

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

BUILDING DEPARTMENT

PERMIT

Permit Number: 090111

Please Read Application And Notes, If Any, Attached

This is to certify that DRONAMRAJU RAMESH & SAMA DRONAMRAJU JTS/ARTIST

has permission to Change of use from retail (9 seats) to restaurant (24 seats)

AT 3 DEERING AVE

CE 047 A004001

FEB 25 2009

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 worked-in. 24 HOUR 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

Jamie Banks 2/24/09
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: 09-0111 | Issue Date: | CBL: 047 A004001 |
|-----------------------|-------------|---------------------|

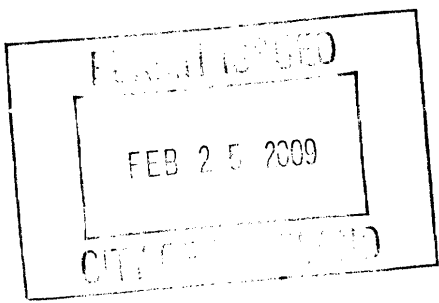
| | | | |
|--|---------------------------------------|--|------------------------|
| Location of Construction: 3 DEERING AVE | Owner Name: DRONAMRAJU RAMESH & RA | Owner Address: 39 RIDGE RD | Phone: 207-317-7426 |
| Business Name: | Contractor Name: Alan Fishman | Contractor Address: Portland | Phone: |
| Lessee/Buyer's Name | Phone: | Permit Type: Change of Use - Commercial | Zone: B-2b |

| | | | | |
|---|--|---|--|--------------------|
| Past Use: Retail/Coffee House - Pisono (9 seats under permit #09-0031) | Proposed Use: Restaurant/Coffee House - Pisono - 24 Seats | Permit Fee: \$30.00 | Cost of Work: \$0.00 | CEO District: 2 |
| Proposed Project Description: Change of use from retail (9 seats) to restaurant (24 seats) | | FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied <i>Conditions OC Load 24 max</i> | INSPECTION: Use Group: <i>B</i> Type: <i>5B</i> <i>FBC-2003</i> Signature: <i>JMB 2/24/09</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: 02/12/2009 | Zoning Approval |
|-------------------------|---------------------------------|------------------------|

- 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 <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"/> <i>OR w/condition</i> Date: <i>2/18/09</i> <i>ABN</i> | Zoning Appeal <input checked="" type="checkbox"/> Variance <i>"under hardship"</i> <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved <i>4-0</i> <input type="checkbox"/> Denied Date: <i>2/15/09</i> | Historic Preservation <input checked="" 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 <i>ABN</i> 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: 09-0111 | Date Applied For: 02/12/2009 | CBL: 047 A004001 |
|------------------------------|--|----------------------------|

| | | | |
|---|--|---|-------------------------------|
| Location of Construction: 3 DEERING AVE | Owner Name: DRONAMRAJU RAMESH & RA | Owner Address: 39 RIDGE RD | Phone: 207-317-7426 |
| Business Name: | Contractor Name: Alan Fishman | Contractor Address: Portland | Phone: |
| Lessee/Buyer's Name | Phone: | Permit Type: Change of Use - Commercial | |

| | |
|---|--|
| Proposed Use: Restaurant/Coffee House - Pisono - 24 Seats | Proposed Project Description: Change of use from retail (9 seats) to restaurant (24 seats) |
|---|--|

| | | | |
|--|---|---------------------------------|---|
| Dept: Zoning | Status: Approved with Conditions | Reviewer: Ann Machado | Approval Date: 02/18/2009 |
| Note: | | | Ok to Issue: <input checked="" type="checkbox"/> |
| 1) Separate permits shall be required for any new signage. | | | |
| Dept: Building | Status: Approved with Conditions | Reviewer: Jeanine Bourke | Approval Date: 02/24/2009 |
| Note: | | | Ok to Issue: <input checked="" type="checkbox"/> |
| 1) All Food Service Establishment conditions apply from permit # 09-0031 except the increase in seats to a maximum of 24 | | | |
| 2) This is a Change of Use ONLY permit. All construction was previously approved under permit # 09-0031 | | | |
| Dept: Fire | Status: Approved with Conditions | Reviewer: Jeanine Bourke | Approval Date: 02/24/2009 |
| Note: | | | Ok to Issue: <input checked="" type="checkbox"/> |
| 1) Maximum Occupant Load = 24 | | | |
| 2) This approves a change of use only, all construction was previously approved under permit # 09-0031 | | | |

| |
|--|
| Comments: |
| 2/18/2009-amachado: Certificate of occupancy was paid for under permit #09-0031. |
| 2/24/2009-jmb: CO was issued on 2/13/09 as this was simply a change of use granted by the variance appeal. |



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>3 Deerway Ave</u> | | |
| Total Square Footage of Proposed Structure/Area <u>1440 sq ft</u> | Square Footage of Lot <u>1440 sq ft</u> | Number of Stories <u>2</u> |
| Tax Assessor's Chart, Block & Lot Chart# <u>47</u> Block# <u>A</u> Lot# <u>004</u> | Applicant * <u>must be owner, Lessee or Buyer</u> Name <u>Abdi Naim Mohamed</u> Address <u>638 Congress St #305</u> City, State & Zip <u>Portland, ME 04101</u> | Telephone: <u>207-317-7429</u> |
| Lessee/DBA (If Applicable) | Owner (if different from Applicant) Name <u>Ramona Deonanteju</u> Address <u>470 Forest Ave #203</u> City, State & Zip <u>Portland, ME 04101</u> | Cost Of Work: \$ _____ C. of O Fee: \$ _____ Total Fee: \$ _____ |
| Current legal use (i.e. single family) <u>Retail B2B</u> Number of Residential Units _____ | | |
| If vacant, what was the previous use? <u>Cycle Shop</u> | | |
| Proposed Specific use: <u>Coffee Shop + limited food service</u> | | |
| Is property part of a subdivision? <u>No</u> If yes, please name _____ | | |
| Project description: <u>Change of use Fit up for Neighborhood Coffee house 24 seats</u> <u>Amend permit #09-0031 including cost of associated work</u> | | |
| Contractor's name: <u>N/A</u> <u>cost of associated work under permit 09-0031</u> | | |
| Address: _____ | | |
| City, State & Zip _____ Telephone: _____ | | |
| Who should we contact when the permit is ready: _____ Telephone: _____ | | |
| Mailing address: _____ | | |

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, 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: [Signature] Date: 12/5/08

2/11/09

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

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-chair
Deborah Rutter
Jill E. Hunter
Gordan Smith-secretary
William Getz

February 9, 2009

Alan Fishman / Realty Group
470 Forest Avenue, Suite #203
Portland, ME 04101

RE: 3 Deering Avenue
CBL: 047 A004
ZONE: B2b

Dear Mr. Fishman:

As you know, at the February 5, 2009 meeting, the Board voted 4-0 to approve your Variance Appeal for your off street parking to be waived.

I am enclosing your Certificate of Variance Approval. **The original must be recorded in the Cumberland County Registry of Deeds within 90 days of February 05, 2009, when it was signed.** Failure to record the Certificate will result in it being voided. This office shall be provided with a copy of the recorded certificate of Variance showing the book and page recorded.

Enclosed please find the billing for the Zoning Board Appeals legal ad and abutter's notification; also a copy of the board's decision. You are also required to submit a Change of Use permit from a bicycle shop to a restaurant. Enclosed is an application for your change of use. You have six months from the date of this letter, referenced under section 14-473 (c) 4e to apply for the change of use, or your Zoning Board approval will expire.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gayle Guertin".

Gayle Guertin
Office Assistant

CC: Azziz Mohamed Mohamend / Lessee
file

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

"Undue Hardship" Variance Appeal

DECISION

Date of public hearing: February 5, 2009

Name and address of applicant: Abdi Aziz Mohamed Mohamed
638 Congress St.
Portland, ME 04101

Location of property under appeal: 3-5 Deering Avenue

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

Alza Fishman
Fishman Realty Group
2 Cotton St
Portland, ME 04101

Abdi' Aziz Mohamed Mohamed
3 Deering Ave
Portland, ME 04102

Exhibits admitted (e.g. renderings, reports, etc.):

Findings of Fact and Conclusions of Law:

The applicant is requesting an "undue hardship" variance from the off-street parking requirements related to his proposed use of 3-5 Deering Street as a coffee shop. The applicant is ready to lease the property, which has been on the market for lease for twelve months. The property is located in the B-2b zone which requires one off-street parking space for every 150 square feet of floor area in a restaurant that is not used for bulk storage or food preparation. The restaurant has approximately 750 square feet of such area and would therefore require five off-street parking spaces.

"Undue Hardship" Variance standard pursuant to Portland City Code §14-473(c)(1):

1. The land in question cannot yield a reasonable return unless a variance is granted. (Note: "Failure to yield a 'reasonable return' means 'the practical loss of all beneficial use of the land.' . . . Reasonable return does not mean maximum return." *Rowe v. City of South Portland*, 730 A.2d 673, 675 (Me. 1999) (citations omitted).)

Satisfied Not Satisfied 4-0

Reason and supporting facts:

Restaurants are only interested parties which will yield any return

2. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood. 4-0

Satisfied Not Satisfied

Reason and supporting facts:

Land locked - no feasible alternative

3. The granting of a variance will not alter the essential character of the locality.

Satisfied Not Satisfied 4-0

Reason and supporting facts:
Established location

4. The hardship is not the result of action taken by the applicant or a prior owner.

Satisfied Not Satisfied 4-0

Reason and supporting facts:
Zoning & Location

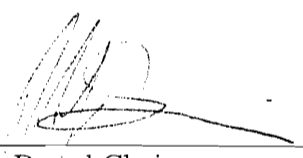
Conclusion: (check one)

1-0 Option 1: The Board finds that the standards described above (1 through 4) have been satisfied and therefore GRANTS the application.

Option 2: The Board finds that while the standards described above (1 through 4) have been satisfied, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

Option 3: The Board finds that the standards described above (1 through 4) have NOT all been satisfied and therefore DENIES the application.

Dated: 2/5/09



Board Chair

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

**APPEAL AGENDA
DECISION**

The Board of Appeals will hold a public hearing on Thursday, February 5, 2009 at 6:30 p.m. on the second floor, Room 209, City Hall, 389 Congress Street, Portland, Maine to hear the following appeals:

To: City Clerk
From: Marge Schmuckal, Zoning Administrator
Date: February 06, 2009
RE: Action taken by the Zoning Board of Appeals on February 5, 2009.

The meeting was called to order at 6:30pm.

Roll call as follows: **Members Present:** Philip Saucier, Peter Coyne (acting secretary) Jill Hunter and William Getz.

Members Absent: Deborah Rutter and Gordon Smith.

1. New Business:

A. Practical Difficulty Variance Appeal:

38 India Street, PME I, L.P., owners, Tax Map 029, Block L, Lots 001, 002 & 003, C44 Conditional Contract Zone: The appellant is seeking a variance from Section 14-218(b)(5) requesting a six (6) foot parking setback from street lines instead of the minimum 35 foot required. The B-3 zone requirements are being applied as delineated within the conditional /contract zone. Representing the appeal is Michael A Voccola. **The Board voted 4-0 to grant the withdrawal of the Practical Difficulty Variance Appeal with no prejudice.**

B. Conditional Use Appeal:

9 Deering Street, Richard J. Goduti Family Trust, owners, Tax Map 046, Block B, Lot 023, R-6 Zone: The appellant is seeking a Conditional Use Appeal under section 14-137(c)(2) requesting that four professional offices be located on the first floor of the property. Representing the appeal is James Goduti. **The Board voted 4-0 to grant the Conditional Use Appeal.**

C. Variance Appeal:

3 Deering Avenue, Abdi Aziz Mohamed Mohamud, lessee, Tax Map 047, Block A, Lot 004, B-2b Zone: The appellant is seeking a Variance Appeal under section 14-332(i) requesting that the off-street parking requirement be waived. Section 14-332 (i) requires one off-street parking space for each 150 square feet of floor area in a restaurant that is not used for bulk storage or food preparation. The restaurant has approximately 750 square feet of floor area which requires five parking spaces. Representing the appeal is Alan Fishman of Fishman Realty Group and the lessee. **The Board voted 4-0 to grant the Variance Appeal.**



CITY OF PORTLAND

CERTIFICATE OF VARIANCE APPROVAL

I, Philip Saucier, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 5th day of February, 2009, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

1. **Current Property Owner: Ramesh Dronamraju**
2. **Property: 3-5 Deering Avenue, Portland, ME CBL: 047-A-004**
Cumberland County Registry of Deeds, Book 21368, Page 140
Last recorded deed in chain of Title: 6/4/04
3. **Variance and Conditions of Variance:**
To grant relief from section 14-186(c) and 14-332(i) of the Zoning Ordinance to allow no off-street parking for a new restaurant use instead of the approximate four (5) parking spaces required.

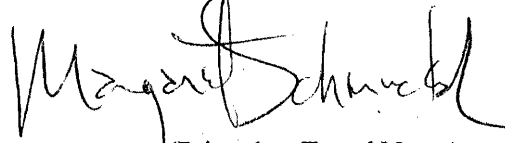
IN WITNESS WHEREOF, I have hereto set my hand and seal this 5th day of February, 2009

 , Chair of
City of Portland Zoning Board, Philip Saucier

(Printed or Typed Name)

STATE OF MAINE
Cumberland, ss.

Then personally appeared the above-named Philip Saucier and acknowledged the above certificate to be **his** free act and deed in **his** capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on February 5, 2009.



(Printed or Typed Name)

Notary Public
Margaret Schmuckal

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.



CITY OF PORTLAND, MAINE

Department of Building Inspections

Original Receipt

1-12 20 09

Received from IFRAH Mohamed

Location of Work 3 Deering Ave

Cost of Construction \$ _____ Building Fee: 30

Permit Fee \$ 105 Site Fee: _____

Certificate of Occupancy Fee: 25

Total: 105

permit
09-0031

Building (11) _____ Plumbing (15) _____ Electrical (12) _____ Site Plan (12) _____

Other _____

CBL: _____

Check #: CC **Total Collected \$** 105

JAN 19 2009

No work is to be started until permit issued.

If permit is Withdrawn or Denied, amount of the Refund is based on \$20.00 or 20% of the fee, (whichever is greater)

In order to receive a refund, you **MUST** present the Original Receipt.

Taken by: [Signature]

WHITE - Applicant's Copy

YELLOW - Office Copy

PINK - Permit Copy



3 Deering Ave
 Portland, ME
 Typical
 Floor Plan
 24 Seats