone: STEFANINICE 39CARTERST							
Applicants Name, Address & Telephone: STEFANINICE 39 CARTERST.  Who should we contact when the permit is ready: FRED GWARTNEY 709-0197  Telephone: 772.0360 XX COULD HOME							
If you would like the permit mailed, what mailing address should we use:  (eAse (A(( See # 2001) Rec'd By:  (case decided) Rec'd By:							

#### **BUILDING PERMIT REPORT**

DATE: 16 July 200/	ADDRESS: 42 Washing Ton AVE- CBL: \$13-E-615
REASON FOR PERMIT: 76	ConsTruct a 308 50. FT. ATTached deck
BUILDING OWNER: Nice	Foods Corp.
PERMIT APPLICANT:	•
USE GROUP: M/A3 CONSTR	uction type: 58 construction cost: 1600.04 permit fees: 13.00

The City's Adopted Building Code (The BOCA National Building Code/1999 with City Amendments)
The City's Adopted Mechanical Code (The BOCA National Mechanical Code/1993)

#### **CONDITION(S) OF APPROVAL**

This permit is being issued with the understanding that the following conditions shall be met: \(\frac{\times 1}{3}, \frac{\times 1}{3}, \frac{\ti

- 1. This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
- Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection) "ALL LOT LINES SHALL BE CLEARLY MARKED BEFORE CALLING."
  - 3. Foundation drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 sieve. The drain shall extend a minimum of 12 inches beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not less than 6 inches above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2" of gravel or crushed stone, and shall be covered with not less than 6" of the same material. Section 1813.5.2
  - 4. Foundations anchors shall be a minimum of 1/2" in diameter, 7" into the foundation wall, minimum of 12" from corners of foundation and a maximum 6' O.C. between bolts. Section 2305.17
  - Waterproofing and dampproofing shall be done in accordance with Section 1813.0 of the building code.
- 6. Precaution must be taken to protect concrete and masonry. Concrete Sections 1908.9-19.8:10/ Masonry Sections 2111.3-2111.4.
- It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the
  proper setbacks are maintained.
- 8. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of ½ inch gypsum board or the equivalent applied to the garage side. (Chapter 4, Section 407.0 of the BOCA/1999)
- All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993). Chapter 12 & NFPA 211
- 10. Sound transmission control in residential building shall be done in accordance with Chapter 12, Section 1214.0 of the City's Building Code.
- Guardrails & Handrails: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42". In occupancies in Use Group A, B.H-4, I-1, I-2, M, R, public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect. Handrails shall be a minimum of 34" but not more than 38". Exception: Handrails that form part of a guard shall have a height not less than 36 inches (914 mm) and not more than 42 inches (1067 mm). Handrail grip size shall have a circular cross section with an outside diameter of at least 1 ¼" and not greater than 2". (Sections 1021 & 1022.0). Handrails shall be on both sides of stairway. (Section 1014.7) R-3 (ONE & TWO FAMILY DWELLINGS) GUARD HEIGHT IS 36" MINIMUM.
  - 12. Headroom in habitable space is a minimum of 7'6". (Section 1204.0)
- 13. Stair construction in <u>Use Group R-3 & R-4 is a minimum of 10" tread and 7%" maximum rise</u>. All other Use Group minimum 11" tread, 7" maximum rise. (Section 1014.0)
  - 14. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6'8") 1014.4
  - 15. The Minimum required width of a corridor shall be determined by the most restrictive of the criteria under section 1011.3 but not less then 36".
  - 16. Every sleeping room below the fourth story in buildings of Use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue they shall have a sill height not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508)mm, and a minimum net clear opening of 5.7 sq. ft. (Section 1010.4)
  - 17. Each apartment shall have access to two (2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units. (Section 1010.1)
  - 18. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hour, including fire doors with self closure's. (Over 3 stories in height requirements for fire rating is two (2) hours. (Section 710.0)
  - 19. The boiler shall be protected by enclosing with (1) hour fire rated construction including fire doors and ceiling, or by providing automatic extinguishment. (Table 302.1.1)

- 20. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the City's Building Code Chapter 9, Section 920.3.2 (BOCA National Building Code/1999), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):
  - In the immediate vicinity of bedrooms
  - In all bedrooms
  - In each story within a dwelling unit, including basements
- 21. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type. (Section 921.0)
- 22. The Fire Alarm System shall be installed and maintained to NFPA #72 Standard.
- 23. The Sprinkler System shall be installed and maintained to NFPA #13 Standard.
- 24. All exit signs, lights and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023.0 & 1024.0 of the City's Building Code. (The BOCA National Building Code/1999)
- 25. Section 25 135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".
  - 26. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification the Division of Inspection Services.
  - 27. Ventilation and access shall meet the requirements of Chapter 12 Sections 1210.0 and 1211.0 of the City's Building Code. (Crawl spaces & attics).
  - 28. All electrical, plumbing and HVAC permits must be obtained by Master Licensed holders of their trade. No closing in of walls until all electrical (min. 72 hours notice) and plumbing inspections have been done.
  - 29. All requirements must be met before a final Certificate of Occupancy is issued.
- 30. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code (The BOCA National Building Code/1996).
- 31. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical code (The BOCA National Mechanical Code/1993). (Chapter M-16)
- 32. Please read and implement the attached Land Use Zoning report requirements.
- 33. Boring, cutting and notching shall be done in accordance with Sections 2305.3, 2305.3.1, 2305.4.4 and 2305.5.1 of the City's Building Code.
- 34. Bridging shall comply with Section 2305.16.
- 35. Glass and glazing shall meet the requirements of Chapter 24 of the building code. (Safety Glazing Section 2406.0)

36. All flashing shall comply with Section 1406.3.10.

37. All signage shall be done in accordance with Section 3102.0 signs of the City's Building Code, (The BOCA National Building Code/1999).

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der todises, Building Inspector Lt. McDougall, PFD

Marge Schmuckal, Zoning Administrator Michael Nugent, Inspection Service Manager

PSH 10/1/00

\*\*This permit is herewith issued, on the basis of plans submitted and conditions placed on these plans, any deviations shall require a separate approval.

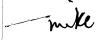
\*\*\*THIS PERMIT HAS BEEN ISSUED WITH THE UNDERSTANDING THAT ALL THE CONDITIONS OF THE APPROVAL SHALL BE COMPLETED. THEREFORE, BEFORE THE WORK IS COMPLETED A REVISED PLAN OR STATEMENT FROM THE PERMIT HOLDER SHALL BE SUBMITTED TO THIS OFFICE SHOWING OR EXPLAINING THAT THE CONDITIONS HAVE BEEN MET. IF THIS REQUIREMENT IS NOT RECEIVED YOUR CERTIFICATE OF OCCUPANCY SHALL BE WITHHELD. (You Shall Call for Inspections)

\*\*\*\*ALL PLANS THAT REQUIRE A PROFESSIONAL DESIGNER'S SEAL, (AS PER SECTION 114.0 OF THE BUILDING CODE) SHALL ALSO BE PRESENTED TO THIS DIVISION ON AUTO CAD LT. 2000, DXF FORMAT OR EQUIVALENT.

\*\*\*\*\*CERTIFICATE OF OCCUPANCY FEE \$50.00

### City Of Portland Inspection Services RETURN OF SERVICE

On the 440 upon,	day of May 2001, I made service	ce of Ed PRAIL , at YO WAShington Ave
<u>/</u>	By delivering a copy in hand.  By leaving copies at the individual's	
	of abode with a person of suitable a therein and whose name is	
<del></del>	By delivering a copy to an agent au process, and whose name is	thorized to receive service of
	By (describe other manner of service	e)
ک DATED:	5/4/01	Signature of Person Making Service.  Cade ENTOREMENT OFFICER  Title
I have receiv	red the above referenced documents	Person Receiving Service
		Refused to sign Unable to sign



Zoning Division Marge Schmuckal Zoning Administrator



#### **CITY OF PORTLAND**

' July 24, 2001

Fred Gwartney Nice Foods Corp

C/o Silly's C/o Silly's

42 Washington Avenue Portland, ME 04101 Portland, ME 04101

RE: 42 Washington Avenue – 013-E-015 - B-2b Zone

Dear Mr. Gwartney,

I am in receipt of your building permit to erect a 14' x 22' deck on the rear of the existing restaurant. Your permit is being denied because it can not meet the current zoning requirements.

The B-2b Business zone states that there is no requirement for a setback from the property line except when the side line abuts a first floor residential zone or a residential use, then a ten (10) foot setback is required (section 14-185). The left hand side of your building abuts a first floor residential use. Your plans show that you have only a one (1) foot setback instead of the ten (10) foot setback required.

The zoning requirements also require off-street parking based on the increase square footage (section 14-332). Your submitted plot plan shows <u>no</u> increased parking for the new public deck. The ordinance requires 1 parking space for each 150 square feet of area. You would need to show this office at least 2 off-street parking spaces for this proposal.

You have the right to appeal my decision (section 14-472). Variance appeals for setbacks are very difficult to have granted by 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 file an appeal. Please contact me at this office in order to get the proper appeal paperwork that you will need in order to file for an appeal.

It is also my understanding that the deck has already been built without the benefit of the



# CITY OF PORTLAND STOP WORK NOTICE

May 04, 2001

Nice Foods Corp 597 Riverside Avenue Portland, Maine, 04103

RE: 40 Washington Avenue (Silly's)

CBL: 13-E-005

HAND DELIVER

Dear Sir/Madam:

An evaluation of the property at 40 Washington Ave. revealed that the structure fails to comply with Section 107.1 of the Building Code.

This is a STOP WORK ORDER pursuant to Section 107.1 of the Building Code (1999 BOCA). ALL CONSTRUCTION ACTIVITY MUST STOP IMMEDIATELY.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S.A. Ss 4452. This constitutes an appealable decision pursuant to Section 121.5 of the Code. Please feel free to contact me at 874-8702, if you wish to discuss the matter or have any questions.

Sincerely,

Jonathan J. Reed

Code Enforcement Officer

Cc: Central File Joseph Gray

Inspection Services Michael J. Nugent Manager



#### **CITY OF PORTLAND**

June 26, 2002

Stephanie Nice Nice Foods Corp. 42 Washington Avenue Portland, ME 04101

RE: 42 Washington Avenue

CBL: 013-E-015

Certified Mail Receipt: # 7001 1940 0004 2778 1265

Dear Ms. Nice:

I am writing regarding the 14' x 22' Deck at 42 Washington Avenue (Silly's) which was constructed without benefit of permit in the spring of last year. At the time the deck was discovered, I issued a formal "Stop Work Order" May 4, 2001 due to numerous concerns regarding the construction as observed on that day, as well as the fact that it was built without required permit(s). Subsequently, Fred Gwartney came to this office on your behalf and applied for an after-the-fact-building permit.

On July 24, 2001, a letter of denial was mailed to you from Marge Schmuckal, who is the zoning administrator for the City Of Portland. I have attached a copy of that letter for your records. Please note that is was made clear that removal of the deck was to commence "as soon as possible". The permit was denied because it cannot meet current zoning requirements, specifically setback requirements and off street parking requirements.

Therefore, this is a notice of violation pursuant to Section(s) 14-185 and 14-332 of the zoning ordinance. All referenced violations shall be corrected within 30 days of the date of this notice. A re-inspection of the premises will occur on July 29, 2002, at which time compliance will be required, and the deck must be removed before that time. Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code and in Title 30-A M.R.S. ss 4452.

Please be advised that the Portland City Council has amended the Building regulations to include a \$75.00 re-inspection fee. This violation notice will automatically cause a re-inspection at no charge. If there are any subsequent inspections, however, the \$75.00 fee will be assessed for each inspection.

Sincerely,

Jonathan J. Reed Code Enforcement Officer Attachment: 07/24/01 Letter of Denial

Cc: Marge Schmuckal-Zoning Administrator

Ster	Phoned Nice
<i>y</i> - 1	Applicant: (e) (awather) Date: 7/23/0 (
	Address: 40-42 WAShington AVE C-B-L: 013-E-015
	CHECK-LIST AGAINST ZONING ORDINANCE
	Date- EAST BUSINESS'i Structure
i	Zone Location - B-Zb
(	Interior or corner lot -
	Proposed Use/Work - Construct Can Such
	Servage Disposal - C
	Lot Street Frontage -
	Front Yard - N/A - Deckis - The lety
ARBEAC	Rear Yard - 20 88 Shown
	Rear Yard - 20 88 Shown  Abuts A resid. Zne / Uthand side.  Side Yard - Abuts A 1st floor residential use 10 reg - 1 shown for Grocery Stone or  Projections -
	Width of Lot- No Set back regu
	Height -
	Lot Area - 5, 1987 Show
	Lot Coverage Impervious Surface - 90% Allowed -
	Area per Family -  Off-street Parking 14x2Z = 3084 - 150 = 2 more of Street PAL
7	Off-street Parking 14 x 27 = 300 130 130
(	Loading Bays - N
	Site Plan - Needs A Site flan of entire
	Shoreland Zoning/Stream Protection - NA

Flood Plains -

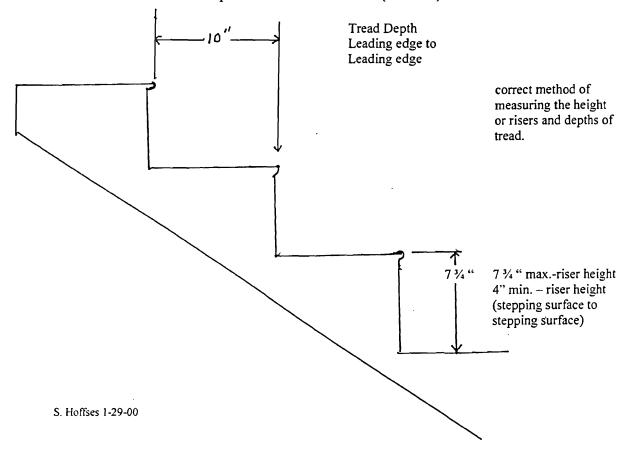
CBL 13-15 STREET ADDRESS 47 Washing DATE TIME CONTACT NARRATIVE

1

# TREAD/RISER DIMENSIONS ONE & TWO FAMILY

### BOCA NATIONAL BUILDING CODE/1999 SECTION 1014.6 TREADS & RISERS

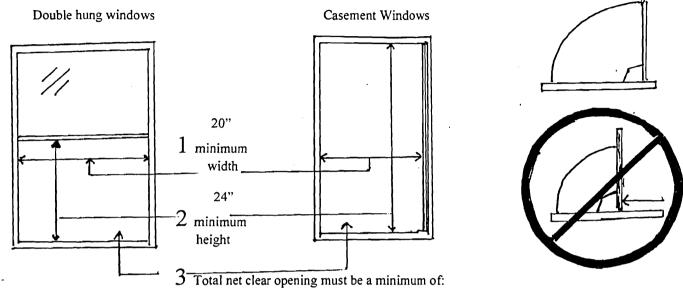
EXCEPTION: NO. 8 – In occupancies in use group R-3, within dwelling units in occupancies Use Group R-2 and in occupancies in Use Group U which are accessory to an occupancy in Use Group R-3. The maximum riser height shall be 7 ¾ inches (197mm) and the minimum tread depth shall be 10 inches (254mm). A nosing not less than ¾ inches but not more than 1 ¼ inches (32mm) shall be provided on stairways with solid risers where the depth is less than 11 inches (279mm).



Section 1010.4 of the City's Building Code (The BOCA National Building Code/1999)

### **Egress Windows**

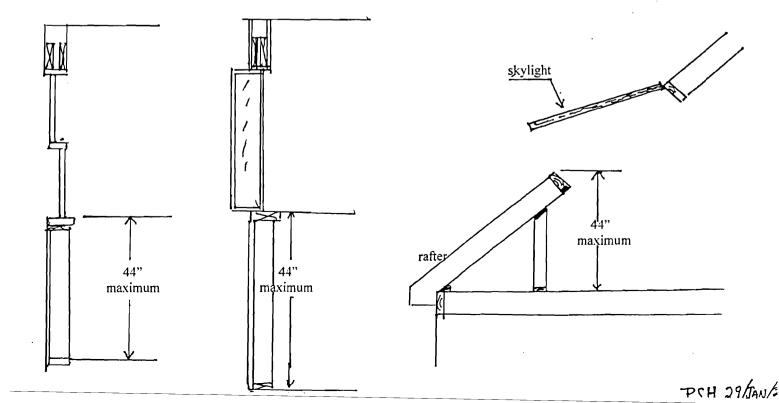
At least 1 egress window (or exterior door) is required to be provided in sleeping rooms, below the fourth story to be considered an egress window, all of the following 4 conditions must be met.

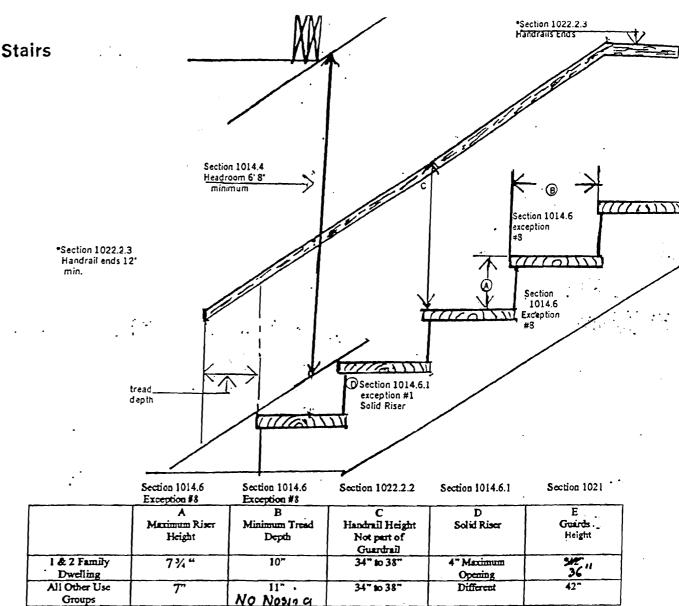


- Egress windows not at grade 5.7 square feet or 821 square inches
- Grade level egress windows 5.0 square feet or 720 square inches

Caution... A window which may meet the minimum opening width & height requirements (of condition 1 & 2) does not qualify as an egress window unless it also meets the total square foot opening requirement. (condition #3)

4 Lowest point of the opening must not be more than 44 inches above the floor





Groups NO NOS10 G

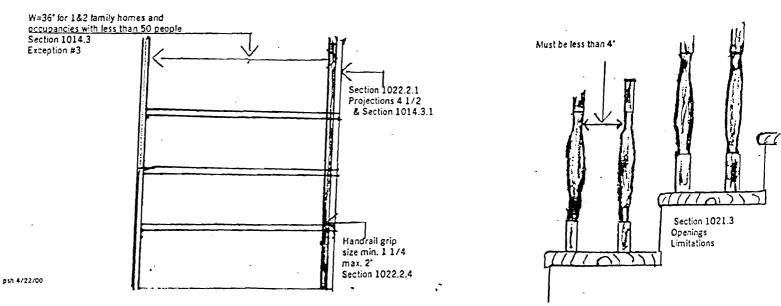
\*Guards along open-sided floor areas and along stairs locked less than 36 inches (762mm) above the floor or grade below shall not be less than 36 inches (914mm) in height

\*Guards shall be located along open-sided walking surfaces, mezzanines, stairways, ramps and landings which are located more than 15 % inches (394mm) above the floor or grade below. The guards shall be constructed in accordance with Section 1021.0.

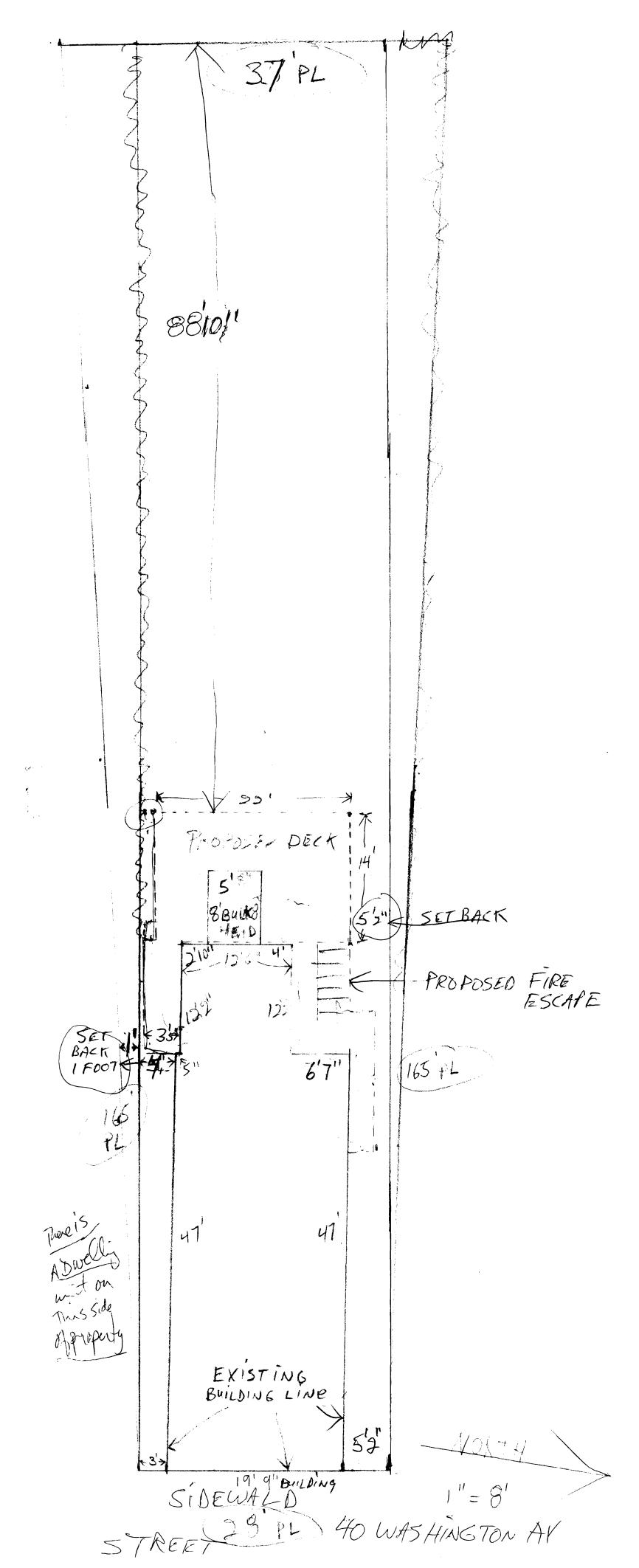
\*Handrail extensions ########## are not required for stairways within a dwelling unit Section 1022.2.3.

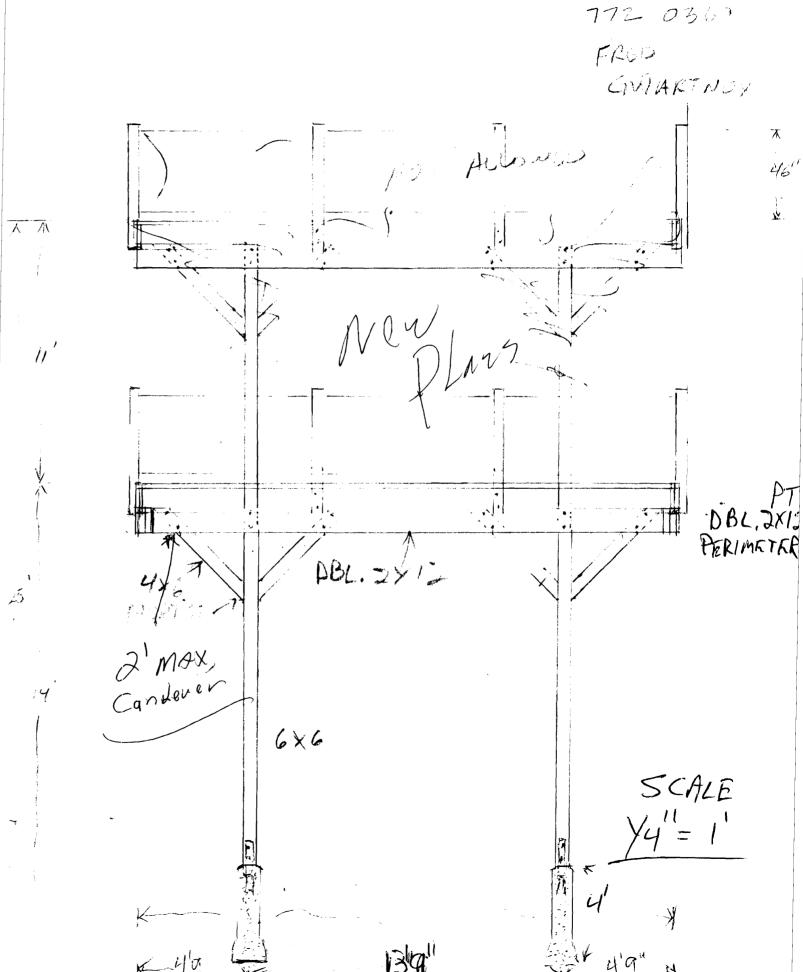
There must not be a variation exceeding 3/16 of an inch in the depth of adjacent treads or in the height of adjacent riser. Section 1014.6.2.

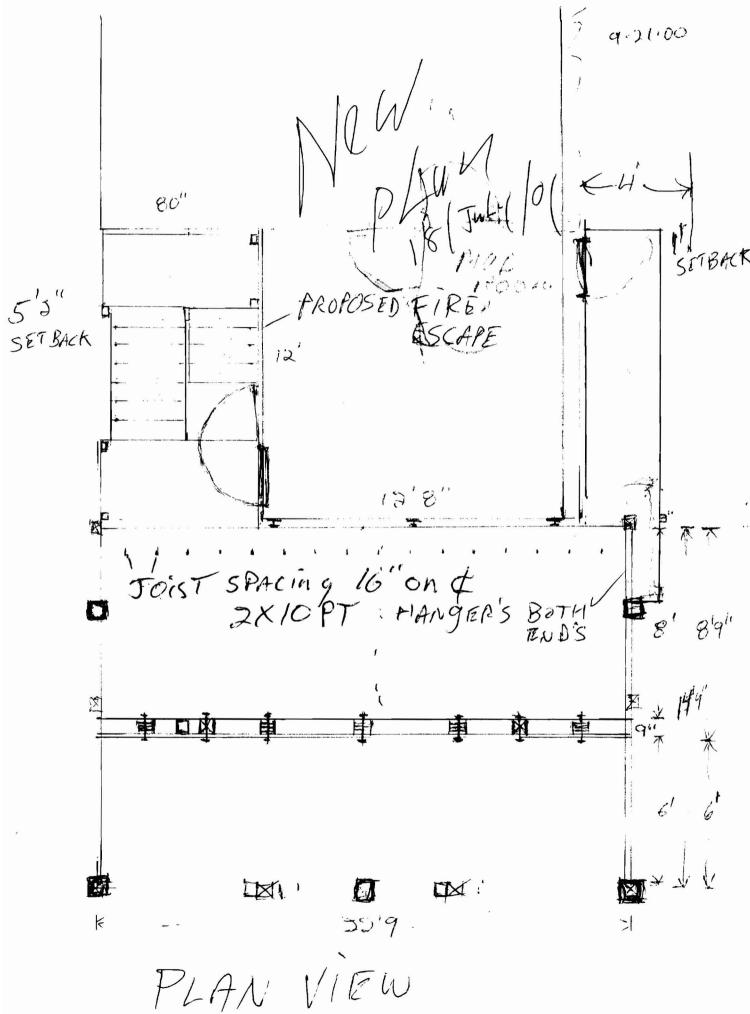
\*The difference between the largest and the smallest trend or between the largest and the smallest riser cannot exceed 3/8 of an inch. Section 1014.6.2.

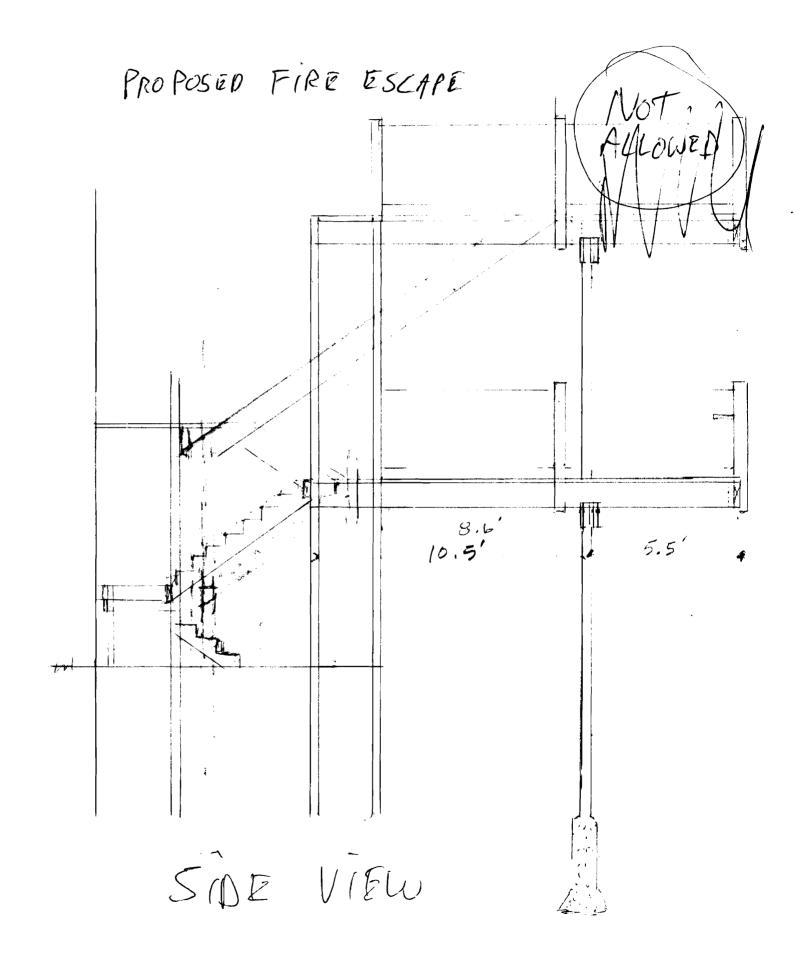


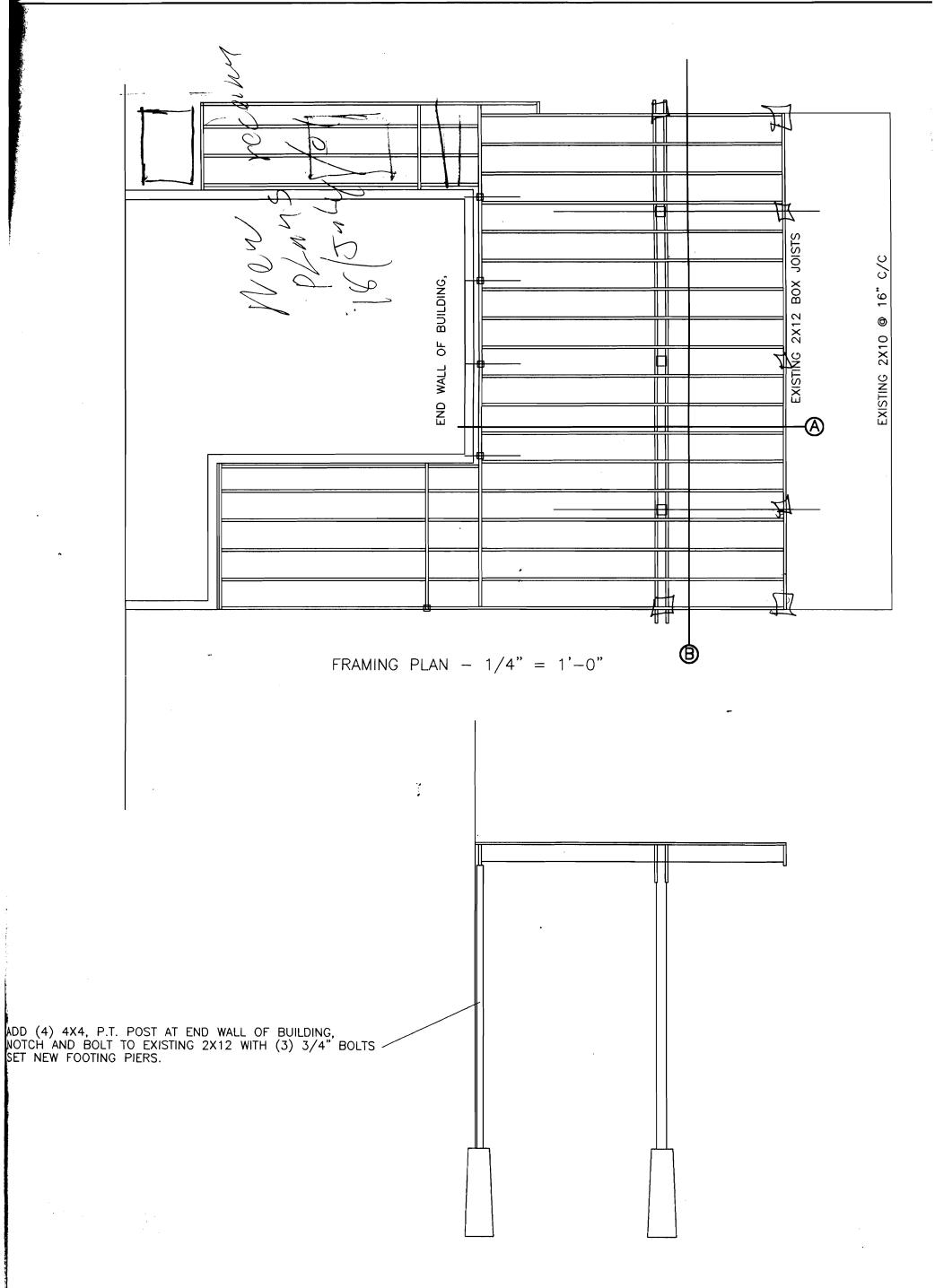
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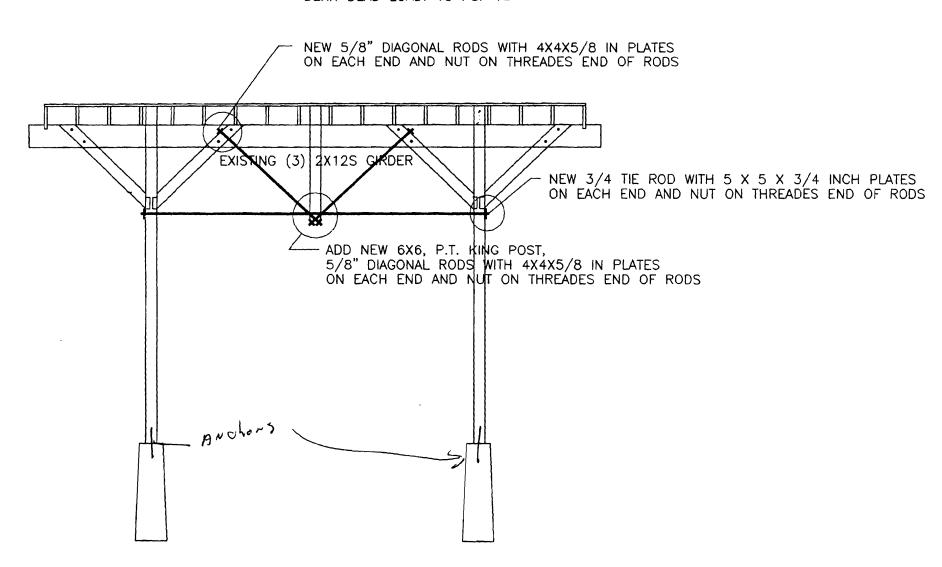






FRAMING SECTION A - 1/4" = 1'-0"

DECK LIVE LOAD: 100 PSF DEXK DEAD LOAD: 15 PSF



FRAMING SECTION B - 1/4" = 1'-0"



### CITY OF PORTLAND, MAINE

### **Department of Building Inspection**

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move demolish	Es	t. Cost \$	To have been
CASE OVER EN		mage y does the wind	
	Per	Inspector of build	dings

## THIS IS NOT A PERMIT

No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRESERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt less \$5.00 or 10% whichever is greater.

WHITE - Applicant's Copy YELLOW - Office Copy PINK - Auditors Copy