

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

Please Read
Application And
Notes, If Any,
Attached

BUILDING DEPARTMENT

PERMIT

DENIED

This is to certify that _____

has permission to _____

AT _____

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
and grad
such info

Evan Smith
40 Friedman Babcock
Gaythwaite
PO Box 4726
Portland, ME 04112-4726

Notification of inspection must be given and when permission procured before this building or part thereof is altered or closed-in. FOUR NOTICE IS REQUIRED.

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

OTH _____

Fire Dept. _____

Health Dept. _____

Appeal Board _____

Other _____

Department Name

Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

Location of Construction: *** Fore St. (5th floor)		Owner: Joe Soley		Phone:		Permit No: 111			
Owner Address:		Lessee/Buyer's Name: ***Stefan Blacart		Phone:		BusinessName:			
Contractor Name:		Address:		Phone:		Permit Issued:			
Past Use: Commercial		Proposed Use: Commercial		COST OF WORK: \$ 0.		PERMIT FEE: \$ 30.00			
				FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:			
				Signature:		Signature:			
Proposed Project Description: Change of Use Art Gallery / Psychodramatic Human Sexuality Therapeutic Center.				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: Approved <input type="checkbox"/> Approved with Conditions: <input type="checkbox"/> Denied <input type="checkbox"/>				Zone: CBL: 032-R-008	
Permit Taken By: Gayle				Date Applied For: October 6, 2000 GG				Zoning Approval: Special Zone or Reviews: <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan maj <input type="checkbox"/> minor <input type="checkbox"/> mm <input type="checkbox"/>	

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..

Zoning Appeal

Variance
 Miscellaneous
 Conditional Use
 Interpretation
 Approved
 Denied

Historic Preservation

Not in District or Landmark
 Does Not Require Review
 Requires Review

Action:

Approved
 Approved with Conditions
 Denied

Date: _____

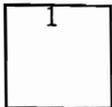
CERTIFICATION

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 provisions of the code(s) applicable to such permit

SIGNATURE OF APPLICANT _____ ADDRESS: _____ DATE: October 6, 2000 PHONE: _____

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE _____ PHONE: _____

CEO DISTRICT



Zoning Division
Marge Schmuckal
Zoning Administrator



Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

Stefan Blacart
446 Fore Street (5th floor)
Portland, Maine 04101

October 11, 2000

RE: 446 Fore Street, 5th floor - B-3 Zone - 032-R-008

Dear Mr. Blacart,

I have reviewed your application to change the fifth floor apartment at the above address from a residential use to an apartment with an art gallery/psycho dramatic human sexuality therapeutic center. Your application raises several issues under the applicable City codes.

First, the City cannot act on your application until you demonstrate that you have sufficient right, title and interest to prosecute the application. In practical terms, this means that you need to have either a lease or written permission from the owner for the activities stated, authorizing you to proceed.

Secondly, since your application indicates that you will occupy part of the premises as your residence, you also require permission for a home occupation. The use proposed by you (assuming it is a use permitted in the zone) is designated as a conditional use as a home occupation and will require approval from the Zoning Board of appeals. In proceeding with an application before the Board, you will have to deal with the same right, title and interest problem referred to above.

Thirdly, the proposed use will constitute a place of public assembly. The Building Inspector and the Fire Prevention Officer would need to determine independently whether such a use would be permitted on the fifth floor of a building with the construction type of 446 Fore Street.

You have thirty days to appeal my decision regarding the need for conditional use approval; and I have enclosed material relating to the filing of such appeals.

I will continue my analysis of your application in order to determine whether the proposed use is allowable in the B-3 Zone as "personal services", or as any other allowable use which may be permitted under Section 14-217(2). If you should seek review before the Zoning Board of appeals, you may want to consider combining the conditional use appeal referred to above with a separate interpretation appeal regarding the application of the phrase "personal services" to your application, treating this letter as a determination that the proposed use does not qualify and is not allowable.

I remind you that the premises may only be used for residential purposes until all the required permits and approvals have been obtained.

Sincerely,

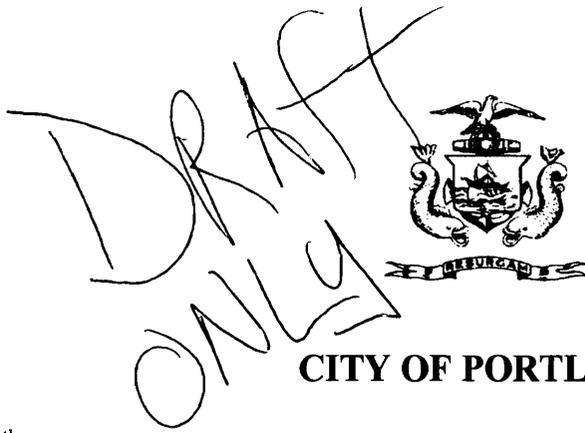


Marge Schmuckal
Zoning Administrator

Cc: Joseph Gray, Jr., Planning and Urban Development
Mark Adelson, Housing & Neighborhood Services
Peter O'Donnell, City Counselor
Charlie Lane, Corporation Counsel

Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Urban Development
Joseph E. Gray, Jr.
Director



Stefan Blacart
446 Fore Street (5th floor)
Portland, Maine 04101

October 6, 2000

RE: 446 Fore Street, 5th floor - B-3 Zone – 032-R-008

Dear Mr. Blacart,

I am in receipt of your application permit to change the use from a residential unit to residential unit and art gallery/psycho dramatic human sexuality therapeutic center. All permit applications require the applicant to show right title and interest in the property and its use. Before we can further process this application, our office would require a written lease from the owner, or a letter of approval from the owner showing this use allowance. Your permit will be on hold until one of these required documents is received.

Please also note that there are other areas of concern that must be solved prior to the issuance of this permit. Under the BOCA Building Code, assembly use activities, such as you are requesting, are not allowed on the 5th floor of buildings with your building construction type. The Fire Prevention Officer still needs to review and approve this application.

Under the Zoning Ordinance, you are describing a home-occupation use, which is not among the allowable listed uses. Section 14-410(3) states, "A home occupation that is not listed ... but is similar to and no more objectionable than those home occupations listed in that paragraph, shall be permitted as a conditional use subject to the requirements of paragraph (1) of this section and section 14-474 (conditional use) of this article. You would have thirty days from the date of this letter in which to apply for an appeal. I have attached copies of information outlining requirements for appeal applications. For an appeal, you again need to show right title and interest in the property. The Zoning Board of Appeals would need to see a written lease or a letter of approval from the owner allowing this use prior to hearing this appeal.

In summary, your permit cannot be issued, and no proposed activities shall be commenced until all issues have been resolved and a permit has actually been issued.

Sincerely,

Marge Schmuckal
Zoning Administrator

Cc: Mark Adelson, Housing & Neighborhood Services
Peter O'Donnell, City Counselor
Charlie Lane, Corporation Counsel

Charles A. Lane
Associate Corporation Counsel

CAL:mep
Enclosures
O:\WP\CHARLIE\MMO\BLACART.WPD

10/3

Floor Plan

Cover letter to
describe business
in margins

Gayb

TRAFFIC
OFF in log book
as denied and rule

THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE PERMIT IS ISSUED

**Building or Use Permit Pre-Application
Attached Single Family Dwellings/Two-Family Dwelling
Multi-Family or Commercial Structures and Additions Thereto**

In the interest of processing your application in the quickest possible manner, please complete the information below for a Building or Use Permit.

NOTE** 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 (include Portion of Building): <i>446 Fore St. (5th Floor) Portland, ME 04101</i>	
Total Square Footage of Proposed Structure	Square Footage of Lot
Tax Assessor's Chart, Block & Lot Number Chart# <i>032</i> Block# <i>2</i> Lot# <i>008</i>	Owner: <i>Joe Soley</i> Telephone#:
Owner's Address:	Lessee/Buyer's Name (If Applicable): <i>Stefan Blacart (874-2730)</i> Cost Of Work: <i>\$0.</i> Fee: <i>\$300.00</i>
Proposed Project Description: (Please be as specific as possible) <i>Art Gallery / Psychodramatic - Human Sexuality Therapeutic Center</i>	
Contractor's Name, Address & Telephone	Rec'd By: <i>10/3</i>
Current Use: <i>Residential</i>	Proposed Use: <i>Mixed-Use Res/com</i>

Separate permits are required for Internal & External Plumbing, HVAC and Electrical installation.

- All construction must be conducted in compliance with the 1996 B.O.C.A. Building Code as amended by Section 6-Art II.
- All plumbing must be conducted in compliance with the State of Maine Plumbing Code.
- All Electrical Installation must comply with the 1996 National Electrical Code as amended by Section 6-Art III.
- HVAC (Heating, Ventilation and Air Conditioning) installation must comply with the 1993 BOCA Mechanical Code.

You must include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) A Copy of your Construction Contract, if available
- 3) A Plot Plan/Site Plan
- 4) Building Plans

** IF Available also Submit Plans on ADOBE OR CAD FORMATS*

Minor or Major site plan review will be required for the above proposed projects. The attached checklist outlines the minimum standards for a site plan.

Unless exempted by State Law, construction documents must be designed by a registered design professional.

A complete set of construction drawings showing all of the following elements of construction:

- Cross Sections w/ Framing details (including porches, decks w/ railings, and accessory structures)
- Floor Plans & Elevations
- Window and door schedules
- Foundation plans with required drainage and damp proofing
- Electrical and plumbing layout. Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review must be included.

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/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: <i>[Signature]</i>	Date: <i>10/3/00</i>
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Building Permit Fee: \$30.00 for the 1st \$1000 cost plus \$6.00 per \$1,000.00 construction cost thereafter.
Additional Site review and related fees are attached on a separate addendum

from Stefan A. Blawie
(207) 874-2730

446 Fore St, 5th Flr.

~~Stefan A. Blawie~~

10/4/00

An accompanying floor plan describes three rooms of performance which will all be doorless and occupied by no more than two people in any one room no two rooms utilized at the same time. The fire escape is readily accessible through the fourth room which will not be locked. The usual common entry staircase is freely accessible from all rooms through an uncluttered common area.

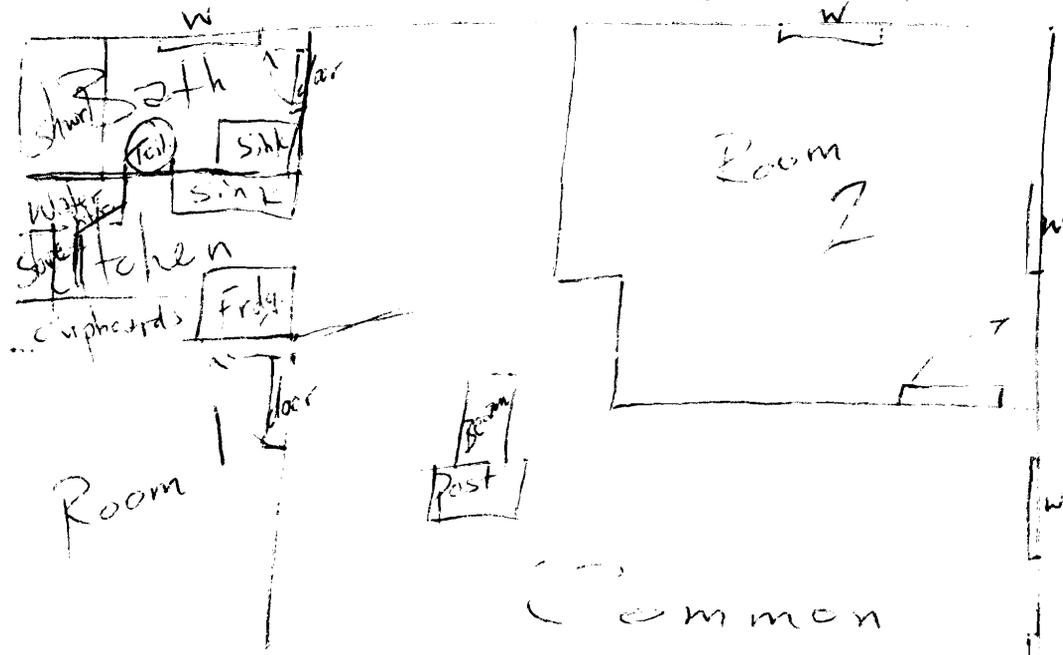
The activity proposed in rooms might include role-play, psychodrama, use of light bondage equipment (rope, cuff-like devices, etc.), cross-dressing and worship of the administrator of these things in an attempt to bring entertainment and expression in the form of S/M-based art/theatre, with participation.

No food, drink or products will be sold; nor will there be anyone under the age of 21 allowed to participate.

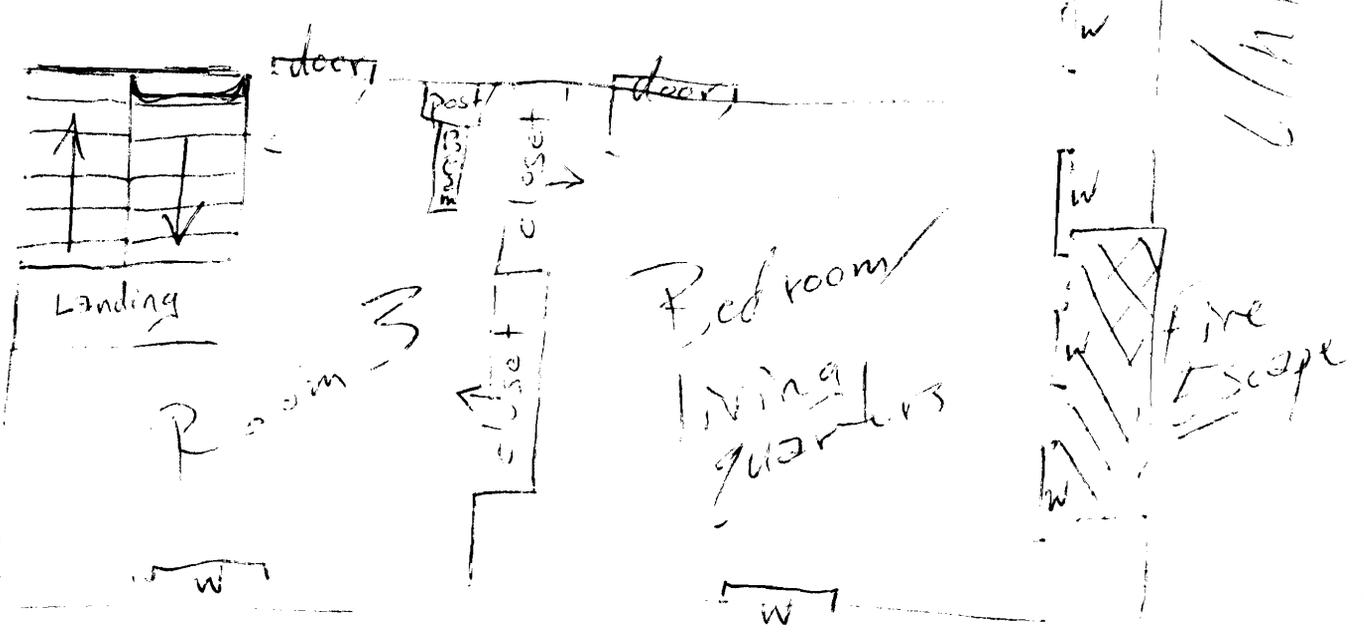
I am unable to afford to take this artform to the stage, but feel it is a positive outlet for people. Therefore, I propose to take it "Off-Congress" into the above mentioned space

1 floor plan 446 Fore St, 5th floor

W 5th Street



Union Street



Fore Street