

Form # P 04

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK
CITY OF PORTLAND

Please Read
Application And
Notes, If Any,
Attached

BUILDING INSPECTION

PERMIT

Permit Number: 051444

NOV 4 2005

CITY OF PORTLAND

This is to certify that MACFADYEN LUKE

has permission to Establish use/ Antique Shop construction

AT 137 NEWBURY ST

L 028 J015001

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 altered or otherwise used-in.
HOURS NOT REQUIRED.

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

OTHER REQUIRED APPROVALS

Fire Dept. Craig Cass 11-1-05

Health Dept. _____

Appeal Board _____

Other _____

Department Name

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: 05-1444		Issue Date: PERMIT ISSUED		CBL: 28 J015001	
Location of Construction: 137 NEWBURY ST		Owner Name: MACFADYEN LUKE		Owner Address: 15 HOWARD ST	
Business Name:		Contractor Name:		Contractor Address:	
Lessee/Buyer's Name		Phone:		Permit Type: CITY OF PORTLAND	
				Change of Use - Commercial	
				Zone: C2	

Past Use: Commercial		Proposed Use: Commercial/Establish use/ Antique Shop no construction		Permit Fee: \$105.00	
				Cost of Work: \$105.00	
				CEO District: 1	
Proposed Project Description: Establish use/ Antique Shop no construction		FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: M Type: 35	
		with conditions		11/3/05	
		Signature: Greg L...		Signature: [Signature]	
		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: Idobson		Date Applied For: 10/04/2005		Zoning Approval	
1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules. 2. Building permits do not include plumbing, septic or electrical work. 3. 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	
		<input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan		<input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved	
		Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Denied		<input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	
		Date: 10/30/05 31 revised plans		Date:	

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

City of Portland, Maine - Building or Use Permit

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

Permit No:	Date Applied For:	CBL:
05-1444	10/04/2005	028 J015001

Location of Construction: 137 NEWBURY ST	Owner Name: MACFADYEN LUKE	Owner Address: 15 HOWARD ST	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

Proposed Use: Commercial/Establish use/ Antique Shop no construction	Proposed Project Description: Establish use/ Antique Shop no construction
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 10/28/2005

Note: This property is under a contract zone which limits first floor uses to no more than two retail uses. This proposal is one retail use. The rest of the first floor has been changed into a residential unit which is in violation of the contract which states that the first floor uses shall be limited to retail uses only.
See letter - will notify planning and legal

Ok to Issue: ☒

- 1) This permit is being approved on the basis of plans submitted for the new retail use only. Any deviations shall require a separate approval before starting that work.
- 2) Separate permits shall be required for any new signage.
- 3) Your submitted plans show a residential unit on the first floor which is in violation of the conditional B-1 rezoning that became into effect as of January 3, 1990. This residential unit is illegal and shall be removed. See separate letter.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Mike Nugent **Approval Date:** 11/03/2005**Note:****Ok to Issue:** ☒

- 1) This is a Change of Use ONLY permit. It does NOT authorize any construction activities.

Dept: Fire **Status:** Approved with Conditions **Reviewer:** Cptn Greg Cass **Approval Date:** 11/01/2005**Note:****Ok to Issue:** ☒

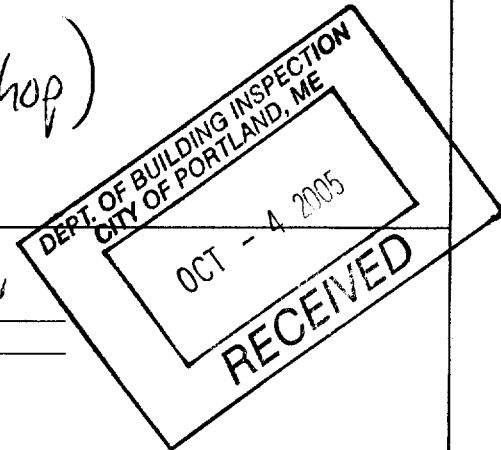
- 1) Illuminated exit signs required.
- 2) If unit 4 is seperate retail One hour fire seperation required
- 3) One hour fire seperation required between retail and foyer to apartments.



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>70 India / 137 Newbury</u>		
Total Square Footage of Proposed Structure <u>780</u>		Square Footage of Lot
Tax Assessor's Chart, Block & Lot Chart# <u>028</u> Block# <u>301</u> Lot# <u>015001</u>	Owner: <u>Luke S. MacFadyen</u>	Telephone: <u>871-1075</u>
Lessee/Buyer's Name (If Applicable) <u>Richard Smith</u> <u>Portland Antiques</u>	Applicant name, address & telephone: <u>Luke MacFadyen</u> <u>15 Howard St.</u> <u>Portland ME 04101</u>	Cost Of Work: \$ <u>0</u> Fee: \$ <u>30</u> C of O Fee: \$ <u>25</u>
Current Specific use: <u>empty / retail -</u> Proposed Specific use: <u>Antique Shoppe</u>		<u>105⁰⁰/00</u>
Project description: <u>NEED A C of O ! (Antique Shop)</u> <u>Establish use - no construction.</u>		
Contractor's name, address & telephone: Who should we contact when the permit is ready: <u>Luke MacFadyen</u> Mailing address: <u>15 Howard St</u> Phone: <u>871-1075</u> <u>Portland Me 04101</u>		



Please submit all of the information outlined in the Commercial Application 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 visit us on-line at www.portlandmaine.gov, stop by the Building Inspections 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 of applicant: <u>Luke S. MacFadyen</u>	Date: <u>10/4/05</u>
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This is not a permit; you may not commence ANY work until the permit is issued.

02

City of Portland, Maine
IN THE CITY COUNCIL

C15-47 - 12/1/89

**AMENDMENT TO ZONING MAP
RE: CONDITIONAL B-1 REZONING
137 NEWBURY STREET**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND, MAINE
IN CITY COUNCIL ASSEMBLED AS FOLLOWS:

That the Zoning Map of the City of Portland, dated March 1958, as amended and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49, be and hereby is amended by adopting the map change amendment shown on Attachment 1.

Said rezoning shall be subject to the following conditions:

1. The second and third floors shall be maintained as residential uses.
2. The first floor uses shall be limited to retail uses.
3. The first floor shall have no more than two (2) retail uses.
4. The storefront shall be on India Street and the storefront design shall be compatible with neighboring properties on India Street. Stairs to the storefront shall be reviewed by Planning Staff for compatibility.
5. The exterior stairs above the first floor shall be reviewed for compliance with zoning.
6. The applicant shall record the approved conditions of rezoning in the Cumberland County Registry of Deeds and shall submit proof of recording to the Planning Authority.
7. The signage for the retail use shall be appropriate for a small scale retail use.
8. This conditional rezoning shall remain in effect only as long as this building exists on this property and shall not apply to any other structure.

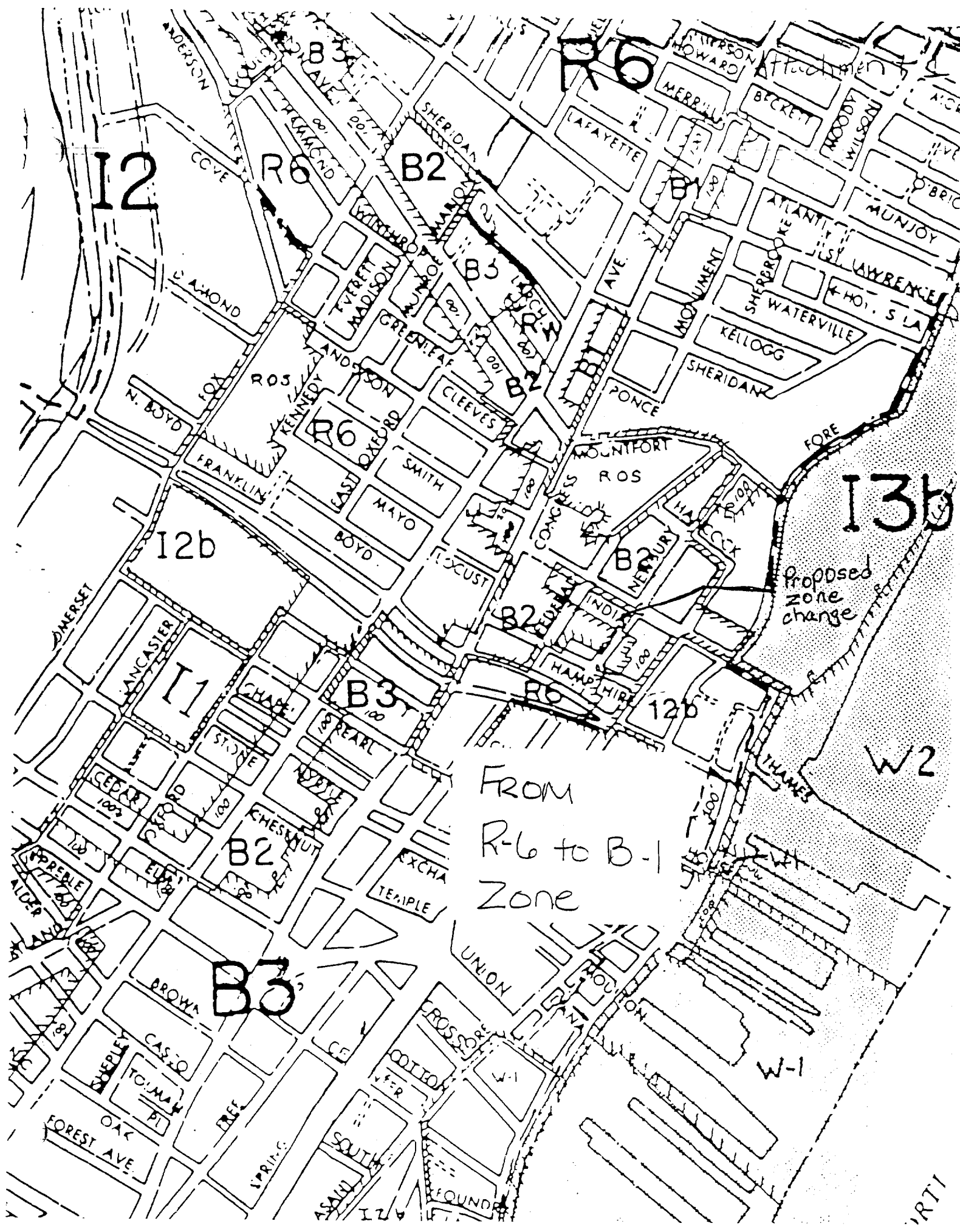
The above stated restrictions, provisions and conditions are an essential part of the rezoning, shall run with the subject

) premises, shall bind the owner, its successors and assigns, of said property or any part thereof or interest therein, and any party in possession or occupancy of said property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives.

If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such determination shall not affect the validity of the remaining portions hereof.

Except as expressly modified herein, the use and occupancy of the subject premises shall be governed by and comply with the provisions of the Land Use Code of the City of Portland and any applicable amendments thereto or replacement thereof.

In the event of a breach of any condition(s), the developer shall apply for a modification to the concept plan. The Planning Board will attempt to resolve the issues resulting in the breach. That resolution may include a recommendation to the City Council that the site be rezoned to R-6.



I2

R6

B2

R6

I2b

I1

B3

B2

B3

FROM
R-6 to B-1
Zone

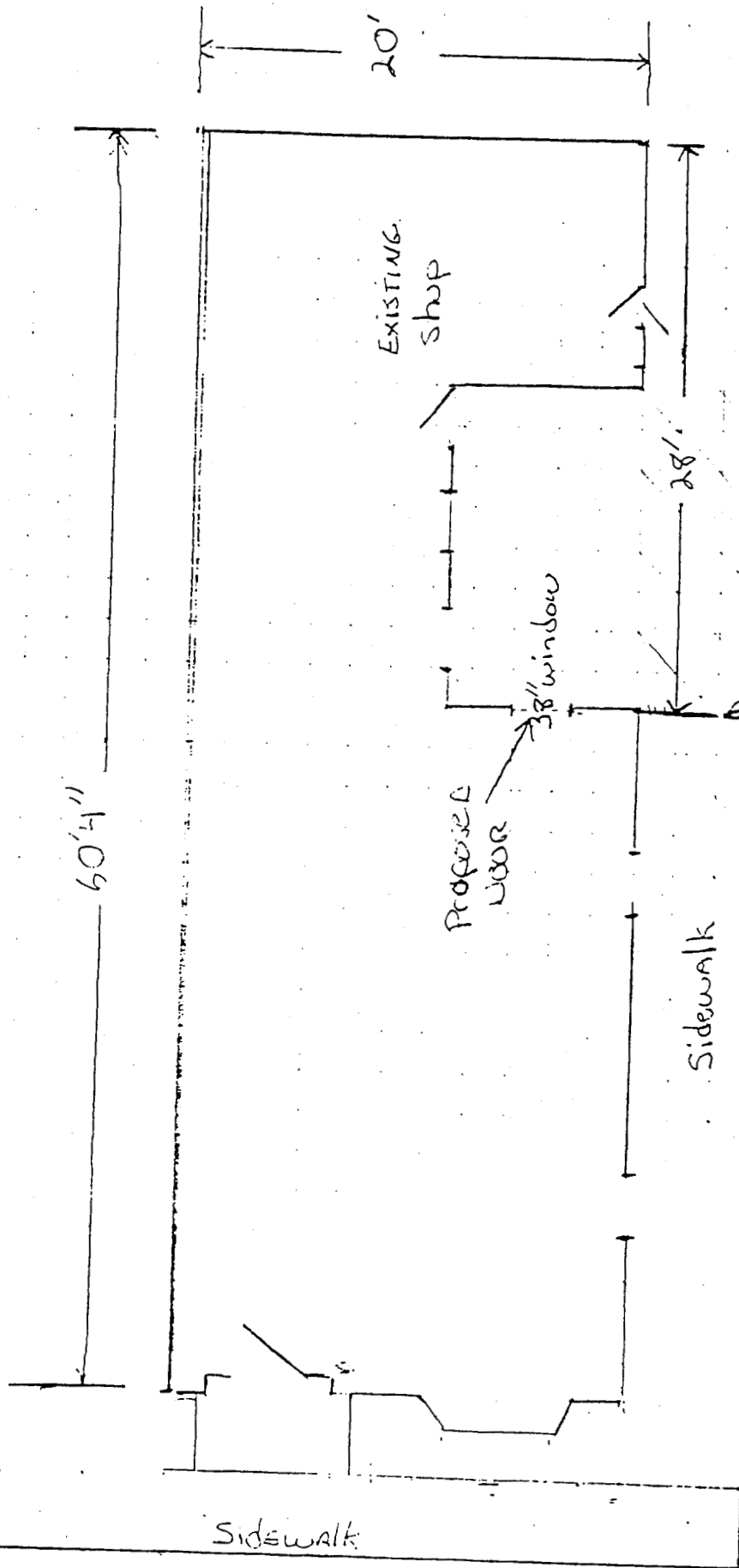
I3b

Proposed
zone
change

W2

W-1

RT1



The MINERVINO ZONE CHANGE
137 Newberry St.

2' x 1/4"

2' x 4' swinging sign
elevated 8'

INDIA ST.

100

