



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*

June 23, 2011

Arthur Fink
10 New Island Avenue
Peaks Island, ME 04108

RE: 190 Danforth Street – 57-K-8 – R-6 Zone with a Historic Overlay

Dear Mr. Fink,

I am in receipt of your request for a determination letter concerning the use of your property at 190 Danforth Street. 190 Danforth Street is located in an R-6 residential Zone with a Historic Overlay.

As you have pointed out, our records show that the use of this property was considered to be a legal three residential unit building until 1992. In 1992 you retained Chris Darling as your agent to apply for a permit. This office is reviewing multitudes of permits from different contactors and other agents for owners on a regular basis. Mr. Darling gave information on his application to the City that showed the property to be a two family residence. That application jeopardized your previous use status as a three family.

I have reviewed your submitted information (leases) concerning the property. I have also done some research of my own and found a Housing Inspection report from 1996 that listed the number of dwelling units to be three.

Based on all this information, I have determined that Mr. Darling was in error when applying for the permit in 1992. The use of the building at 190 Danforth Street was never changed to a two family. The building has been and is now still recognized as a three family dwelling by this Department.

If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

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

Marge Schmuckal
Zoning Administrator

Cc: Ed Gardner, Ocean Gate Realty, 151 Newbury Street, Portland, ME 04101

Arthur Fink

www.InsightAndClarity.com www.ArthurFink.com

June 13, 2011

RECEIVED

Marge Schmuckal
Zoning Administrator
City of Portland
Portland, Maine

JUN 13 2011

*no
electron* Dept. of Building Inspections
City of Portland Maine

R-6/Historic

Dear Marge Schmuckal,

correct
I'm trying to an error that has our house at 190 Danforth Street (chart / block / lot # 57-K-8) incorrectly categorized as a 2-family dwelling, when it is, in fact, a legal 3-family.

The attached leases show that we have been regularly renting three units in the building during all the periods when we did not occupy one or two of the units ourselves.

When I bought it in 1988, it was classified on the tax rolls as a 4-family, but was was configured and occupied as a 3 family. I retained the architectural firm Reed and Barba, who drew up plans for a major renovation, keeping three living units, but bring them into conformance with code.

Ag

We decided to approach this project in stages, and engaged Custom Building for a major renovation of two of the living units -- one on the ground floor, and a second on floors one and two. All the reviews of egress, fire protection, etc. reflected the fact that the building was and would remain a three family, and would (of course) have to comply with current code and practice. Thus we the project included metal fire doors, fire walls, a sprinkler in the furnace room, and other such (not inexpensive) provisions.

The project was a Federal tax credit historic renovation, and all plans and other materials submitted to the State Historic Preservation Commission (which oversaw the historic renovation status) also reflected that the building would remain a three family. Items like the metal fire doors were not attractive to the historic preservation people, but were accepted as a necessary reflection of safety concerns for a three family building.

agent for owner

1992 permit

Several years later we retained Chris Darling as general contractor to complete the renovation of the upstairs unit. Evidently, in his application for a building permit (which we never saw), he incorrectly indicated that the building was a two family. In fact, there were two living units, both occupied, below the unit that he was working on -- and his only task was to accomplish a significant renovation to the third, upstairs, unit. The plans that he submitted with his application were taken from the set of original plans that had been drawn by Reed and Barba architects.

When our electrician met with the electrical inspector regarding this phase of the project, he was required to use BX rather than Romex wire, because the building was a three family with four or more stories. (Of course, he complied, and passed the added cost on to us.)

We have never represented the building as anything other than that three family that it was, and remained. Inspectors coming to the look at various stages of the project, in both phases, were met a directory and doorbell set showing occupancy by three units, and there was never any attempt to indicate that the building was anything else.

In summary, it appears that Chris Darling's description of the building as a two family was a mistake, that stands out as spurious amidst all the other documentation showing the house to be a three family.

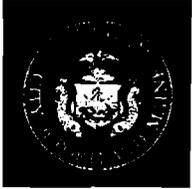
We look forward to having his this mistake corrected, and our building correctly classified as a three family structure. Should you have any questions, you can reach me at 207.615.5722.

Thanks much,



Arthur Fink

1996 - House Inspection Shows 3 units



PORTLAND MAINE

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

Receipts Details:

Tender Information: Check , BusinessName: Arthur Fink , Check Number: 1316

Tender Amount: 150.00

Receipt Header:

Cashier Id: Idobson

Receipt Date: 6/13/2011

Receipt Number: 4250

Receipt Details:

Referance ID:	169	Fee Type:	BP-DP
Receipt Number:	0	Payment Date:	
Transaction Amount:	150.00	Charge Amount:	150.00
Job ID: Miscellaneous charges			
Additional Comments:			

Thank You for your Payment!



CITY OF PORTLAND, MAINE

Department of Building Inspections

Original Receipt

6-15-2011

Received from J. J. J. J.

Location of Work 190 Danforth

Cost of Construction \$ _____ Building Fee: _____

Permit Fee \$ _____ Site Fee: _____

Certificate of Occupancy Fee: _____

Total: 150

Building (IL) ___ Plumbing (I5) ___ Electrical (I2) ___ Site Plan (U2) ___

Other Drain Detention

CBL: 57-1-3

Check #: CC Total Collected \$ 150

**No work is to be started until permit issued.
Please keep original receipt for your records.**

Taken by: [Signature]

- WHITE - Applicant's Copy
- YELLOW - Office Copy
- PINK - Permit Copy