

City of Portland, Maine - Building or Use Permit Application

389 Congress Street, 04101 Tel: (207) 874-8703, FAX: (207) 8716

Job No: 2011-04-723-ADDR	Date Applied: 4/4/2011	CBL: 055 - - C - 001 - 001 - - - - -	
Location of Construction: 71 CARLETON ST	Owner Name: DAVID R PEAVY & GEORGE SCHROTH, Jr.	Owner Address: 71 CARLTON ST PORTLAND, ME 04102	Phone: 207-772-4415
Business Name:	Contractor Name: Chris Poulin,	Contractor Address: 12 Samuel Rd., Portland ME 04103	Phone: (207) 332-5755
Lessee/Buyer's Name:	Phone:	Permit Type: BLDG - Building	Zone: R-6
Past Use: Single Family	Proposed Use: Single Family – replace side entry porch with larger entry porch (152” x 58.5”)	Cost of Work: 6000.00	CEO District:
		Fire Dept: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> N/A	Inspection: Use Group: Type:
		Signature:	Signature:
Proposed Project Description: 71 Carleton Street – replace side entry porch with bigger porch		Pedestrian Activities District (P.A.D.)	
Permit Taken By:	Zoning Approval		

<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, septic 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 informatin may invalidate a building permit and stop all work.</p>	Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetlands <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan <input type="checkbox"/> Maj <input type="checkbox"/> Min <input type="checkbox"/> MM Date:	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 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/Conditions <input type="checkbox"/> Denied Date:
	DENIED		

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 appication 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	PHON

4-6-11 Permit is on hold. Permit proposes replacing existing side entry porch with larger side entry porch. Existing porch is already nonconforming. Ordinance does not allow nonconformity to increase. Applicants may appeal. See letter.

5/24/11. Went before ZBA 5/19/11. Appeal denied. -amachado

DENIED

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

Philip Saucier-chair
Sara Moppin
Matthew Morgan
Gordan Smith-secretary
Mark Bower
William Getz
Elyse Wilkinson

May 24, 2011

David Peavy &
George Schroth
71 Carleton Street
Portland, ME 04102

RE: 71 Carleton Street
CBL: 055 C001
ZONE: R-6

Dear Mr. Peavy & Mr. Schroth:

At the May 19, 2010 meeting, the Zoning Board of Appeals voted 7-0 to deny your practical difficulty appeal to reduce the side yard setback and increase the allowable lot coverage in order for you to build a larger porch. I am enclosing a copy of the Board's decision.

You will also find an invoice for \$314.76 for the fees that are still owed on the appeal for the cost of the legal ad, the cost of the noticing and the processing fee. Please submit your payment on receipt of the invoice.

Now that the practical difficulty appeal has been denied, you have two choices. You may alter your building permit application (#2011-04-723) to rebuild the entry porch in the existing footprint, or you may withdraw your permit application. If you choose to withdraw it, you must put your request in writing and include the original receipt to get some of your money back. .

Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Should you have any questions please feel free to contact me at 207-874-8709.

Yours truly,



Ann B. Machado
Zoning Specialist

Cc. file

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

ZONING BOARD APPEAL DECISION

To: City Clerk

From: Marge Schmuckal, Zoning Administrator

Date: May 23, 2011

RE: Action taken by the Zoning Board of Appeals on May 19, 2011.

Members Present: Phil Saucier (chair), William Getz, Elyse Wilkinson, Mark Bower Gordon Smith (secretary), Sara Moppin and Matthew Morgan.

Members Absent: none

1. New Business:

A. Interpretation Appeal:

121-129 York Street, Harborview Development, LLC, owner, Tax Map 044, Block A, Lots 004 & 005, R-6 Residential Zone: The applicant is challenging the Zoning Administrator's interpretation of section 14-139(b)(1) regarding the minimum area required per dwelling unit. The appellant has proposed a total of nineteen dwelling units on the property, but the Zoning Administrator has determined that the ordinance only allows a total of eighteen dwelling units. Representing the appeal is the owner, Jonathan Culley. **The Board voted 7-0 to grant the interpretation appeal to build seven new dwelling units for a total of nineteen dwelling units on the property.**

B. Practical Difficulty Variance Appeal:

71 Carleton Street, David Peavy & George Schroth, owners, Tax Map 055, Block C, Lot 001, R-6 Residential Zone: The applicants are proposing to replace the existing side entry porch with a larger side porch. The appellants are requesting a variance for the side setback from the required ten feet to six inches [section 14-139(1)(d)(3)]. The appellants are also requesting a variance to increase the amount of the maximum allowable lot coverage. The maximum allowable lot coverage is 50% [section 14-139(1)(e)]. Presently the existing structure covers 70.5% of the lot. With the new entry porch the structure would cover 72.4% of the lot. Representing the appeal are the owners. **The Board voted 7-0 to deny the practical difficulty appeal to reduce the minimum side yard setback requirement and to increase the maximum allowable lot coverage in order to build a larger deck.**

Enclosure:

Decision for Agenda from May 19, 2011

Original Zoning Board Decisions

One dvd

CC: Patricia Finnigan, Acting City Manager

Penny St. Louis, Director, Planning & Urban Development

Alex Jaegerman, Planning Division



PORTLAND MAINE

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

*Penny St. Louis - Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

April 6, 2011

David Peary &
George Schroth, Jr.
71 Carleton Street
Portland, ME 04102

Re: 71 Carleton Street – 055 C001 – R-6 – rebuild side entry porch – permit #2011-04-723

Dear Mr. Peary & Mr. Schroth,

I have finished my review of your application to remove the existing side entry porch and replace it with a larger side entry porch at your property at 71 Carleton Street. At this point, I must deny your application.

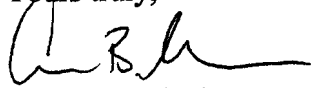
71 Carleton Street is located in the R-6 residential zone. The minimum required side setback is ten feet [section 14-139(1)(d)(3)]. The side setback to the existing entry porch is not given, but it appears to scale at around two feet. The side setback to the proposed entry porch appears to scale at about one foot. Since the existing entry porch is already nonconforming to the ten foot side setback, it cannot be made to be more nonconforming.

Section 14-139(1)(e) states that the maximum allowable lot coverage is fifty percent. Fifty percent of the lot is 975 square feet. The existing structure is legally nonconforming to the allowable lot coverage since it covers 1375 square feet of the lot which is 70.5 %. Scaling from the plot plan, the existing side entry porch is 3' x 8' (24 s.f.). The proposed side entry porch is 152" x 58.5" (61.75 s.f.). The proposed side entry porch would increase the size of the footprint and make the lot coverage more non conforming which is not allowed.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact our office for the necessary paper work if you decide to file an appeal. If you choose not to file an appeal, you are entitled to get some of your money back if you bring in the original receipt you got when you applied for the permit.

Please feel free to call me at 874-8709 if you have any questions.

Yours truly,

A handwritten signature in black ink, appearing to read 'Ann B. Machado', with a long horizontal flourish extending to the right.

Ann B. Machado
Zoning Specialist
(207) 874-8709

Cc file



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>71 Carleton St. Portland ME 04102</u>		
Total Square Footage of Proposed Structure/Area <u>66</u>	Square Footage of Lot <u>65 x 32</u>	Number of Stories <u>2</u>
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# <u>055-C-001 - 001</u>	Applicant *must be owner, Lessee or Buyer* Name <u>David R. Peavy, Jr.</u> <u>George A. Schroth, Jr.</u> Address <u>71 Carleton St</u> City, State & Zip <u>Portland, ME 04102</u>	Telephone: <u>772-4415</u>
Lessee/DBA (If Applicable) <u>N/A</u>	Owner (if different from Applicant) Name <u>N/A</u> Address City, State & Zip	Cost of Work: \$ <u>5,450.54</u> C of O Fee: \$ _____ Total Fee: \$ <u>80.00</u> <u>Historic 50.00</u>
Current legal use (i.e. single family) <u>single family</u> Number of Residential Units _____ If vacant, what was the previous use? _____ Proposed Specific use: _____ Is property part of a subdivision? <u>No</u> If yes, please name _____ Project description: <u>construction of a deck</u>	<div style="text-align: right;"> RECEIVED APR - 4 2011 Dept. of Building Inspections City of Portland, Maine </div>	
Contractor's name: <u>Chris Poulin</u>	DENIED	
Address: <u>12 Samuel Rd.</u>	Telephone: <u>332-5755</u>	
City, State & Zip: <u>Portland, ME 04103</u>	Telephone: _____	
Who should we contact when the permit is ready: <u>Chris Poulin</u>	Telephone: _____	
Mailing address: <u>12 Samuel Rd. Portland, ME 04103</u>		

130.00

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: David R. Peavy Date: 4-4-11

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

THIS IS NOT A BOUNDARY SURVEY

This copyrighted document expires 05-07-07. Reproduction and/or dissemination after this date is unauthorized.

MORTGAGE INSPECTION OF: DEED BOOK 11220 PAGE 73 COUNTY Cumberland
 PLAN BOOK --- PAGE --- LOT ---

ADDRESS: 71 Carlton Street, Portland, Maine

Job Number: 595-38

Inspection Date: 2-07-07

Buyers: Richard Peavy

Scale: 1" = 20'

Sellers: Catherine Swift

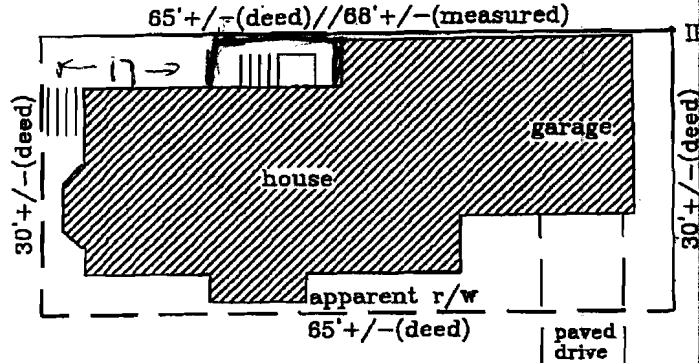
Client File #: 07-0594

DENIED

Deck Abuts fence

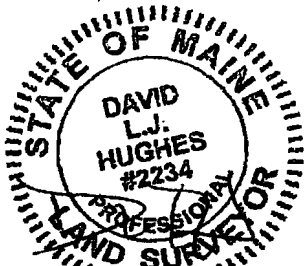
2 1/2 story wood structure w/ brick foundation

Carlton Street



Brackett Street

to Vaughan St.



I HEREBY CERTIFY TO: C.H. McLaughlin Title Co, LLC; Barton Mortgage Corp. and its title insurer.

Monuments found did not conflict with the deed description.

The dwelling setbacks do not violate town zoning requirements.

As delineated on the Federal Emergency Management Agency Community Panel: 230051-0013 B

The structure does not fall within the special flood hazard zone.

The land does not fall within the special flood hazard zone.

A wetlands study has not been performed.

APPARENT EASEMENTS AND RIGHTS OF WAY ARE SHOWN. OTHER ENCUMBRANCES, RECORDED OR NOT, MAY EXIST. THIS SKETCH WILL NOT REVEAL ABUTTING DEED CONFLICTS, IF ANY.

Livingston-Hughes

Professional Land Surveyors

88 Guinea Road

Kennebunkport, Maine 04048

207-967-9761 phone

207-967-4831 fax

www.livingstonhughes.com

R-6

lot size - 14700 sf

front - 10' min

-17' 00"

rear - N/A

side - 10' - 1' min

lot coverage = 50% = 5750

existing 3x8' proposed

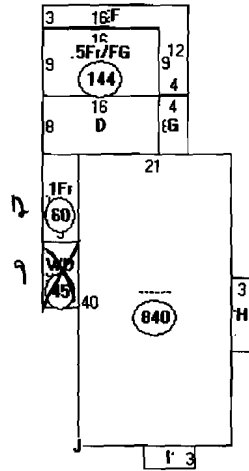
152' x 58.5'

= 61.75

14700 / 238 = 61.77

existing home 13' entry - 61.75

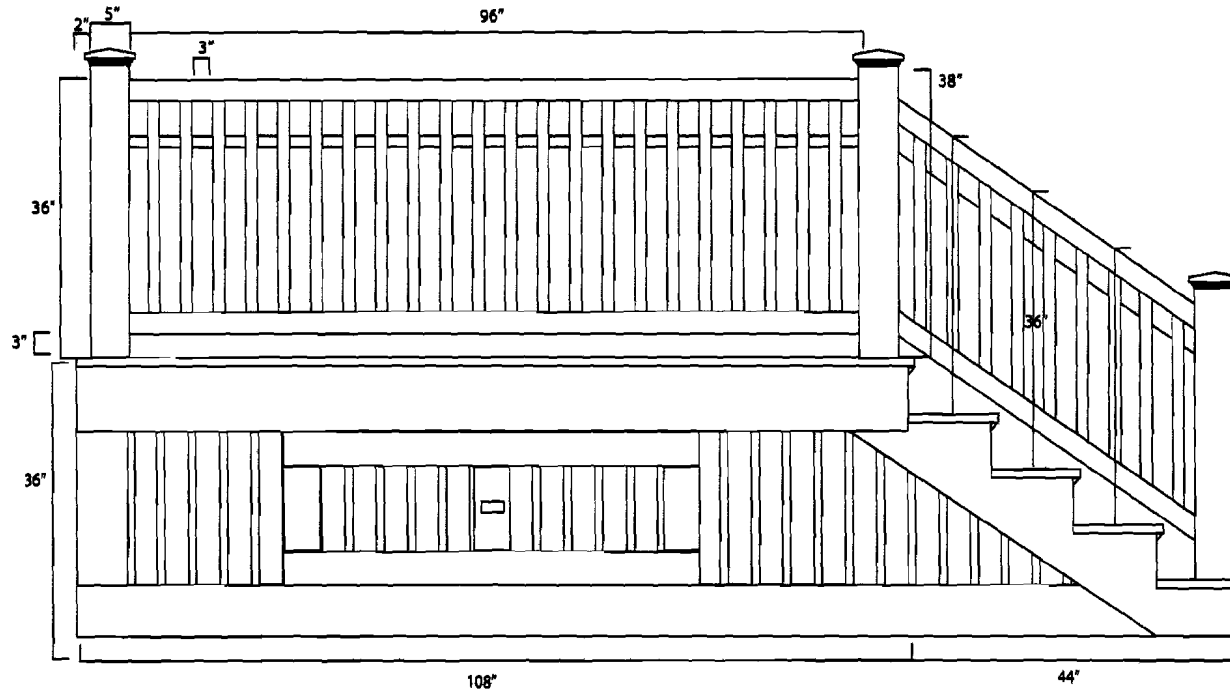
THIS SKETCH IS FOR MORTGAGE PURPOSES ONLY



Descriptor/Area	
A:-----	840 sqft
B:W/D	45 sqft
C:1Fr	60 sqft
D:1.5Fr	126 sqft
E:5Fr/FG	144 sqft
F:FG	96 sqft
G:EP	32 sqft
H:1Fr	30 sqft
I:FBAY/B	21 sqft
J:CSZ	25 sqft

= 1351

Main Deck Detail



Railing Guard Details
 1. 2x4
 2. 1/2" x 4" x 8"
 3. 1/2" x 4" x 8"
 4. 1/2" x 4" x 8"
 Note: 1. 2x4
 2. 1/2" x 4" x 8"

Stair Details:
 1. 2x4
 2. 1/2" x 4" x 8"
 3. 1/2" x 4" x 8"
 4. 1/2" x 4" x 8"
 5. 1/2" x 4" x 8"

Main Deck Details:
 1. 2x4
 2. 1/2" x 4" x 8"
 3. 1/2" x 4" x 8"

Additional Details:
 1. 2x4
 2. 1/2" x 4" x 8"
 3. 1/2" x 4" x 8"

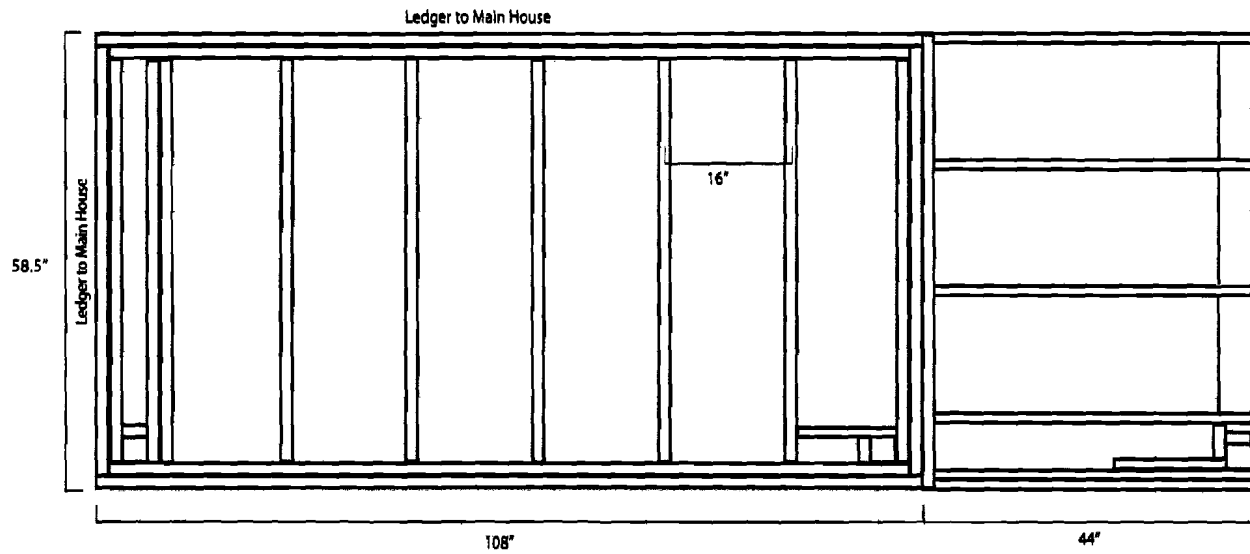
DENIED

HomeWorks LLC
 Serving the Greater Portland Area
 12 Samuel Rd., Portland Me 04103
 services@gphomeworks.com
 www.gphomeworks.com
 207-332-5755

Client:
 Rusty Peavy and George Schroth
Location:
 71 Carleton St.
 Portland ME 04103

Framing Detail

11-10-17



Guard Post Details
 2x4 @ 16" OC
 2x6 @ 16" OC
 2x8 @ 16" OC

Stair Details
 2x4 @ 16" OC
 2x6 @ 16" OC
 2x8 @ 16" OC

Main Deck Details
 2x4 @ 16" OC
 2x6 @ 16" OC
 2x8 @ 16" OC
 2x10 @ 16" OC
 2x12 @ 16" OC
 2x14 @ 16" OC
 2x16 @ 16" OC
 2x18 @ 16" OC
 2x20 @ 16" OC
 2x22 @ 16" OC
 2x24 @ 16" OC
 2x26 @ 16" OC
 2x28 @ 16" OC
 2x30 @ 16" OC
 2x32 @ 16" OC
 2x34 @ 16" OC
 2x36 @ 16" OC
 2x38 @ 16" OC
 2x40 @ 16" OC
 2x42 @ 16" OC
 2x44 @ 16" OC
 2x46 @ 16" OC
 2x48 @ 16" OC
 2x50 @ 16" OC
 2x52 @ 16" OC
 2x54 @ 16" OC
 2x56 @ 16" OC
 2x58 @ 16" OC
 2x60 @ 16" OC
 2x62 @ 16" OC
 2x64 @ 16" OC
 2x66 @ 16" OC
 2x68 @ 16" OC
 2x70 @ 16" OC
 2x72 @ 16" OC
 2x74 @ 16" OC
 2x76 @ 16" OC
 2x78 @ 16" OC
 2x80 @ 16" OC
 2x82 @ 16" OC
 2x84 @ 16" OC
 2x86 @ 16" OC
 2x88 @ 16" OC
 2x90 @ 16" OC
 2x92 @ 16" OC
 2x94 @ 16" OC
 2x96 @ 16" OC
 2x98 @ 16" OC
 2x100 @ 16" OC

DENIED

HomeWorks LLC
 Serving the Greater Portland Area
 12 Samuel Rd., Portland Me 04103

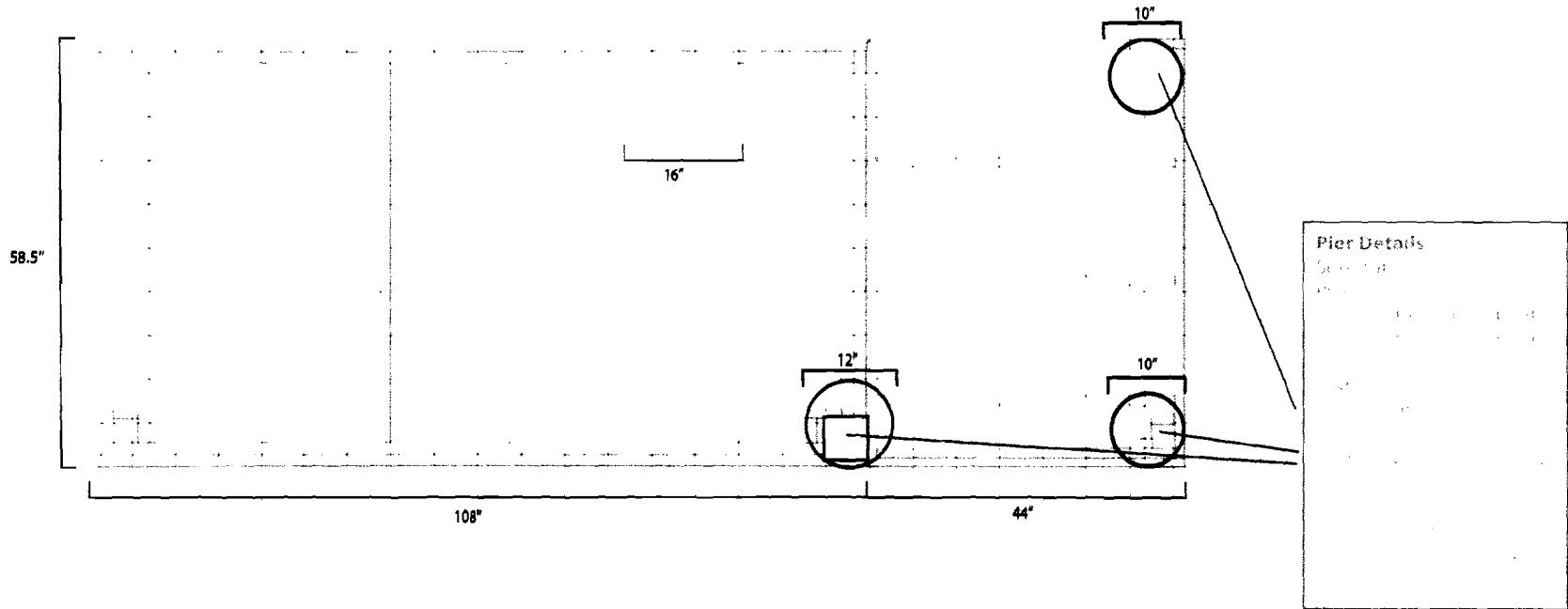
services@gphomeworks.com
 www.gphomeworks.com
 207-332-5755

Client:
 Rusty Peavy and George Schroth

Location:
 71 Carleton St.
 Portland ME 04103

Pier Layout Detail

1 of 6



DENIED

 **HomeWorks** LLC
Serving the Greater Portland Area
12 Samuel Rd., Portland Me 04103

services@gphomeworks.com
www.gphomeworks.com
207-332-5755

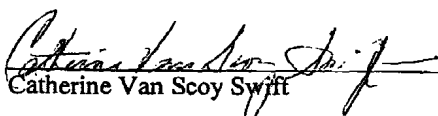
Client:
Rusty Peavy and George Schroth

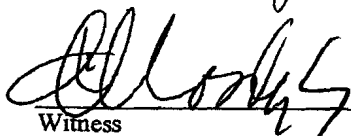
Location:
71 Carleton St.
Portland ME 04103

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS, that Catherine Van Scoy Swift of 71 Carleton Street Portland, ME for consideration paid grants to David R. Peavy and George Schroth, Jr. of 608 Hancock Road, Fairhope, Alabama with WARRANTY COVENANTS, as joint tenants, the premises in the City of Portland, County of Cumberland and State of Maine, being more particularly described in Exhibit A attached hereto and made a part hereof.

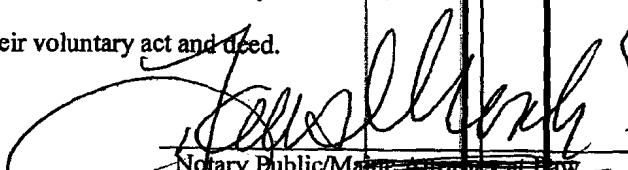
IN WITNESS WHEREOF, the said Catherine Van Scoy Swift has caused this instrument to be signed this 2/26/2007


Catherine Van Scoy Swift


Witness

State of Maine
County of Cumberland

Then personally appeared before me this 26th day of February, 2007 the said Catherine Van Scoy Swift and acknowledged the foregoing to be his/her/their voluntary act and deed.


Notary Public/Maine Attorney at Law
Commission Expiration: _____

DAVID B. MOODY, JR.
NOTARY PUBLIC, MAINE
My Commission Expires July 13, 2012

EXHIBIT "A"

LEGAL DESCRIPTION

A certain lot or parcel of land in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at the corner formed by the northerly side line of Brackett Street and the easterly side line of Carleton Street; thence easterly on said Brackett Street sixty-five (65) feet more or less, to land formerly owned by Joseph Walker; thence northerly by said Walker land thirty (30) feet to a point; thence westerly on a line parallel with said Brackett Street sixty-five (65) feet, more or less, to said Carleton Street; thence southerly on said Carleton Street thirty (30) feet to the point of beginning.

Meaning and intending to describe the same premises conveyed to Catherine Van Scoy Swift, Catherine E. Swift and Robert F. Montgomery by deed of Bonnie J. Kern dated April 1, 1987 and recorded in the Cumberland County Registry of Deeds in Book 7697, Page 342. Further reference is made to a deed from Robert F. Montgomery to Catherine Van Scoy Swift dated December 1, 1988 and recorded in said Registry in Book 8574, Page 16; and also to deed from Catherine E. Swift to Catherine Van Scoy Swift dated December 30, 1993 and recorded in said Registry in Book 11220, Page 73.