

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

September 29, 2014

Goldman Attorneys PLLC
210 Washington Avenue Extension
Albany, New York 12203
Attn: Paul J. Goldman

RE: 11 Shepley Street, City of Portland, Maine – The Miles Standish Apartments – 037-B-015 (the "Property")

Dear Attorney Goldman,

I am in receipt of your request for a determination letter concerning the Property. The Property is located in the B-3 Downtown Business Zone with a Downtown Entertainment Overlay Zone. The Property is recognized as a legal forty (40) residential dwelling unit building. The B-3 Zone allows residential dwelling units as a permitted use.

To the best of my knowledge and research of the City's files, the Property is in complete compliance with all building codes, zoning ordinances. There was no current inspection of the Property at this time.

The Property is located on Shepley Street which is a City accepted street with access for ingress and egress.

To the best of my knowledge and research of the City's files, the Property is in compliance with all parking and loading requirements, including the number of parking spaces and dimensional requirements for the parking spaces.

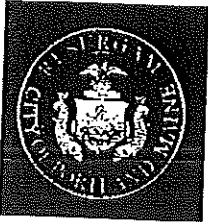
Section 14-385 of the City of Portland's Land Use Ordinance allows for reconstruction of the Property in its current use as stated. A copy of this ordinance is attached.

The City of Portland's Zoning Ordinance is available on-line at the City's web site located at www.portlandmaine.gov. The most current Land Use code is found by clicking on "Government" along the top of the page. Then click on "City Codes" as listed along the left hand side of the page. The Land Use Ordinance is under chapter 14. The B-3 zone and all other zones can be accessed within chapter 14.

Very truly yours,

A handwritten signature in black ink that reads "Marge Schmuckal".

Marge Schmuckal (207) 874-8695
Zoning Administrator
City of Portland, Maine



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Jeff Levine, AICP, Director

Marge Schmuckal, Zoning Administrator

To Whom It May Concern:

Under the City's Land Use Ordinance 14-385 (see attached), there is an allowance to rebuild a legal, nonconforming building after it is destroyed by sudden or accidental acts. This section of the Ordinance applies to all areas and zones within the City of Portland, Maine.

Very truly yours,

A handwritten signature in cursive script that reads "Marge Schmuckal".

Marge Schmuckal
Zoning Administrator

Sec. 14-385. Restoration or reconstruction within an existing footprint of damaged nonconforming structure.

A nonconforming structure damaged by fire, explosion, flood, riot, act of the public enemy, accident of any kind, decay or otherwise may be restored or rebuilt only where:

- (a) The restoration or reconstruction is of a building which is nonconforming only as to land area, setbacks or any other dimensional requirements; and
- (b) Where the restoration or reconstruction will occur entirely within the existing footprint and previous shell of the building and will not create a new nonconformity; and
- (c) Restoration or reconstruction occurs within one (1) year for a nonconforming non-residential structure, or two (2) years for a nonconforming residential structure, of the initial damage where such damage is sudden and accidental. Note that for buildings in Shoreland zones, state regulations may also govern and provide for a shorter period for restoration or reconstruction of nonconforming structures; and
- (d) Restoration or reconstruction necessitated by decay must be completed within one (1) year of the demolition of the building or the commencement of the restoration or reconstruction, whichever occurs first; and
- (e) Any reconstruction, under this provision, in the residential R-6 zone on a lot with 10,000 square feet or less, other than the exact restoration of a previously existing building on the site, shall comply with the applicable standards contained within the Planning and Development Design Manual; and
- (f) A nonconforming building located in the R-6 which is destroyed by fire, explosion, flood, riot, act of the enemy, or accident may be rebuilt under the small residential lot development provisions of the R-6 zone as if the lot were vacant as of January 1, 2005 and such reconstruction shall meet the setback requirements contained therein to the extent practicable; otherwise the building shall be reconstructed within the footprint of the previously existing building such that any nonconformity will not be enlarged.

For the purpose of this section, the footprint of a building is the perimeter of the foundation supporting a structure.

(Code 1968, § 602.17.E; Ord. No. 89-88, 7-19-88; Ord. No. 284-99, §2, 5-17-99, enacted as an emergency; Ord. No. 254-05/06, 6-5-06; Ord. No. 61-07/08, 10-1-07; Ord. No. 240-09/10, 6-21-10; Ord. No. 139-12/13, 2-4-13)

*Editor's note—Ord. No. 89-88, adopted July 19, 1988, amended this section to read as herein set out. See also the editor's note to Art. III of this chapter for additional provisions relative to Ord. No. 89-88.

Assessor's Office | 389 Congress Street | Portland, Maine 04101 | Room 115 | (207) 874-8486

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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:

Services

- [Applications](#)
- [Doing Business](#)
- [Maps](#)
- [Tax Relief](#)
- [Tax Roll](#)
- [Q & A](#)

[browse city services a-z](#)

[browse facts and links a-z](#)



Best viewed at 800x600, with Internet Explorer

CBL	037 B015001
Land Use Type	TWENTY-ONE PLUS FAMILY
Verify legal use with Inspections Division	
Property Location	11 SHEPLEY ST
Owner Information	EVERETT CHAMBERS LP ONE CITY CENTER PORTLAND ME 04101
Book and Page	29105/010
Legal Description	37-B-15 SHEPLEY ST 9-13
	7380 SF
Acres	0.1694

Current Assessed Valuation:

TAX ACCT NO.	5504	OWNER OF RECORD AS OF APRIL 2014
LAND VALUE	\$70,000.00	EVERETT CHAMBERS LP
BUILDING VALUE	\$1,599,800.00	ONE CITY CENTER
NET TAXABLE - REAL ESTATE	\$1,669,800.00	PORTLAND ME 04101
TAX AMOUNT	\$33,396.00	

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or [e-mailed](#).

Building Information:

Building 1

Year Built	1900
Style/Structure Type	APARTMENT - GARDEN
# Units	40
Square Feet	22536

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

Exterior/Interior Information:

Building 1

Levels	B1/B1
Size	3756
Use	SUPPORT AREA
Height	7
Heating	NONE
A/C	NONE

Building 1

Levels	01/01
Size	3756
Use	APARTMENT
Height	10
Walls	BRICK/STONE
Heating	HW/STEAM
A/C	NONE

REAL ESTATE ASSESSMENT RECORD - CITY OF PORTLAND, MAINE

LAND NOS. **9-13** STREET **Shepley** CHART **B** BLOCK **B** LOT **15**
 BLDG. NO. **11** DEVELOPMENT NO. AREA DIST. **4** ZONE PAGE
 CARD NO. OF RECORD OF TAXPAYER

TOPOGRAPHY		PROPERTY FACTORS	
LEVEL		WATER	<input checked="" type="checkbox"/>
HIGH		SEWER	
LOW		GAS	
ROLLING		ELECTRICITY	
SWAMPY		ALL UTILITIES	<input checked="" type="checkbox"/>
STREET		TREND OF DISTRICT	
PAVED		IMPROVING	<input checked="" type="checkbox"/>
SEMI-IMPROVED		STATIC	
DIRT		DECLINING	
SIDEWALK			<input checked="" type="checkbox"/>
TILLABLE		PASTURE	
		WOODED	
		WASTE	

TAXPAYER ADDRESS AND DESCRIPTION
MILES STANDISH INC. THE
11 SHEPLEY ST.
CITY
LAND & BLDG. SHEPLEY ST. 79-13
ASSESSORS PLAN 37-8-15
AREA 7176 SQ. FT.

LAND VALUE COMPUTATIONS AND SUMMARY				
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE
70P	97AV	130	98	127
				1913
TOTAL VALUE LAND				
TOTAL VALUE BUILDINGS				
TOTAL VALUE LAND AND BUILDINGS				
SQ. FT. TO-FROM CH. BLK. LOT				
SQ. FT. TO-FROM CH. BLK. LOT				

LAND VALUE COMPUTATIONS AND SUMMARY				
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE
TOTAL VALUE LAND				
TOTAL VALUE BUILDINGS				
TOTAL VALUE LAND AND BUILDINGS				
SQ. FT. TO-FROM CH. BLK. LOT				
SQ. FT. TO-FROM CH. BLK. LOT				

LAND VALUE COMPUTATIONS AND SUMMARY				
FRONTAGE	DEPTH	UNIT PRICE	DEPTH FACTOR	FRONT FT. PRICE
TOTAL VALUE LAND				
TOTAL VALUE BUILDINGS				
TOTAL VALUE LAND AND BUILDINGS				
SQ. FT. TO-FROM CH. BLK. LOT				
SQ. FT. TO-FROM CH. BLK. LOT				

Attach Shepley Plan
Shepley
037-B-015

79' 65" x 100' x 100' x 100'
 500 6000 1000
 68

YEAR	ORIG. COST	RENTAL
YEAR	SALE PRICE	EXPENSE
YEAR	U. S. R. S.	NET

924482

75

037-B-015

Permit # _____ City of _____ Building Permit Application Fee _____ Zone _____ Map # _____ Lot # _____

Please fill out any part which applies to job. Proper plans must accompany form.

Owner: _____ Phone # _____

Address: _____

LOCATION OF CONSTRUCTION _____

Contractor: _____ Sub: _____

Address: _____ Phone # _____

Est. Construction Cost: _____ Proposed Use: 40 - _____

of Existing Res. Units _____ Past Use: 40 - _____

Building Dimensions L _____ W _____ # of New Res. Units _____ Total Sq. Ft. _____

Stories: _____ # Bedrooms _____ Lot Size: _____

Is Proposed Use: Seasonal _____ Condominium _____ Conversion _____

Explain Conversion _____

For Official Use Only

Date _____ Inside Fire Limits _____ Name _____

Bldg. Code _____ Loc. _____

Time Limit _____ Ownership: _____

Estimated Cost _____

Zoning: _____

Street Frontage Provided: Front _____ Back _____ Side _____

Provided Setbacks: Front _____ Back _____ Side _____

Required: _____

Zoning Board Approval: Yes _____ No _____ Date: _____

Planning Board Approval: Yes _____ No _____

Conditional Use: Variance _____ Site Plan _____ Subdivision _____

Shoreland Zoning Yes _____ No _____ Floodplain Yes _____ No _____

Special Exception _____

Other: _____ (Explain) _____

Ceilings

1. Ceiling Joists Size: _____ Spacing _____

2. Ceiling Strapping Size _____ Spacing _____

3. Type Ceilings: _____

4. Insulation Type _____ Size _____

5. Ceiling Height: _____

Roof

1. Truss or Rafter Size _____ Span _____

2. Sheathing Type _____ Size _____

3. Roof Covering Type _____

Chimneys: _____

Type: _____ Number of Fire Places _____

Heating: _____

Type of Heat: _____

Electrical: _____

Service Entrance Size: _____ Smoke Detector Required Yes _____ No _____

Plumbing: _____

1. Approval of soil test if required Yes _____ No _____

2. No. of Tubs or Showers _____

3. No. of Flushes _____

4. No. of Lavatories _____

5. No. of Other Fixtures _____

Swimming Pools: _____

1. Type: _____

2. Pool Size: _____ x _____ Square Footage _____

3. Must conform to National Electrical Code and State Law.

Permit Received By _____ Date _____

Signature of Applicant _____

CEO's District _____

Floor

1. Sills Size: _____ Sills must be anchored.

2. Girder Size: _____

3. Lolly Column Spacing _____ Size: _____

4. Joists Size: _____ Spacing 16" O.C.

5. Bridging Type: _____ Size: _____

6. Floor Sheathing Type: _____ Size: _____

7. Other Material: _____

Exterior Walls:

1. Studding Size _____ Spacing _____

2. No. windows _____

3. No. Doors _____

4. Header Size: Yes _____ No _____

5. Bracing _____

6. Corner Posts Size _____

7. Insulation Type _____ Size _____

8. Sheathing Type _____ Size _____

9. Siding Type _____ Weather Exposure _____

10. Masonry Materials _____

11. Metal Materials _____

Interior Walls:

1. Studding Size _____ Spacing _____

2. Header Size _____ Span(s) _____

3. Wall Covering Type _____

4. Fire Wall if required _____

5. Other Materials _____

CONTINUED TO REVERSE SIDE

Ivory Tag - CEO

White - Tax Assessor

GOLDMAN ATTORNEYS PLLC

Attorneys and Counselors at Law

210 WASHINGTON AVENUE EXTENSION
ALBANY, NEW YORK 12203

TELEPHONE: (518) 431-0941
FAX: (518) 694-4821

Audrey Michasiow
LEGAL ASSISTANT
amichasiow@goldmanpllc.com

RECEIVED

SEP 16 2014

September 11, 2014

Dept. of Building Inspections
City of Portland Maine

Ms. Marge Schmuckal
Zoning Administrator
Planning & Urban Development
City of Portland
389 Congress Street
Portland, ME 04101

Re: The Miles Standish Apartments, 11 Shepley Street, City of Portland - B-3 with
CBL: 037 B015001 (the "Property")
*Down to enter permit only
Not in Historic*

Dear Ms. Schmuckal:

As a follow up to your email of September 9, 2011, enclosed please find our firm check in the amount of \$150, representing the processing fee for the requested zoning compliance letter.

Thank you for your assistance in this regard. If you have any questions or comments, please do not hesitate to contact me. I am,

Very truly yours,

Goldman Attorneys PLLC

Audrey Michasiow
Audrey Michasiow, Legal Assistant

AM/

GOLDMAN ATTORNEYS PLLC

Attorneys and Counselors at Law

210 WASHINGTON AVENUE EXTENSION
ALBANY, NEW YORK 12203

TELEPHONE: (518) 431-0941
FAX: (518) 694-4821

Paul J. Goldman
pgoldman@goldmanpllc.com

September 9, 2014

VIA EMAIL jlevine@portlandmaine.gov and US MAIL

Mr. Jeff Levine
Planning & Urban Development Director
City of Portland
389 Congress Street
Portland, ME 04101

Re: The Miles Standish Apartments, 11 Shepley Street, City of Portland
CBL: 037 B015001 (the "Property")

B-3 not in historic
Downtown Business
Overlay

Dear Mr. Levine:

In regards to the above Property, we are hereby requesting that your office provide us with a letter verifying that said Property is in complete compliance with all zoning and/or building regulations of the City of Portland (the "City"). Please include the following information:

1. The zoning classification of said Property;
2. The permitted use of said Property under the zoning laws of the City;
3. Verification that the Property is in complete compliance with all building codes, zoning ordinances, or in the alternative, a list of outstanding building code/zoning ordinance violations, if any;
4. Verification that said Property has access to a public highway for ingress and egress.
5. Verification that the Property is in compliance with all parking and loading requirements, including the number of parking spaces and dimensional requirements for the parking spaces;
6. Verification the zoning ordinance allows for reconstruction of the Property in its current use in the event of damage or destruction due to fire or natural disaster.
7. Please provide copy of the applicable zoning ordinance, if available.

Thank you for your assistance in this regard. If you have any questions or comments, please do not hesitate to contact me. I am,

Very truly yours,

Goldman Attorneys PLLC

Paul J. Goldman
Paul J. Goldman

PJG/am

Marge Schmuckal - Fwd: Zoning Compliance Request

From: Jeff Levine
To: Marge Schmuckal
Date: 9/9/2014 4:15 PM
Subject: Fwd: Zoning Compliance Request
Attachments: zoning request.pdf

I think this is meant for you.

>>> Audrey Michasiow <AMichasiow@goldmanpllc.com> 9/9/2014 3:21 PM >>>
Mr. Levine,

Please see the attached zoning request.

Audrey Michasiow

Legal Assistant
Goldman Attorneys PLLC
210 Washington Avenue Extension, Suite 104
Albany, New York 12203
Phone: (518) 431-0941 ext 104
Fax: (518) 694-4821
Email: amichasiow@goldmanpllc.com

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Disclosure under IRS Circular 230: Unless expressly stated otherwise, nothing contained in this communication is intended or written to be used, nor may it be relied upon or used, (1) by any taxpayer for the purpose of avoiding penalties that may be imposed under the Internal Revenue Code, and/or (2) by any person to support the promotion or marketing of or to recommend any Federal tax transaction(s) or matter(s) addressed in this communication.

Marge Schmuckal - determination letter for 11 Shepley Street, City of Portland, Maine

From: Marge Schmuckal
To: amichasiow@goldmanpllc.com
Date: 9/9/2014 4:49 PM
Subject: determination letter for 11 Shepley Street, City of Portland, Maine
CC: Jeff Levine

Hi Audrey,

Our office is in receipt of your request for a determination letter. Please be advised that there is a process and a fee for such a request. I have received your outlined request. However, there is also a required \$150 fee (checks made out to the City of Portland). The determination usually take at least 10 business days.

If you need to contact me, feel free to call me at (207) 874-8695.

thank you,
Marge Schmuckal
Zoning Administrator
City of Portland, Maine

924482

75

037-B-015

Permit # _____ City of _____ BUILDING PERMIT APPLICATION Fee _____ Zone _____ Map # _____ Lot# _____

Please fill out any part which applies to job. Proper plans must accompany form.

Owner: _____ Phone # _____
 Address: _____
LOCATION OF CONSTRUCTION
 Contractor: _____ Sub: _____
 Address: _____ Phone # _____
 Est. Construction Cost: _____ Proposed Use: _____
 Past Use: _____
 # of Existing Res. Units _____ # of New Res. Units _____
 Building Dimensions L _____ W _____ Total Sq. Ft. _____
 # Stories: _____ # Bedrooms _____ Lot Size: _____
 Is Proposed Use: Seasonal _____ Condominium _____ Conversion _____
 Explain Conversion _____

For Official Use Only

Date _____ Subdivision: _____
 Inside Fire Limits _____ No. _____
 Bldg Code _____ Lot _____
 Time Limit _____ Ownership: _____
 Estimated Cost _____ Private

PERMIT ISSUE
 JAN 16 5 1999

Zoning
 Street Frontage Provided: _____
 Provided Setbacks: Front _____ Back _____ Side _____
Review Required:
 Zoning Board Approval: Yes _____ No _____ Date: _____
 Planning Board Approval: Yes _____ No _____ Date: _____
 Conditional Use: _____ Variance _____ Site Plan _____ Subdivision _____
 Shoreland Zoning Yes _____ No _____ Floodplain Yes _____ No _____
 Special Exception _____
 Other _____ (Explain) _____

Special

Foundation
 1. Type of Soil: _____
 2. Set Backs - Front _____ Rear _____ Side(s) _____
 3. Footings Size: _____
 4. Foundation Size: _____
 5. Other: _____

Floor:
 1. Sills Size: _____ Sills must be anchored.
 2. Girder Size: _____
 3. Lally Column Spacing _____ Size: _____
 4. Joists Size: _____ Spacing 16" O.C.
 5. Bridging Type: _____ Size: _____
 6. Floor Sheathing Type: _____ Size: _____
 7. Other Material: _____

Exterior Walls:
 1. Studding Size _____ Spacing _____
 2. No. windows _____
 3. No. Doors _____
 4. Header Sizes _____ Span(s) _____
 5. Bracing: Yes _____ No _____
 6. Corner Posts Size _____
 7. Insulation Type _____ Size _____
 8. Sheathing Type _____ Size _____
 9. Siding Type _____ Weather Exposure _____
 10. Masonry Materials _____
 11. Metal Materials _____

Interior Walls:
 1. Studding Size _____ Spacing _____
 2. Header Sizes _____ Span(s) _____
 3. Wall Covering Type _____
 4. Fire Wall if required _____
 5. Other Materials _____

CEILING
 1. Ceiling Joists Size: _____
 2. Ceiling Strapping Size _____ Spacing _____
 3. Type Ceilings: _____
 4. Insulation Type _____ Size _____
 5. Ceiling Height: _____

Roof:
 1. Truss or Rafter Size _____ Span _____
 2. Sheathing Type _____ Size _____
 3. Roof Covering Type _____

Chimneys:
 Type: _____ Number of Fire Places _____
 Date _____

Heating:
 Type of Heat: _____

Electrical:
 Service Entrance Size: _____ Smoke Detector Required Yes _____ No _____

Plumbing
 1. Approval of soil test if required Yes _____ No _____
 2. No. of Tubs or Showers _____
 3. No. of Flushes _____
 4. No. of Lavatories _____
 5. No. of Other Fixtures _____

Swimming Pools:
 1. Type: _____
 2. Pool Size: _____ Square Footage _____
 3. Must conform to National Electrical Code and State Law.

HISTORIC PRESERVATION

Not in District or Landmark.

Does not require review.

Requires Review.

APPROVED

APPROVED WITH CONDITIONS

REJECTED

Permit Received By _____
Signature of Applicant _____ Date _____

CEO's District _____
CONTINUED TO REVERSE SIDE
Ivory Tag - CEO

White - Tax Assessor

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

INVOICE OF FEES

Application No: 0000-2041	Applicant: EVERETT CHAMBERS LP
Project Name: 11 SHEPLEY ST	Location: 11 SHEPLEY ST
CBL: 037 B015001	Application Type: Determination Letter
Invoice Date: 09/16/2014	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due		Payment Due Date
\$0.00		\$0.00		\$150.00		\$150.00		\$0.00		On Receipt

Previous Balance **\$0.00**

Fee Description	Qty	Fee/Deposit Charge
Zoning Determinations	1	\$150.00
		<u>\$150.00</u>
	Total Current Fees:	+ \$150.00
	Total Current Payments:	- \$150.00
	Amount Due Now:	\$0.00

CBL 037 B015001
Bill To: EVERETT CHAMBERS LP
 ONE CITY CENTER
 PORTLAND, ME 04101

Application No: 0000-2041
Invoice Date: 09/16/2014
Invoice No: 46581
Total Amt Due: \$0.00
Payment Amount:

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.
 Check the status of your permit or schedule an inspection on-line at <http://www.portlandmaine.gov/792/Permit-Status>

[Click Here to Pay On Line](#)