



Planning & Urban Development Department

Jeff Levine, AICP, Director
Marge Schmuckal, Zoning Administrator

December 5, 2013

Tabatha Berube
Bernstein Shur
100 Middle Street
PO Box 9729
Portland, ME 04104

RE: 73-75 State Street – 048-D-017 – (the “Property”) – R-6 Residential Zone

Dear Ms. Berube,

I am in receipt of your request for a determination letter for the Property. The Property is located in a R-6 Residential Zone.

There are no Certificates of Occupancy on file, but Building Permit #920 was issued on August 4, 1971 to change the use of the Property from a “6-family apartment house to 9-family apartment house with alterations”. This building permit was approved after a Miscellaneous Appeal was granted by the Zoning Board of Appeals on July 29, 1971. All building permits since then have listed the use as a nine family dwelling. This is the recognized use of the Property by this department.

A check of our recent files did not show any outstanding building or zoning violations. To the best of my knowledge, there are no outstanding zoning, building or life safety code violations regarding the property.

I have enclosed copies of permits for the Property. If you have any questions regarding this matter, please feel free to contact me at (207) 874-8709.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado".

Ann B. Machado
Zoning Specialist
City of Portland, Maine

R6 RESIDENCE ZONE



APPLICATION FOR PERMIT

Class of Building or Type of Structure
Portland, Maine, July 16, 1971

PERMIT ISSUED

AUG 4 1971

920 CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish install the following building structure equipment in accordance with the Laws of the State of Maine, Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 75 Sherman Street Within Fire Limits? Dist. No.
Owner's name and address Ronald A. Vincont, 314 Danforth St. Telephone
Lessee's name and address Telephone
Contractor's name and address Telephone
Architect Specifications Plans YES No. of sheets 1
Proposed use of building apartment house No. families 9
Last use " " No. families 6
Material frame No. stories 3 1/2 Heat Style of roof Roofing
Other buildings on same lot
Estimated cost \$ 10,000 Fee \$ 5.00

General Description of New Work

Pa 8/14/71

To Change Use from 6-family apartment house to 9-family apartment house with alterations

This application is preliminary to get settled the question of zoning appeal. In the event the appeal is sustained the applicant will furnish complete information, estimated cost and pay fee.

8/3/71
Rec'd from Fire Dept 8/3/71 Appeal sustained 7/29/71

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. PERMIT TO BE ISSUED TO owner

Details of New Work

Is any plumbing involved in this work? YES Is any electrical work involved in this work? YES
Is connection to be made to public sewer? If not, what is proposed for sewage?
Has septic tank notice been sent? Form notice sent?
Height average grade to top of plate Height average grade to highest point of roof
Size, front depth No. stories solid or filled land? earth or rock?
Material of foundation Thickness, top bottom cellar
Kind of roof Rise per foot Roof covering
No. of chimneys Material of chimney of lining Kind of heat fuel
Framing Lumber-Kind Dressed or full size? Corner posts Sills
Size Girder Columns under girders Size Max. on centers
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters: 1st floor 2nd 3rd roof
On centers: 1st floor 2nd 3rd roof
Maximum span: 1st floor 2nd 3rd roof
If one story building with masonry walls, thickness of walls? height?

If a Garage

No. cars now accommodated on same lot, to be accommodated number commercial cars to be accommodated
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVED:

Signature C. O. ... 8-3-71

Miscellaneous

Will work require disturbing of any tree on a public street?
Will there be in charge of the above work a person competent to

\$5.00 pd 7/16/71

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

Granted 7-29-71

MISCELLANEOUS APPEAL

Ronald A. Vincent, owner of property at 73-75 Sherman St.
under the provisions of Section 24 of the Zoning Ordinance of the City of Portland,
hereby respectfully petitions the Board of Appeals to permit and certificate of
occupancy for changing use of the apartment house at the above named
location from 6 families to 9 families (3 families on each floor); This
permit is not issuable under the Zoning Ordinance for the following reasons:
(1) The area of the lot on which the building is located is only about
3,560 sq. ft. instead of the minimum of 9,000 sq. ft. (1,000 sq. ft. per
family) required by Section 602.7B.8 of the Ordinance pertaining to the
R-6 Residential Zone in which the property is located. (2) There is not
room on this lot for off-street parking for at least one motor vehicle as
required by Sec. 602.14B.1.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals find
that enforcement of the terms of the Ordinance would result in undue hardship and
desirable relief may be granted without substantially departing from the intent and
purpose of the Ordinance.

Ronald A. Vincent
APPELLANT

DECISION

After public hearing held HWK July 29, 1971, the Board of Appeals finds that
enforcement of the terms of the Ordinance would result in undue hardship and
desirable relief may be granted without substantially departing from the intent
and purpose of the Ordinance.

It is, therefore, determined that such permit may be issued.

BOARD OF APPEALS

Franklin S. Hillier
James W. [Signature]
[Signature]

APPLICATION FOR PERMIT

B.O.C.A. USE GROUP

B.O.C.A. TYPE OF CONSTRUCTION 0.605

ZONING LOCATION PORTLAND, MAINE May 30, 1985 ..

PERMIT ISSUED

JUN 13 1985

CITY OF PORTLAND

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION 75 Sherman St. 48-0-017 Fire District #1 , #2

1. Owner's name and address Carleton Investment Associates - 84 Carleton St. Telephone 772-1222 ..

2. Lessee's name and address

3. Contractor's name and address Artisan I Telephone

Proposed use of building multi-family No. of sheets

Last use same No. families 2

Material No. stories Heat Style of roof Roofing

Other buildings on same lot

Estimated contractual cost \$ 4,000. Appeal Fees \$

FIELD INSPECTOR—Mr. Base Fee 30.00

@ 775-5451 Late Fee

TOTAL \$

To erect fire escape (wooden) on side of dwelling as per plans, 1 sheet of plans, to serve from 3 to ground

Stamp of Special Conditions

send permit to # 1 04102

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

DETAILS OF NEW WORK

Is any plumbing involved in this work? No. Is any electrical work involved in this work? No.

Is connection to be made to public sewer? If not, what is proposed for sewage?

Has septic tank notice been sent? Form notice sent?

Height average grade to top of plate Height average grade to highest point of roof

Size, front depth No. stories solid or filled land? earth or rock?

Material of foundation Thickness, top bottom cellar

Kind of roof Rise per foot Roof covering

No. of chimneys Material of chimneys of lining Kind of heat fuel

Framing Lumber—Kind Dressed or full size? Corner posts Sills

Size Girder Columns under girders Size Max. on centers

Studs (outside walls and carrying partitions) 2x4-16' O. C. Bridging in every floor and flat roof span over 8 feet.

Joists and rafters: 1st floor 2nd 3rd roof

On centers: 1st floor 2nd 3rd roof

Maximum span: 1st floor 2nd 3rd roof

If one story building with masonry walls, thickness of walls? height?

IF A GARAGE

No. cars now accommodated on same lot, to be accommodated number commercial cars to be accommodated

Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVALS BY: DATE MISCELLANEOUS

BUILDING INSPECTION—PLAN EXAMINER Will work require disturbing of any tree on a public street?

ZONING: Will there be in charge of the above work a person competent

BUILDING CODE: Fire Dept.: Health Dept.: are observed?

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto

are observed?

City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, FAX: (207) 8716

Job No: 2011-11-3574-ALYCOMBY	Date Applied: 11/22/11	CEL: 66- B-017-071
Location of Construction: 78 SHEEMAN ST	Owner Name: CITY NATIONAL BANK	Owner Address: LA, CALIFORNIA
Business Name:	Contractor Name: Sweet Contracting Corp/ William Sweet (588 Sweet Chisney Street)	Contractor Address: 2 Wyman Dr., Scarborough, ME 04074
Lease/Buyer's Name: Greg Hanks, President Property Mgmt	Phone:	Phone: 781-724-2685
Permit Type: BLDG	Zone: R-5	
Permit Use: Nine (9) residential dwelling units	Proposed Use: Seven nine residential dwelling units - to install a stainless steel door in the existing masonry chimney - with cap and repairs	Cost of Work: \$4,000.00
		Fire Dept: <input checked="" type="checkbox"/> Approved w/condition <input type="checkbox"/> Denied <input type="checkbox"/> N/A Signature: <i>Capt. Lewis 11/22/11</i>
Proposed Project Description: Re-do existing Chimney		Inspection: Use Group: <i>2-2</i> Type: <i>[Signature]</i>
Permit Taken By: Lembo	Permitted Activities District (P.A.D.): Pudongton Activities District (P.A.D.)	

<p>1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</p> <p>2. Building Permits do not include plumbing, repair or electrical work.</p> <p>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.</p>	Zoning Approval		
	Special Zone or Review	Zoning Appeal	Historic Preservation
	<input type="checkbox"/> Flood Zone <input type="checkbox"/> Wetlands <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan Date: <i>11/14/11</i>	<input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Appraisal <input type="checkbox"/> General Date:	<input checked="" type="checkbox"/> Not in Dist or Landmark <input type="checkbox"/> Does not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Condition <input type="checkbox"/> Denied Date: <i>[Signature]</i>

CERTIFICATION

I hereby certify that I am the owner or rental of the covered 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 representatives 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	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

City of Portland, Maine - Building or Use Permit Application
 389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 10-0026	Issue Date:	CBL: 048 D017001
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Location of Construction: 75 SHERMAN ST	Owner Name: HABIBI AMIR	Owner Address: 865 BROADWAY	Phone:
Business Name:	Contractor Name: Josiah Dubay	Contractor Address: 24 Chapel Street South Portland	Phone: 2079399078
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Multi Family	Zone: R-6

Past Use: 9 unit residential	Proposed Use: 9 unit residential - existing exterior egress adding steps to grade	Permit Fee: \$30.00	Cost of Work: \$970.00	CEO District: 2
FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied w/conditions 1/13/2010		INSPECTION: Use Group: R2 Type: SB FBC-2003 Signature: MB 1/21/10		

Proposed Project Description:
existing exterior egress adding steps to grade

Signature: *[Signature]* Date: *[Signature]*

PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)

Action: Approved Approved w/Conditions Denied

Signature: _____ Date: _____

Permit Taken By: Ldobson	Date Applied For: 01/11/2010	Zoning Approval
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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 <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <i>with work</i> <input type="checkbox"/> Subdivision <i>with work</i> <input type="checkbox"/> Site Plan Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: 1/13/10 <i>ASB</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date: _____	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 Date: _____
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PERMIT ISSUED
 JAN 21 2010

City of Portland

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: 10-0026	Date Applied For: 01/11/2010	CBL: 048 D017001
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Location of Construction: 75 SHERMAN ST	Owner Name: HABIBI AMIR	Owner Address: 865 BROADWAY	Phone:
Business Name:	Contractor Name: Josiah Dubay	Contractor Address: 24 Chapel Street South Portland	Phone (207) 939-9078
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Multi Family	

Proposed Use: 9 unit residential - existing exterior egress adding steps to grade	Proposed Project Description: existing exterior egress adding steps to grade
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Dept: Zoning	Status: Approved with Conditions	Reviewer: Ann Machado	Approval Date: 01/13/2009
Note: The plot plan shows the footprint but the setbacks are not accurate and don't show the actual location of the building in relation to the property lines.			Ok to Issue: <input checked="" type="checkbox"/>
<ol style="list-style-type: none"> 1) This permit is being issued with the condition that the work will take place within the existing footprint. 2) This property shall remain a nine family dwelling. Any change of use shall require a separate permit application for review and approval. 3) This permit is being approved on the basis of the revised plans submitted 01/13/2010. Any deviations shall require a separate approval before starting that work. 			
Dept: Building	Status: Approved with Conditions	Reviewer: Jeanine Bourke	Approval Date: 01/21/2010
Note:			Ok to Issue: <input checked="" type="checkbox"/>
<ol style="list-style-type: none"> 1) Handrails are required on each side of the guardrail. 2) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work. 			
Dept: Fire	Status: Approved with Conditions	Reviewer: Ben Wallace Jr.	Approval Date: 01/13/2010
Note:			Ok to Issue: <input checked="" type="checkbox"/>
1) All construction shall comply with NFPA 101			

<p>Comments:</p> <p>1/21/2010-jmb: Contractor came in to verify the distance from grade to the beam and that the last step will be slightly in front of this so as not to minimize the headroom. Ok to issue</p> <p>1/11/2010-amachado: Spoke to Josiah. Proposed steps don't meet zoning. Meeting with him at 9:00 tomorrow.</p> <p>1/12/2010-amachado: Met with Josiah. He is will either submit revised plans to have the stairs within the existing footprint or use section 14-440 and provide the necessary information to meet the conditions. Needs a more accurate plot plan.</p> <p>1/13/2010-amachado: Received revised building plans that show the stairs coming down underneath the existing porches, so there is no increase in the footprint.</p> <p>1/14/2010-jmb: Left vmmsg with Josiah D. For question on the headroom at the center beam</p>
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BERNSTEIN SHUR

COUNSELORS AT LAW

207-774-1200 main
207-774-1127 facsimile
bernsteinshur.com

100 Middle Street
PO Box 9729
Portland, ME 04104-5029

Tabatha J. Berube
Paralegal
207 228-7377 direct
tberube@bernsteinshur.com

November 27, 2013

Marge Schmuckal
Assistant Chief of Inspection Services
Zoning Administrator
Planning & Urban Development
CITY OF PORTLAND
389 Congress Street
Portland, ME 04101

Re: 75 Sherman Street LLC
75 Sherman, Portland, Maine
48-D-17

RECEIVED

DEC - 2 2013

Dept. of Building Inspections
City of Portland Maine

Dear Marge:

Please issue a letter confirming what zone the building and improvements located at the above property are located in and that the entire building is in compliance with all applicable Municipal zoning and land-use codes, regulations and ordinances, that there currently are no pending or threatened violations against it and also please attach all copies of Certificates of Occupancy that have been issued along with any other filings.

Enclosed please find our check in the amount of \$150 to cover the fee related to issuing this letter. Thank you very much for your assistance in this matter. Please call me if you have any questions.

Sincerely yours,

Tabatha J. Berube

Tabatha J. Berube

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
 389 Congress Street
 Portland, Maine 04101

RECEIPT OF FEES

Application No: 0000-1832	Applicant: 75 SHERMAN STREET LLC
Project Name: 75 SHERMAN ST	Location: 75 SHERMAN ST
CBL: 048 D017001	Application Type: Determination Letter
Invoice Date: 12/03/2013	

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
		\$150.00
Total Current Fees:	+	\$150.00
Total Current Payments:	-	\$150.00
Amount Due Now:		\$0.00

CBL 048 D017001
Bill to: 75 SHERMAN STREET LLC
 235 CUMBERLAND AVE # 3
 PORTLAND, ME 04101

Application No: 0000-1832
Invoice Date: 12/03/2013
Invoice No: 43504
Total Amt Due: \$0.00
Payment Amount: \$150.00

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/planning/permitstatus.asp>