

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



CITY OF PORTLAND BUILDING PERMIT



This is to certify that

Scot Herrigel

Located at

38 PORTLAND ST

PERMIT ID: 2017-00884

ISSUE DATE: 12/28/2017

CBL: 033 J011001

has permission to **Legalize existing dwelling unit on second floor**

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 the buildings and structures, and of the application on file in the department.

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise closed-in. 48 hour notice is required.	A final inspection must be completed before this building or part thereof is occupied. If a certificate of occupancy is required, it must be procured prior to occupancy.
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/s/ Jason Grant

/s/ Brian Stephens

Fire Official

Building Official

**THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY
THERE IS A PENALTY FOR REMOVING THIS CARD**

Approved Property Use - Zoning

second floor - one dwelling unit

Building Inspections

Use Group: M, R-2 **Type:** 5B
Mercantile (1st FLR)
Residential Apartment (2nd FLR)
ENTIRE
MUBEC/IBC-2009

Fire Department

Classification:
Mixed Use
2nd floor
NFPA 101 CH 24

BUILDING PERMIT INSPECTION PROCEDURES
Please call 874-8703
or email: buildinginspections@portlandmaine.gov

**Check the Status of Permit or Schedule an Inspection at
<http://www.portlandmaine.gov/planning/permitstatus.asp>**

With the issuance of this permit, the owner, builder or their designee is required to provide adequate notice to the City of Portland Inspections Division for the inspections listed below. Appointments must be requested 48 to 72 hours in advance. The inspection date will need to be confirmed by this office.

- **Please read the conditions of approval that are attached to this permit.**
- **Permits expire in 6 months if the project is not started or ceases for 6 months.**
- **If the inspection requirements below are not followed, then additional fees may be incurred due to the issuance of a "Stop Work Order" and subsequent release to continue.**
- **Per Section 107.3.1 of the Maine Uniform Building and Energy Code (MUBEC), one set of printed approved stamped construction documents will be kept at the site of work and open to inspection by building officials.**

REQUIRED INSPECTIONS:

Legalize Nonconforming units
Certificate of Occupancy/Final Inspection
Final - Fire

The project cannot move to the next phase prior to the required inspection and approval to continue.

If the permit requires a certificate of occupancy, it must be paid and issued to the owner or designee before the space may be occupied.

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:
	2017-00884	06/07/2017	033 J011001

Proposed Use: first floor retail & one dwelling unit on the second floor	Proposed Project Description: Legalize existing dwelling unit on second floor
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Dept: Zoning **Status:** Approved w/Conditions **Reviewer:** Ann Machado **Approval Date:** 12/11/2017

Note: B-2b zone **Ok to Issue:**

The applicant went before the ZBA on 12/7/17 for a conditional use appeal because a neighbor within 300 feet objected. The Board granted the conditional use with a 4-1 vote.

Conditions:

- 1) This permit is being approved on the condition that the applicant completes all required work to bring the property into compliance with the applicable housing and life safety codes. A Certificate of Occupancy for the legalized unit shall not be issued until such work is completed, as verified by a final inspection. If a Certificate of Occupancy is not issued, the approval of the legalized unit is void and the applicant shall be required to remove the unit.
- 2) With the issuance of this permit and the certificate of occupancy, the legal use of this property shall remain retail on the first floor and one dwelling unit on the second floor. Any change of use shall require a separate permit application for review and approval.
- 3) This permit is being approved on the basis of plans and documents submitted. Any deviations shall require a separate approval before starting that work.

Dept: Building Inspecti **Status:** Approved w/Conditions **Reviewer:** Brian Stephens **Approval Date:** 12/18/2017

Note: **Ok to Issue:**

Conditions:

- 1) All penetrations shall maintain the fire resistance rating of walls and ceilings with approved firestop materials, including electrical fixtures and exhaust vents per IBC Sec. 713 and IRC Sec. R302.4
- 2) This permit is approved based upon information provided by the applicant or design professional. Any deviation from the final approved plans requires separate review and approval prior to work.
- 3) The issuance of this permit shall not be construed to be a permit for, or approval of, any violations of any of the provisions of the building code or of any other ordinance of this jurisdiction.
- 4) Egress size windows are required (1) in each sleeping room per IRC Sec. R310 or per the State Fire Marshal policies for existing buildings.
- 5) All existing fire separation partitions, barriers and horizontal assemblies at adjacent occupancies or dwelling units shall be maintain for rating and continuity. Additional materials may need to be added for compliance.
- 6) This permit recognizes a pre-existing land use and does not require or certify compliance with the City's current building code. The inspection performed will be done pursuant to the City's Minimum Standards for Housing, The Housing Code. All violations shall be corrected prior to the final inspection and the issuance of the Certificate of Occupancy.
- 7) Separate permits are required for any electrical, plumbing, sprinkler, fire alarm, HVAC systems, heating appliances, including pellet/wood stoves, commercial hood exhaust systems, fire suppression and fuel tanks. Separate plans may need to be submitted for approval as a part of this process.
- 8) Window sills in locations more than 72 inches from finished grade shall be a minimum of 24 inches above the finished floor of the room, unless a window fall prevention devices is installed in accordance with section IRC Sec. R612.3 or IBC Sec. 1405.13.2.
- 9) Per IBC Sec. 3401.3 for existing buildings and dwelling units, compliance with smoke, carbon monoxide, fire protection and safety systems and devices shall be per City Ordinance Chapter 10 and NFPA 101

Dept: Fire **Status:** Approved w/Conditions **Reviewer:** Jason Grant **Approval Date:** 12/28/2017

Note: **Ok to Issue:**

Conditions:

- 1) Every sleeping and living area in a residential occupancy shall have at least 1 primary means of escape and 1 secondary means of escape. The secondary means of escape may be an outside egress window operable from the inside without the use of tools, keys or special effort. In buildings built before 1976, egress windows shall provide a net clear opening 3.3 sq. ft. The width shall not be less than 20 inches and height shall not be less than 24 inches. In addition, if all window parts were removed the entire opening must be 5.0 sq. ft. in size. The bottom of the window opening shall not be more than 44 inches above the floor unless a permanent step is installed. The opening shall also meet the other requirement of NFPA 101 section 24.2.2.3.3.
- 2) All construction shall comply with City Code, Chapter 10.
All construction shall comply with 2009 NFPA 101 Life Safety Code.
All construction shall comply with 2009 NFPA 1, Fire Code.
This review and approval by the AHJ shall not relieve the applicant of the responsibility of compliance with this Code. NFPA 1 (section 1.14.4).
All means of egress to remain accessible at all times.
If applicable, all outstanding code violations shall be corrected prior to final inspection.
- 3) City of Portland Code Chapter 10 section 10-3 (i) all new smoke alarm must use photoelectric technology. In existing apartment building smoke detectors must be powered by the buildings electrical service and must have a secondary power source (battery). Smoke Alarms shall be installed per NFPA 101 2009 section 9.6.2.10. Detectors are required to be installed in the following locations
 1. Inside all sleeping rooms.
 2. Outside each separate sleeping area, in the immediate vicinity of the sleeping areas
 3. On each level of the dwelling unit, including basements but excluding attics and crawl spaces.
- 4) City of Portland Code Chapter 10 section 10-3 (L) all residential occupancies, and all new multiple occupancies containing attached parking structures or fuel burning appliances shall be protected in accordance with NFPA 720, Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment, 2009 edition. Detectors shall be provided in the following areas.
 1. Outside each separate sleeping area, in the immediate vicinity of the sleeping areas
 2. On each level of the dwelling unit, including basements but excluding attics and crawl spaces.