

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

**CITY OF PORTLAND**

BUILDING DEPARTMENT

**PERMIT**

Permit Number: 081267

Please Read  
Application And  
Notes, If Any,  
Attached

This is to certify that BROOKMAN GARY M / Ownerhas permission to build 18' x 8' shedAT 39 LAFAYETTE ST

CP 014 C011001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

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

Notification of inspection must be given and written permission procured before this building or part thereof is lathed or otherwise finished-in. 24 HOURS NOTICE IS REQUIRED.

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

## OTHER REQUIRED APPROVALS

Fire Dept. \_\_\_\_\_

Health Dept. \_\_\_\_\_

Appeal Board \_\_\_\_\_

Other \_\_\_\_\_

Department Name

*Thomas N. Markley* 5/4/07  
Director - Building & Inspection Services

**PENALTY FOR REMOVING THIS CARD**

**City of Portland, Maine - Building or Use Permit Application**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 08-1267	Issue Date:	CBL: 014 C011001
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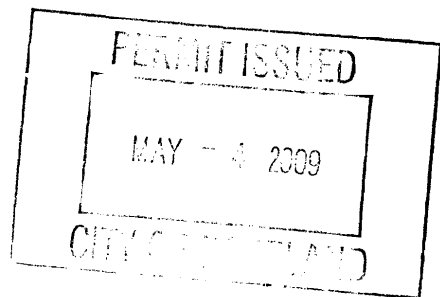
Location of Construction: 39 LAFAYETTE ST	Owner Name: BROOKMAN GARY M	Owner Address: 61 ISLAND AVE	Phone: 207-766-2661
Business Name:	Contractor Name: Owner	Contractor Address: Portland	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Dwellings	Zone: R-6

Past Use: Single Family Home	Proposed Use: Single Family Home - build 18' x 8' shed	Permit Fee: \$40.00	Cost of Work: \$1,500.00	CEO District: 1
Proposed Project Description: build 18' x 8' shed		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: R3 Type: SB IRC 2003	
		Signature: _____		Signature: <i>jm 5/4/09</i>
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)				
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied				
Signature: _____ Date: _____				

Permit Taken By: lmd	Date Applied For: 10/06/2008	<b>Zoning Approval</b>		
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- This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
- Building permits do not include plumbing, septic or electrical work.
- Building permits are void if work is not started within six (6) months of the date of issuance. False information may invalidate a building permit and stop all work..

Special Zone or Reviews	Zoning Appeal	Historic Preservation
<input type="checkbox"/> Shoreland	<input type="checkbox"/> Variance	<input checked="" type="checkbox"/> Not in District or Landmark
<input type="checkbox"/> Wetland	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Does Not Require Review
<input type="checkbox"/> Flood Zone	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Requires Review
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Approved
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Conditions
Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/>	<input type="checkbox"/> Denied	<input type="checkbox"/> Denied
Date: 4/29/08 <i>AFB</i>	Date: _____	Date: <i>AFB</i>



**CERTIFICATION**

I hereby certify that I am the owner of record of the named property, or that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his authorized agent and I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in the application is issued, I certify that the code official's authorized representative shall have the authority to enter all areas covered by such permit at any reasonable hour to enforce the provision of the code(s) applicable to such permit.

SIGNATURE OF APPLICANT	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE



# General 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: <u>39 Lafayette St.</u>		
Total Square Footage of Proposed Structure/Area <u>1605/sf</u>	Square Footage of Lot <u>4266</u>	Number of Stories <u>1</u>
Tax Assessor's Chart, Block & Lot Chart# <u>14</u> Block# <u>C</u> Lot# <u>11</u>	Applicant * <u>must be owner, Lessee or Buyer</u> * Name <u>Gary Brookman</u> Address <u>39 Lafayette St</u> City, State & Zip <u>Portland ME 04101</u>	Telephone: <u>766-2661</u>
Lessee/DBA (If Applicable) <u>N/A</u>  <u>OCT 6 2003</u>	Owner (if different from Applicant) Name Address City, State & Zip	Cost Of Work: \$ <u>1500.-</u> C of O Fee: \$ _____ Total Fee: \$ <u>40</u>
Current legal use (i.e. single family) <u>Single Family</u> Number of Residential Units <u>1</u> If vacant, what was the previous use? _____ Proposed Specific use: _____ Is property part of a subdivision? <u>No</u> If yes, please name _____ Project description: <u>Replace 10x16' shed demolished Jan 15 2008. Storage shed will have no power or heat, site on original shed footprint. Revised shed dimensions 18' x 8'</u>		
Contractor's name: <u>Owner</u> Address: _____ City, State & Zip _____ Telephone: _____ Who should we contact when the permit is ready: <u>Gary Brookman</u> Telephone: <u>766-2661</u> Mailing address: <u>39 Lafayette St. Portland ME 04101</u> <u>brookmg2@excite.com</u>		

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: Gary Brookman Date: Oct 6, 2008

This is not a permit; you may not commence ANY work until the permit is issue

**City of Portland, Maine - Building or Use Permit**

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

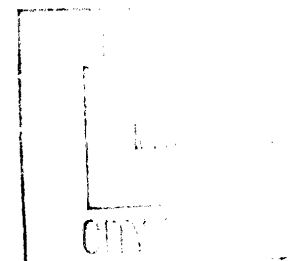
Permit No: 08-1267	Date Applied For: 10/06/2008	CBL: 014 C011001
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Location of Construction: 39 LAFAYETTE ST	Owner Name: BROOKMAN GARY M	Owner Address: 61 ISLAND AVE	Phone: 207-766-2661
Business Name:	Contractor Name: Owner	Contractor Address: Portland	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Dwellings	

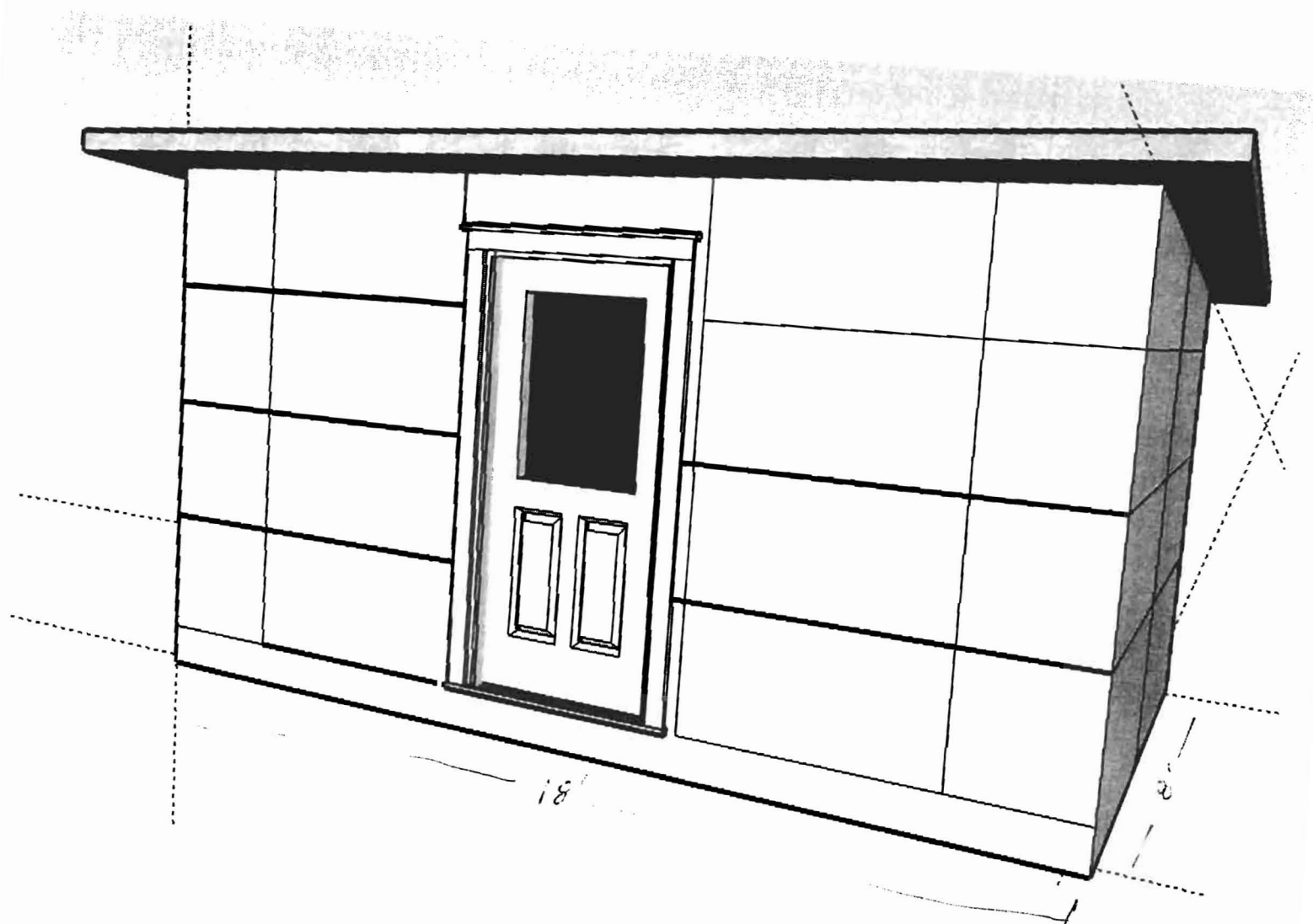
Proposed Use: Single Family Home - build 18' x 8' shed	Proposed Project Description: build 18' x 8' shed
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Dept: Zoning	Status: Approved with Conditions	Reviewer: Ann Machado	Approval Date: 04/29/2009
Note:	Ok to Issue: <input checked="" type="checkbox"/>		
1) This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.			
2) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.			
Dept: Building	Status: Approved with Conditions	Reviewer: Tom Markley	Approval Date: 05/04/2009
Note:	Ok to Issue: <input checked="" type="checkbox"/>		
1) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.			

<b>Comments:</b>
10/15/2008-amachado: Spoke to Gary Bookman. No record of permit for 10' x 16' shed in our records. No legal right to it, so can't rebuild it in existing footprint because it does not meet the R-6 zoning requirements. See letter.
10/30/2008-amachado: Had received letter from Gary on 10/24/08. Sent response on 10/29/08. Spoke to Gary about why the 10' x 16' shed was not grandfathered. He said that he was not going to appeal. He would either do a 10' x 10' shed or see if the city council approves a 144 sf shed to be 5' from the property lines.
11/19/2008-amachado: Period to appeal is over.
4/16/2009-amachado: Spoke to Gary Brookman. He will come in to revise the application for the shed to be 144 sf to meet the amended setbacks for accessory structures. The permit is still active. It has not been six months since we last talked.
4/29/2009-amachado: Gary Bookman came in and revised his application. The new proposed shed is 18' x 8'.

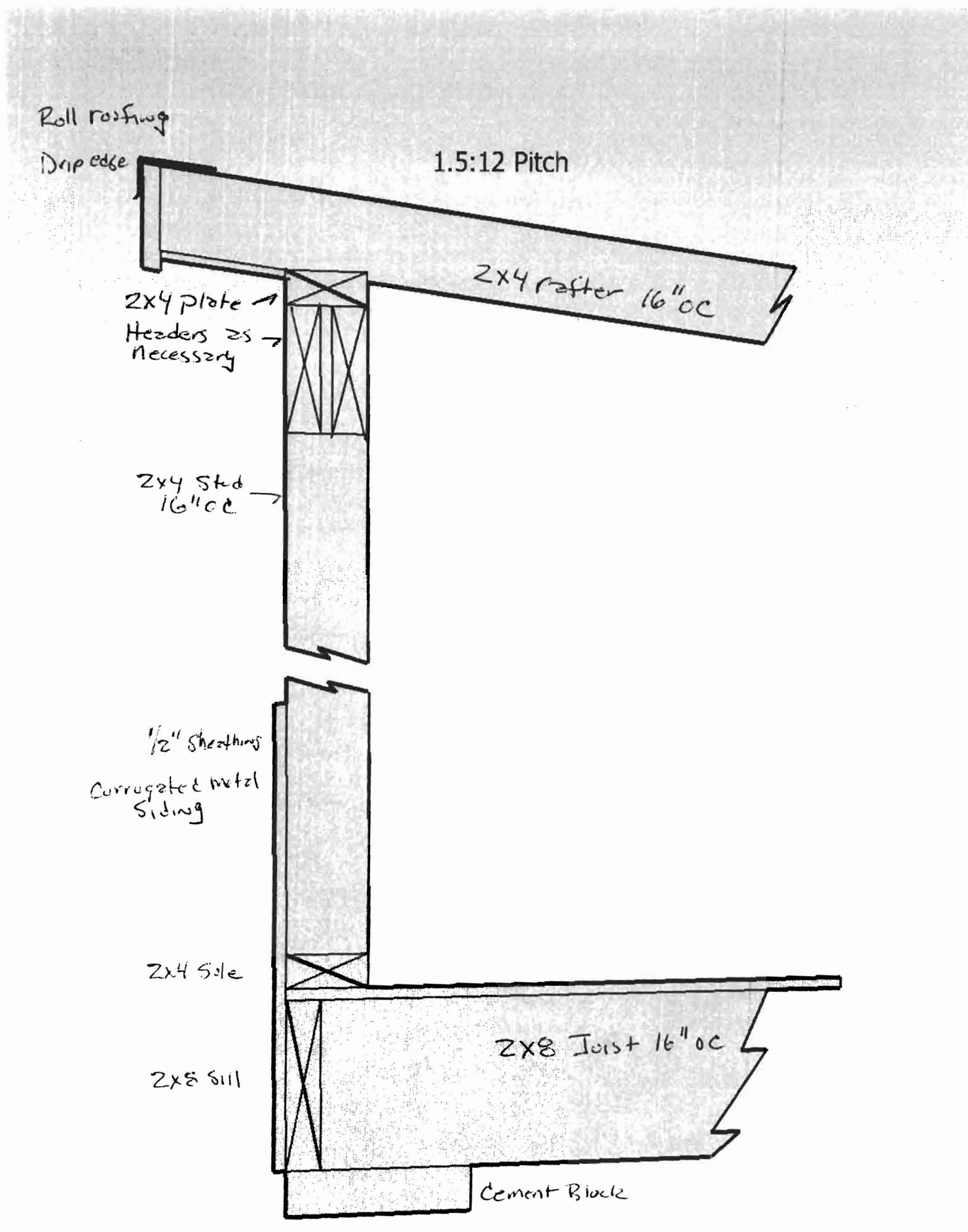


APR 29 2009



As

- 8x18 Foot Print
- 5' Setbacks
- Siding to Hardie Panel
- Roof to Polycarbonate



Roll roofing

Drip edge

1.5:12 Pitch

2x4 rafter 16" OC

2x4 plate  
Headers as  
Necessary

2x4 stud  
16" OC

1/2" Sheathing  
Corrugated metal  
Siding

2x4 Sole

2x8 Sill

2x8 Joist 16" OC

Cement Block

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

<b>Card Number</b>	1 of 1
<b>Parcel ID</b>	014 C011001
<b>Location</b>	39 LAFAYETTE ST
<b>Land Use</b>	SINGLE FAMILY
<b>Owner Address</b>	BROOKMAN GARY M 61 ISLAND AVE PEAKS ISLAND ME 04108
<b>Book/Page</b>	24240/040
<b>Legal</b>	14-C-11 LAFAYETTE ST 37-39 4266 SF

### Current Assessed Valuation

<b>Land</b>	<b>Building</b>	<b>Total</b>
\$93,000	\$112,900	\$205,900

### Property Information

<b>Year Built</b> 2008	<b>Style</b> Contemp	<b>Story Height</b> 2	<b>Sq. Ft.</b> 1360	<b>Total Acres</b> 0.098		
<b>Bedrooms</b> 2	<b>Full Baths</b> 1	<b>Half Baths</b> 1	<b>Total Rooms</b> 4	<b>Attic</b> None	<b>Basement</b> Full	

### Outbuildings

<b>Type</b> SHED-FRAME	<b>Quantity</b> 1	<b>Year Built</b> 1930	<b>Size</b> 9X9	<b>Grade</b> D	<b>Condition</b> P
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### Sales Information

<b>Date</b> 08/04/2006	<b>Type</b> LAND + BLDING	<b>Price</b> \$125,000	<b>Book/Page</b> 24240-040
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### Picture and Sketch

[Picture](#)      [Sketch](#)      [Tax Map](#)

[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!**

**From:** "Gary Brookman" <gary.brookman@oracle.com>  
**To:** "lmd@portlandmaine.gov" <lmd@portlandmaine.gov>  
**Date:** 10/8/2008 8:01:28 AM  
**Subject:** 39 Lafayette St

Ms. Lisa Danforth  
Planning & Development Department  
City of Portland

Re: permit number 07-1360

Lisa,

This is to inform you that both the house and shed identified in permit 07-1360 we removed on January 3, 2008 by Les Wilson & sons. My contractor, Chris Gormley, was also present for the demolition and I have a short dated video taken by Chris that shows the house being razed.

Sincerely,

Gary Brookman





# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

Penny St. Louis Littell - Director of Planning and Development  
Marge Schmuckal, Zoning Administrator

30 day period up.  
Nov. 15th.

October 20, 2008

Gary Brookman  
39 Lafayette Street  
Portland, ME 04101

RE: 39 Lafayette Street – 014 C011 – R-6 – rebuild 10' x 16' shed – permit #08-1267

Dear Mr. Brookman,

This letter is a follow up to the telephone conversation that we had on October 15, 2008. I reviewed your application to rebuild a ten-foot by sixteen-foot shed that you demolished on January 3, 2008 under permit #07-1360. Since the proposed shed does not meet the current setbacks for the R-6 residential zone, I had to research our files to see if a permit had been issued previously for the ten foot by sixteen foot shed. I could find no record of a building permit in our files for a ten-foot by sixteen foot shed. Since we have no record of a permit being issued for the shed, you have no right to rebuild it within its previous footprint and therefore I must deny your permit.

Section 14-139(d) of the ordinance outlines what the required rear and side setbacks are for a detached accessory structure over one hundred square feet. The required rear setback is twenty feet, and the required side setback is ten feet. A ten-foot by sixteen-foot shed must meet these requirements. A shed with ground coverage of 100 square feet or less has to have a rear setback of five feet and a side setback of five feet.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. I have enclosed the necessary paper work that is required to file an appeal. If you choose not to file an appeal, you are entitled to get most of your money back if you bring in the original receipt you got when you applied for the permit.

Feel free to call me at 874-8709 if you have any questions,

Yours truly,

Ann B. Machado  
Zoning Specialist

Ann Machado  
Zoning Specialist  
Inspection Services Division  
389 Congress St, Room 315  
Portland ME 04101

OCT 24 2008

Dear Ms. Machado,

I'm writing in regard to your denial of my application for a building permit, #08-1267, to rebuild a storage shed. The shed was demolished on January 3, 2008 at 39 Lafayette Street. The stated reason for the denial is that you could find no building permit for the shed.

I have gone through the records of the Assessors office and the Planning office for 39 Lafayette Street, CBL 14-C-11 and this is what I have found:

- yes ✓
- on August 25 1924 a permit was applied for to build an 18ft x 18ft garage, "not nearer than two feet from any lot line" - not on 1950s card or 1960s card
  - in 1930 the Assessors office noted a 9ft x 9ft shed, no location specified \* 1990 assessor's card listed a 9'x9' framed shed - no permit - not
  - no building permit is on record for the house demolished on the same date and on the same permit as the above mentioned shed. - if no permit use per 1957 assessor's card as record did not include garage.

a survey can show a shed built without a permit.

Additionally I have a notarized survey of the property showing a 10ft x 16 foot shed 2ft from one side property line and 4ft from the back property line. Recent aerial photographs indicate a slightly larger structure in that same location, with the size difference probably accounted for in roof overhangs.

While there are some discrepancies in this history some facts are clear.

18x18 2 w  
same

10x11'

There was a building permit for an out building on my property, and at the time I bought the property from the City there was a very old shed still standing. There was a house that was not in compliance with current zoning regulations but I was told that I could rebuild it providing that I use the same non-conforming footprint. In fact it wasn't clear to me for some time that I was allowed to build a smaller house, not within the original footprint, as long as I met current zoning set backs. That the house had no building permit on record wasn't an issue.

(1951 card.

I believe these are the pertinent clauses in the zoning regulations regarding my situation:

**Sec. 14-381.** Any lawful use of buildings, structures, premises or parts thereof, existing on June 5, 1957, and made nonconforming by the provisions of this article or any amendment thereto may be continued although such use does not conform with the provisions of this article or amendment thereto.

- no record that 10' x 16' shed existed

**Sec. 14-382.** (a) A lawful nonconforming building may be maintained, repaired, or reconstructed in kind within a one year period, but no alterations, modifications or additions shall be made to it, except as provided in this division.

- need record that it existed on June 5, 1957

It appears to me that, in this instance, the zoning regulations are being applied in an inconsistent and apparently arbitrary fashion and that based on the above information I am requesting a permit for "a lawful nonconforming building" in accordance with the zoning ordinance and I respectfully request you reconsider my application. I have taken a non-conforming building and replaced it with one that meets all current regulations. The new house was designed with the expectation that there would be a storage shed of sufficient capacity to handle yard implements, sporting equipment and off season house storage needs.

not part of application that rebuild storage shed

As there is a one year requirement to rebuild a demolished non-conforming building I would appreciate a quick reply to this request.

Sincerely,



Gary Brookman  
39 Lafayette St.  
Portland ME 04101

cc Marge Schmuckal, Zoning Administrator  
Penny St. Louis Littell, Director of Planning and Development



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*Penny St. Louis Littell - Director of Planning and Development  
Marge Schmuckal, Zoning Administrator*

October 29, 2008

Gary Brookman  
39 Lafayette Street  
Portland, ME 04101

RE: 39 Lafayette Street – 014 C011 – R-6 – rebuild 10' x 16' shed – permit #08-1267

Dear Mr. Brookman,

This letter is in response to the letter that I received from you on October 24, 2008. In your letter, you requested that I reconsider your application (#08-1267) to rebuild a ten-foot by sixteen-foot shed that was non-conforming to the rear and side setback requirements of the R-6 zone. In your letter, you argue that the ten-foot by sixteen-foot shed was “legally non-conforming.” The only building permit that I could find in our records was for an eighteen-foot by eighteen-foot two car garage that was applied for on August 25, 1924. I found no documentation of a detached structure on the property other than the referenced garage. I researched not only the building records but also those of the Tax Assessor. Since our files show no record for a ten-foot by sixteen-foot shed permit and it was not listed on the pre-1957 assessor’s card, it is not considered a legal or legally nonconforming structure. You have not provided any evidence of its existence prior to 1957. As a result, you may only rebuild the shed using today’s land use requirements.

PLEASE NOTE: There is a proposal pending with the Planning Board and ultimately the City Council to change the ordinance in the residential zones to allow a detached accessory structure with a ground coverage of 144 square feet or less to be located a minimum of five feet from the rear and side property lines.

As I said in the letter I sent you on October 20, 2008, you have the right to appeal my decision to the Zoning Board of Appeals. If you choose to appeal, our office must receive the application by November 19, 2008 since you only have thirty days to appeal.

Feel free to call me at 874-8709 if you have any questions,



Location, ownership, and detail must be correct, complete and legible. Separate application required for every building.

## APPLICATION FOR PERMIT TO BUILD A PRIVATE GARAGE

Portland, Me., August 26, 1924 19

To the  
INSPECTOR OF BUILDINGS

The undersigned hereby applies for a permit to build, according to the following specifications:-

Location 39 Lafayette Street Fire Districts no Ward 1  
Name of owner is? Walter Richey Address 19 1/2 Merrill St  
Name of mechanic is? owner Address \_\_\_\_\_  
Propose occupancy of building (purpose)? Private garage for two  
cars only, and no space to be let.

Not nearer than two feet from any lot line, will not obstruct windows of adjoining property.

A Pyrene fire extinguisher to be kept in garage.

Size of building, No. of feet front? 18ft No. of feet rear? 18ft No. of feet deep? 18ft

No. of stories? 1

No. of feet in height from the mean grade of street to the highest part of the roof? 12ft

Floor to be? wood

Will the roof be flat, pitch, mansard, or hip? pitch Material of roofing? asphalt

Will there be a chimney? no Will the flues be lined? \_\_\_\_\_ No stoves to be used.

Will the building conform to the requirements of the law? yes

Will the building be as good in appearance as other surrounding buildings? yes

Have you or any person acting for you previously applied for a permit to build a private garage? no

If so, state the particulars \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Estimated Cost, \_\_\_\_\_

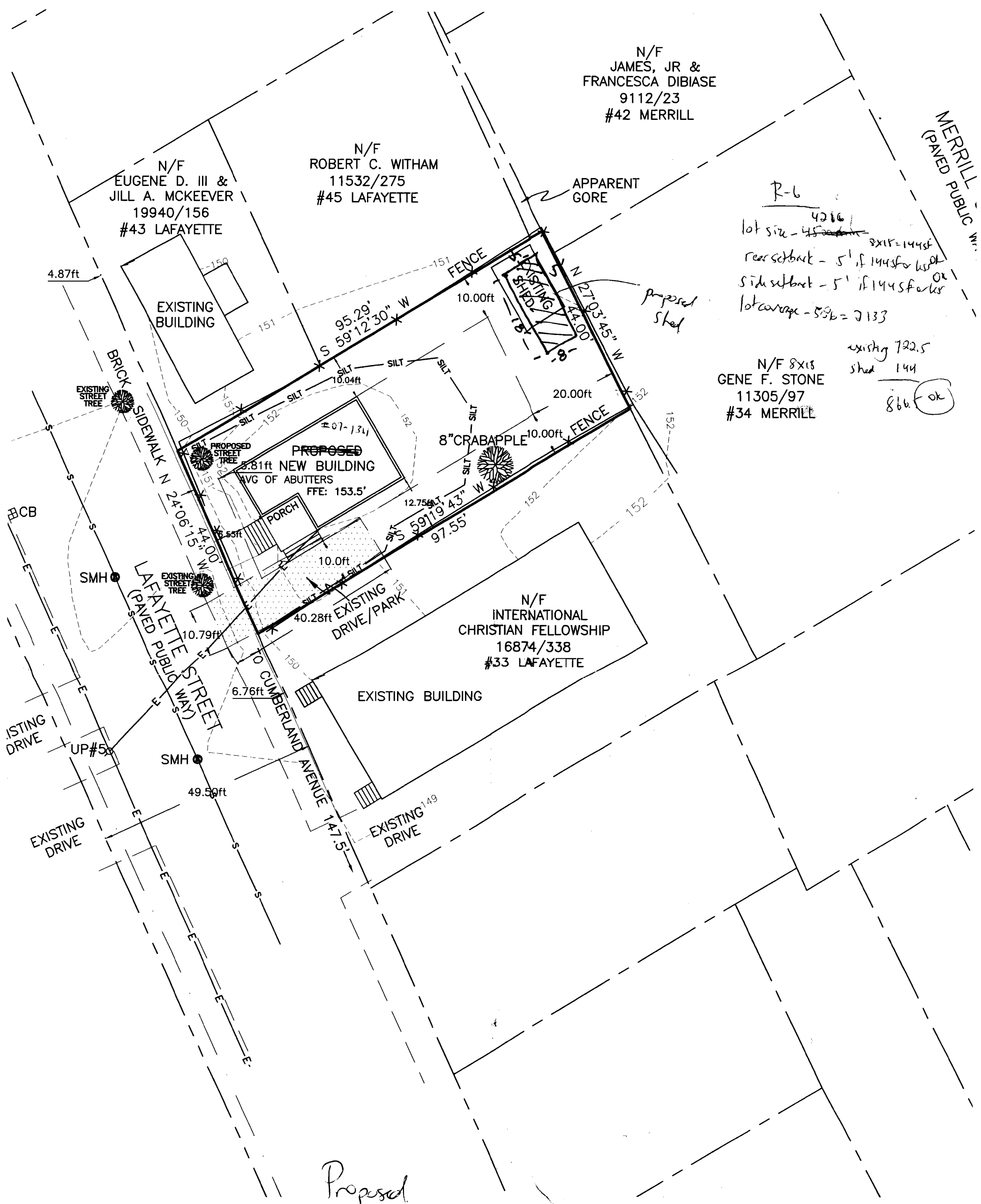
\$ 150.

Signature of owner or authorized representative,

*Walter Richey*

Address, \_\_\_\_\_





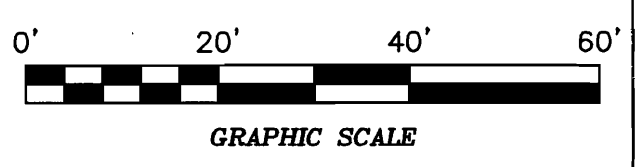
R-6  
 lot size - ~~4500~~ 8x15 = 144sf  
 rear setback - 5' if 144sf for lot  
 side setback - 5' if 144sf for lot  
 lot coverage - 50% = 7133

N/F 8x15  
 GENE F. STONE  
 11305/97  
 #34 MERRILL  
 existing 722.5  
 shed 144  
 866 (ok)

Proposed

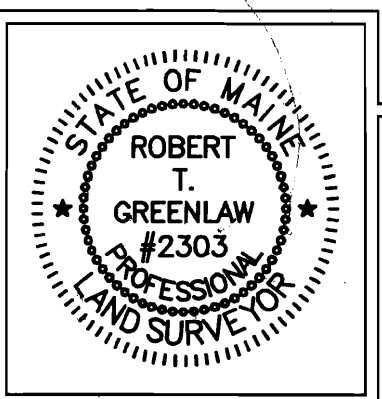
1" = 20'

SS  
 2007  
 ORDERED



FIELD BOOK: 24 PAGE: 31

*RAF. [Signature]*



**CERTIFICATE:**

I HEREBY CERTIFY THAT THIS SURVEY CONFORMS TO THE MAINE FOR PROFESSIONAL LAND SURVEYORS' STANDARDS OF PRACTICE 2001 WITH THE FOLLOWING EXCEPTIONS:

- a) NO WRITTEN REPORT
- b) NO NEW DESCRIPTION
- c) NO NEW CORNERS WERE SET

ROBERT T. GREENLAW P.L.S.  
 V. PRESIDENT, BACK BAY BOUNDARY, INC.

REVISED:  
 DATE: 0X