

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

Location of Construction: 35 Pine St		Owner: Harden, Evelyn & Marie		Phone:		Permit No: 780360	
Owner Address: Kevin Gillespie - 823-3331		Lessee/Buyer's Name:		Phone:		BusinessName:	
Contractor Name: Management Services		Address: RR 2, Box 2129, Casco, ME		Phone: 04015 627-4693		Permit issued:	
Past Use: Illegal & Void		Proposed Use: 3-family dwelling		COST OF WORK: \$ 1,000.00		PERMIT FEE: \$ 30.00	
Proposed Project Description: Change Use - Make Interior Renovations				FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group A-2 Type: 513 00C296	
				Signature: [Signature]		Signature: [Signature]	
Permit Taken By: Mary Grenik				Date Applied For: 07 April 1998			
				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)		Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied	



Zone: CBL: 055-E-010-...

Zoning Approval:

Special Zone or Reviews:

Shoreland
 Wetland
 Flood Zone
 Subdivision
 Site Plan maj minor mm

Zoning Appeal

Variance
 Miscellaneous
 Conditional Use
 Interpretation
 Approved
 Denied

Historic Preservation

Not in District or Landmark
 Does Not Require Review
 Requires Review

Action:

Approved
 Approved with Conditions
 Denied

Date: _____

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..

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 provisions of the code(s) applicable to such permit

SIGNATURE OF APPLICANT Kevin Gillespie ADDRESS: _____ DATE: 07 April 1998 PHONE: _____

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE _____ PHONE: _____

CEO DISTRICT

PERMIT ISSUED WITH REQUIREMENTS

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

Esley D. & Marie Jeanne Harden, Trustees
c/o D.O.G.
1510 Clemson Road
Reno, NV 89502

RE: 35-37 Pine Street - 55-E-10,27,43

October 15, 1997

Dear Mr & Mrs Harden,

I am in receipt of an application to rebuild a fire escape at the 35-37 Pine Street. The number of units shown on the permit is 8 families. Our microfiche shows that this is not a legal use. Between the two buildings, the last approved use appears to be for five families. I can not approve this permit until the issue of illegal units has been properly addressed. This permit will be on hold until this issue is resolved. Some units may need to be eliminated.

If you have any questions regarding this matter, please do not hesitate to contact me.

Very Truly Yours,

Marge Schmuckal
Zoning Administrator

cc: Bruce Storer, 325 No. Gorham Rd, Gorham, ME 04038
Joseph Gray, Jr., Dir. of Planning & Urban Dev.
Mark Adelson, Planning & Urban Dev.
Tammy Munson, Code Enforcement Officer

055-E-010

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



055-E-010

Kevin Gillespie
27 Katheryn Blvd.
Casco, ME 04015

July 20, 1998

RE: 35-37 Pine Street
55-E-010 & 27 & 43
B-1 Zone

Dear Kevin,

The Miscellaneous Appeal that you requested regarding the above referenced property, is scheduled for review before the Board of Appeals on Thursday, July 30, 1998. You must plan to attend to answer any questions which the Board may have regarding this appeal. A copy of the agenda is enclosed.

Very Truly Yours,

Marge Schumuckal
Zoning Administrator

cc: File

CITY OF PORTLAND, MAINE

BOARD OF APPEALS



Kevin B. Gillespie
27 Katheryn Blvd.
Casco, Maine 04015

August 6, 1998

RE: 35-37 Pine Street
55-E-10.27,43
B-1 Zone

Dear Kevin,

As you know, at its July 30, 1998 meeting, the Board of Appeals voted 6-0 to accept your withdrawal of your appeal requesting the joint use of parking spaces as provided under Section 14-343. A copy of the Board's decision is enclosed for your records.

At this point your permit to add two office spaces to the existing 5 units can not be issued without the required off-street parking. Your permit will be on hold until it expires in 6 months or until we receive plans with that meet the requirements of the Ordinance.

Very Truly Yours,

Marge Schmuckal
Zoning Administrator

cc: Joseph E. Gray, Dir., PUD
Mark Adelson, Neighborhood & Housing Services
Area 3

055-E-010

Zoning Division
Marge Schmuckal
Zoning Administrator



Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

Esley D. & Marie Jeanne Harden, Trustees
c/o D.O.G.
1510 Clemson Road
Reno, NV 89502

January 2, 1998

RE: 35-37 Pine Street 55-E-10, 27, 43 B-1/R-6

Dear Mr. & Mrs Harden,

This is a follow-up correspondence that was requested by your agent, Kevin B. Gillespie, concerning my original letter to you dated October 15, 1997. In that letter, I informed you that the legal use for this property was five units instead of the eight units depicted on a recent permit application. Please note that since that letter I have had no update from you as to the status of the number of units.

It shall be necessary to discontinue the three illegal units immediately. You have thirty days from the date of this letter, or February 2, 1998. Our Code Enforcement Officer will be reinspecting for compliance. All kitchens in those three illegal units shall be removed entirely (kitchen sink, refrigerator, cooking appliances, counter tops and cabinets). If there is no compliance, it will be necessary to turn this matter over to our Corporation Counsel for further legal action without further notice to you. Please keep us informed as to your status.

Very Truly Yours,

Marge Schmuckal
Zoning Administrator

cc: Kevin B. Gillespie, c/o Goodwill Industries, P.O Box 8600, Portland, ME 04104
Bruce Storer, 325 No. Gorham Rd., Gorham, ME 04038
Joseph Gray, Jr., Dir. of Planning & Urban Dev.
Mike Nugent, Housing Inspections Manager
Tammy Munson, Code Enforcement Officer

LAND USE - ZONING REPORT

ADDRESS: 35 Pine St. DATE: 4/13/98

REASON FOR PERMIT: change of use from 8 illegal to 5 legal unit

BUILDING OWNER: Esley & Marie Harden C-B-L: 55-E-10-27-43

PERMIT APPLICANT: Kevin Gillespie

APPROVED: with conditions DENIED: _____

#6, #9

CONDITION(S) OF APPROVAL

1. During its existence, all aspects of the Home Occupation criteria, Section 14-410, shall be maintained.
2. The footprint of the existing _____ shall not be increased during maintenance reconstruction.
3. All the conditions placed on the original, previously approved, permit issued on _____ are still in effect for this amendment.
4. Your present structure is legally nonconforming as to rear and side setbacks. If you were to demolish the building on your own volition, you will not be able to maintain these same setbacks. Instead you would need to meet the zoning setbacks set forth in today's ordinances. In order to preserve these legally non-conforming setbacks, you may only rebuild the garage in place and in phases.
5. This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
6. Our records indicate that this property has a legal use of 5 units. Any change in this approved use shall require a separate permit application for review and approval.
7. Separate permits shall be required for any signage.
8. Separate permits shall be required for future decks and/or garage.
9. Other requirements of condition All illegal kitchens shall be

removed and verified by the code enforcement officer.

Marge Schmuckal

Marge Schmuckal, Zoning Administrator,
Asst. Chief of Code Enforcement

BUILDING PERMIT REPORT

DATE: 13 April 98 ADDRESS: 35 Pine St. #55-E-#10-27-43
REASON FOR PERMIT: Change of use & illegal dwelling unit to legal dwelling unit
BUILDING OWNER: Harden, E. M.
CONTRACTOR: Management Services
PERMIT APPLICANT: Kevin Gillespie
USE GROUP R-2 BOCA 1996 CONSTRUCTION TYPE 5B

CONDITION(S) OF APPROVAL

This Permit is being issued with the understanding that the following conditions are met:

Approved with the following conditions: *1, *6, *8, *9, *10, *11, *12, *13, *14, *15, *16, *24, *26, *27, *28, *29, *30

- 1 This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
2 Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection)
3 Precaution must be taken to protect concrete from freezing.
4 It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.
5 Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating.
6 All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code.
7 Sound transmission control in residential building shall be done in accordance with Chapter 12 section 1214.0 of the city's building code.
8 Guardrails & Handrails: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level.
9 Headroom in habitable space is a minimum of 7'6"
10 Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 3/4" maximum rise.
11 The minimum headroom in all parts of a stairway shall not be less than 80 inches.
12 Every sleeping room below the fourth story in buildings of use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue.
13 Each apartment shall have access to two (2) separate, remote and approved means of egress.
14 All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hour, including fire doors with self closer's.
15 The boiler shall be protected by enclosing with (1) hour fire-rated construction including fire doors and ceiling, or by providing automatic extinguishment.
16 All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 35-37 Pine St 055-E-010+
Issued to Gillespie, Kevin Date of Issue 06 November 1998

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 980360, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Entire

APPROVED OCCUPANCY

Five (5) Family dwelling

Limiting Conditions:

#35 Side - 2 Apts (Right Side)
#37 Side - 3 Apts (Left Side)

This certificate supersedes
certificate issued

Approved:

11/16/98
.....
(Date)

Inspector

.....
Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

COMMENTS

Called # - unable to contact anyone
left message.

6/23/98 - Will inspect.

Left (37 side)	3	Apts - ^{Apts} Office? →	1st - rear	Appt - 1st Fl front
Right (35 side)	1	Appt - Rear		
	1	office? front		

↙ 2nd } front? } 1 unit
↘ 3rd } rear } each

2 ^{apts}	35 -	1st Fl	- 1 unit - #1
3 ^{apts}	37 -	" "	

Inspection Record

Date

Foundation: _____
 Type: _____
 Framing: _____
 Plumbing: _____
 Final: _____
 Other: _____

provisions of the City's Building Code Chapter 9, Section 19, 920.3.2 (BOCA National Building Code/1996), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):

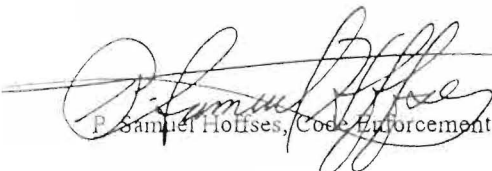
- In the immediate vicinity of bedrooms
- In all bedrooms
- In each story within a dwelling unit, including basements

In addition to the required AC primary power source, required smoke detectors in occupancies in Use Groups R-2, R-3 and I-1 shall receive power from a battery when the AC primary power source is interrupted. (Interconnection is required)

- 17 A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type.
- 18 The Fire Alarm System shall be maintained to NFPA #72 Standard.
- 19 The Sprinkler System shall maintained to NFPA #13 Standard.
- 20 All exit signs, lights, and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023. & 1024. Of the City's building code. (The BOCA National Building Code/1996)
- 21 Section 25-135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year"
- 22 The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.
23. Ventilation shall meet the requirements of Chapter 12 Sections 1210. Of the City's Building Code.
- *24. All electrical, plumbing and HVAC permits must be obtained by a Master Licensed holders of their trade.
25. All requirements must be met before a final Certificate of Occupancy is issued.
- *26. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code. (The BOCA National Building Code/1996).
- *27 Ventilation of spaces within a building shall be done in accordance with the City's Mechanical Code (The BOCA National Mechanical Code/1993).
- *28. Please read and implement the attached Land Use-Zoning report requirements.
- *29. Your plans show only 4 dwelling units - Therefore this permit is being issued for 4 units - 1st & 2nd Floor -
- *30. A minimum of one (1) hour Fire Separation must be maintained between dwelling units.

31

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P. Samuel Hollies, Code Enforcement

cc: Lt. McDougall, PFD
Marge Schmuckal