

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

BUILDING DEPARTMENT

PERMIT

Permit Number: 030524

Please Read  
Application And  
Notes, If Any,  
Attached

This is to certify that Schneider Craig D &  
has permission to Build 13'8" x 15'4" 2nd floor deck  
AT 128 Emery St 062 C006001

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 altered or closed-in.  
HOURS 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

  
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: 03-0524	Issue Date:	CBL: 062 C006001
-----------------------	-------------	---------------------

Location of Construction: 128 Emery St	Owner Name: Schneider Craig D &	Owner Address: 128 Emery St	Phone: 775-4938
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Multi Family	Zone: R6

Past Use: Multi-unit dwelling	Proposed Use: Multi-unit dwelling with 2nd floor deck	Permit Fee: \$58.00	Cost of Work: \$5,000.00	CEO District: 3
<p>legal use - Three (3) Dwelling units only</p> <p>Proposed Project Description: Build 13'8" x 15'4" 2nd floor deck</p>		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: R2 Type: 5B 6/2/03 Signature: [Signature]	
		Signature:		Signature: [Signature]

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: kwd	Date Applied For: 05/15/2003	<b>Zoning Approval</b>	
-------------------------	---------------------------------	------------------------	--

- 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..

<b>Special Zone or Reviews</b> <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"/> Date: 5/29/03	<b>Zoning Appeal</b> <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:	<b>Historic Preservation</b> <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied  Date:
---	---	--

OK per 14-A-36 less than 50% expansion  
OK with conditions  
Date: 5/29/03

see attached appeal  
to D.A. 5/26/03  
Date: 8/30/03

## 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**  
**HISTORIC PRESERVATION COMMITTEE**

Stephen Sewall, Chair  
Cordelia Pitman, Vice Chair  
Edward Hobler  
Susan Wroth  
Camillo Breggia  
Robert Parker  
John Turk

May 13, 2003

Kyo Bannai  
128 Emery Street  
Portland, ME 04102

Re: Roof deck and railing

Dear Ms Bannai:

On May 9, 2003, this office reviewed and approved your request for a Certificate of Appropriateness for the construction of a deck and railing above an existing one-story bay at 128 Emery Street.

Approval is subject to the following conditions:

- That the balustrade be constructed in wood, rather than TREX. (TREX is acceptable for the decking itself.) The balustrade shall be painted.
- That the raised decking be obscured by a continuous skirtboard.
- That the height of the balustrade not exceed 38". (Attached to this approval is a railing height waiver request form to be submitted to Building Inspections.)

All improvements shall be carried out as shown on the submitted plans and specifications, except as to comply with the conditions outlined above. Changes to the approved plans and specifications and any additional work that may be undertaken must be reviewed and approved by this office prior to construction, alteration, or demolition. If, during the course of completing the approved work, conditions are encountered which prevent completing the approved work, or which require additional or alternative work, you must apply for and receive a Certificate of Appropriateness or Non-Applicability PRIOR to undertaking additional or alternative work.

This Certificate is granted upon condition that the work authorized herein is commenced within twelve (12) months after the date of issuance. If the work authorized by this Certificate is not commenced within twelve (12) months after the date of issuance or if such work is suspended in significant part for a period of one year after the time the work is commenced, such Certificate shall expire and be of no further effect; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each may be allowed in writing by the Department.

Sincerely,



Deborah G. Andrews  
Historic Preservation Program Manager

cc: Building Inspections  
Approval File

## Application for Exemption From Building Code Railing Height Requirements

\* Exemptions apply only for designated landmark structures and structures located in historic districts, per BOCA regulations. Requests need approval from both the Historic Preservation and Building Inspections divisions of the Planning Dept.

Kyo Bannai  
Applicant  
128 Emery Street  
Applicant's Mailing Address  
Kyo Bannai / 207-776-4938  
Contact Person/Phone Number

5.9.03  
Application Date  
128 Emery St  
Address of Subject Property

Description of Project (please attach photograph of existing conditions and/or plan of project):

To build a deck on the existing flat rubber membrane roof of a 1st floor addition to a 3 story 1861 Victorian house.

### Please provide the following information:

1. Current Use of Property (If multi-family residence, please indicate # of units):

2 unit

2. Proposed Use, if applicable: —

3. The distance from the porch deck to the ground: 16'

4. The number of existing stair risers: —

5. The current railing height and/or documented original railing height: —

6. The railing height requested: 38" ; proportionally more appropriate for houses from this period

### Planning Office Use Only:

Historic Preservation Committee/Staff Recommendation:

Staff recommends 38"  
to be proportional w/ existing structure

Inspections Staff Recommendation:

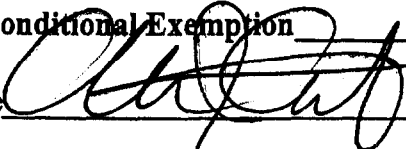
PURSUANT TO SECTION 3406.0/1  
CAN BE REDUCED TO 38" w/ OPENINGS LESS  
THAN 4 INCHES

Exemption Granted ☒

Conditional Exemption ☐

Exemption Denied ☐

Signature



Date:

5/20/03

White - Planning Office

Yellow - Inspections

Pink - Applicant

**City of Portland, Maine - Building or Use Permit**

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

<b>Permit No:</b>	<b>Date Applied For:</b>	<b>CBL:</b>
03-0524	05/15/2003	062 C006001

<b>Location of Construction:</b>	<b>Owner Name:</b>	<b>Owner Address:</b>	<b>Phone:</b>
128 Emery St	Schneider Craig D &	128 Emery St	( ) 775-4938
<b>Business Name:</b>	<b>Contractor Name:</b>	<b>Contractor Address:</b>	<b>Phone:</b>
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b>	
		Alterations - Multi Family	

<b>Proposed Use:</b>	<b>Proposed Project Description:</b>
Multi-unit dwelling with 2nd floor deck	Build 13'8" x 15'4" 2nd floor deck

**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Marge Schmuckal      **Approval Date:** 05/29/2003**Note:** 5/29/03 - ok per 14-436 - less than 50% expansion on existing footprint**Ok to Issue:** ☒

- 1) ANY exterior work requires a separate review and approval thru Historic Preservation
- 2) This is NOT an approval for an additional dwelling unit. You SHALL NOT add any additional kitchen equipment including, but not limited to items such as stoves, microwaves, refrigerators, or kitchen sinks, etc. Without special approvals.
- 3) This property shall remain a three (3) family dwelling. Any change of use shall require a separate permit application for review and approval.

**Dept:** Building      **Status:** Pending      **Reviewer:**      **Approval Date:****Note:**      **Ok to Issue:** ☐

03-0524

# All Purpose 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.

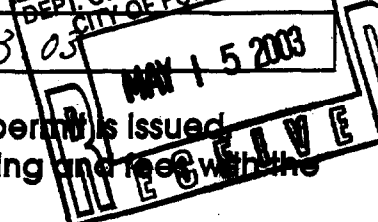
Location/Address of Construction: <u>128 Emery street</u>		
Total Square Footage of Proposed Structure <u>200 SF (no new foundation)</u>		Square Footage of Lot <u>2498 SF / 0.057 acre</u>
Tax Assessor's Chart, Block & Lot Chart# <u>62</u> Block# <u>C</u> Lot# <u>6</u>	Owner: <u>Kyo Bannai &amp; Craig Schneider</u>	Telephone: <u>207-775-4938</u>
Lessee/Buyer's Name (If Applicable) <u>-</u>	Applicant name, address & telephone: <u>128 Emery St</u> <u>Portland ME 04102</u>	Cost Of Work: \$ <u>5000</u> Fee: \$ <u>58.00</u>
Current use: <u>residential, multi-unit</u>		
If the location is currently vacant, what was prior use: _____		
Approximately how long has it been vacant: _____		
Proposed use: <u>same</u>		
Project description: <u>expansion of use;</u> <u>new deck at second floor for owner's unit - to be built on top of existing flat roof.</u>		
Contractor's name, address & telephone: <u>Steve Childs, Rosewood Construction</u> <u>PO Box 8248, Portland ME 04104</u> <u>207.671.0394</u>		
Who should we contact when the permit is ready: <u>Kyo Bannai</u> <u>207-775-4938</u>		
Mailing address: <u>128 Emery St</u> <u>Portland ME 04102</u>		
We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work, with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up. PHONE: <u>207.775.4938</u>		

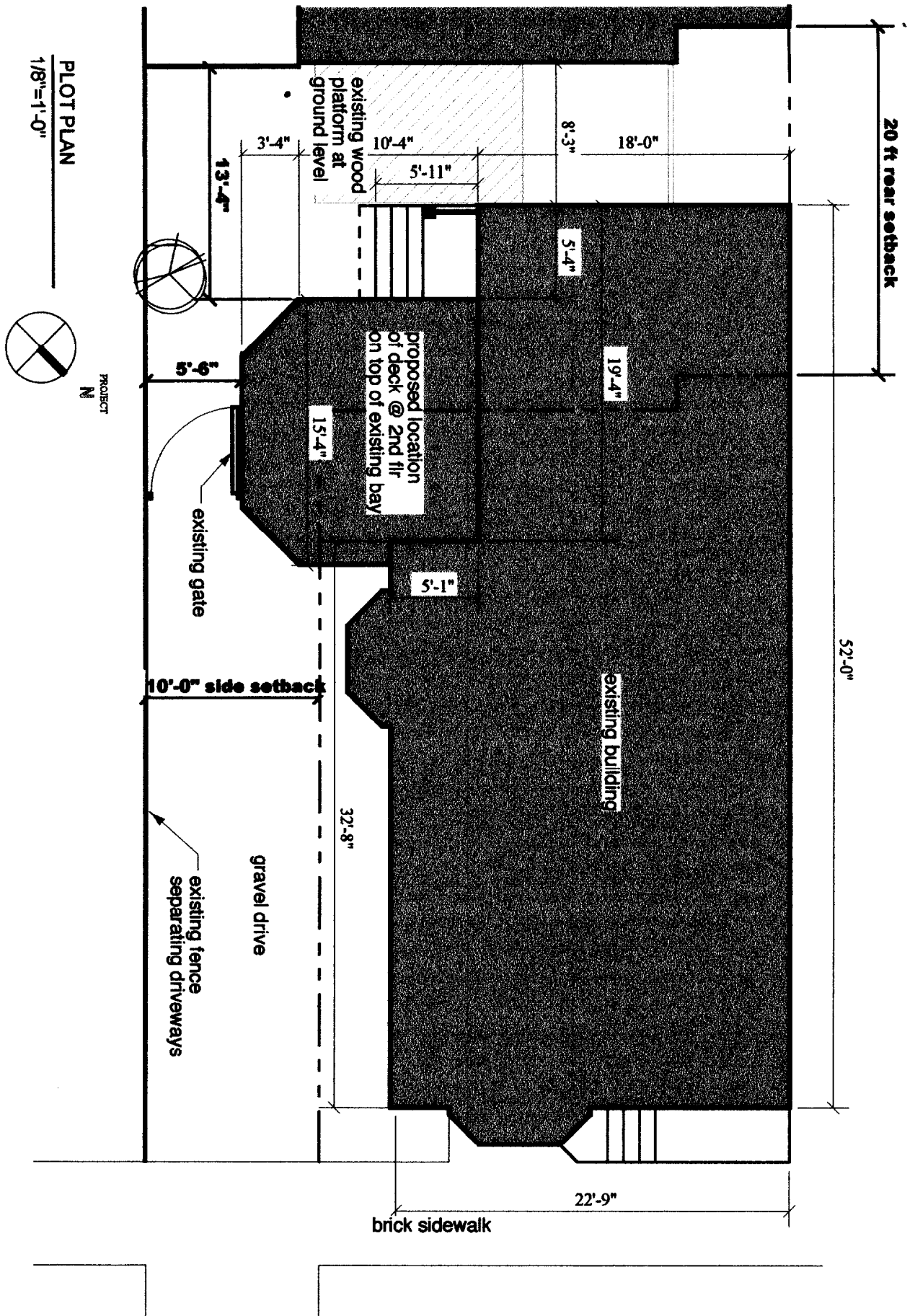
IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

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 code applicable to this permit.

Signature of applicant: <u>Kyo Bannai</u>	Date: <u>5.13.03</u>
---	----------------------

This is NOT a permit, you may not commence ANY work until the permit is issued.  
If you are in a Historic District you may be subject to additional permitting and fees with the Planning Department on the 4th floor of City Hall





**A1**

**Plot Plan**

Drawn by: KB  
Scale: 1/8" = 1'-0"

Date: 5/12/03  
Revisions: -

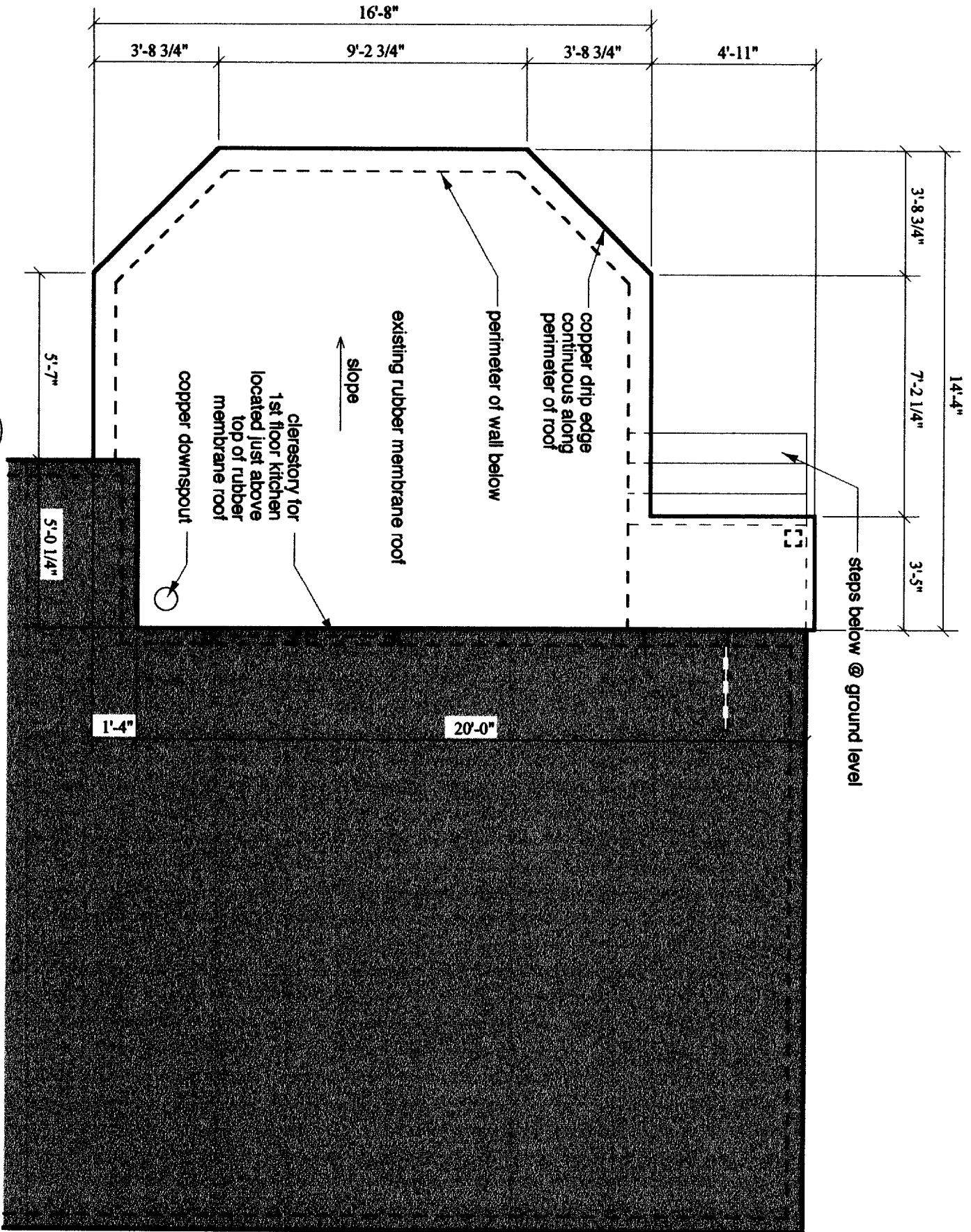
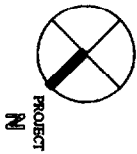
**Banna/Schneider Residence**

Portland, Maine

**Kyo Bannal Design Studio**

128 Emory Street  
Portland ME 04102  
207.776.4636

**EXISTING ROOF PLAN**  
1/4"=1'-0"



**A2**

**Existing Roof Plan**

Drawn by: KB Date: 5/12/03  
Scale: 1/4" = 1'-0" Revisions: -

**Bannal/Schneider Residence**

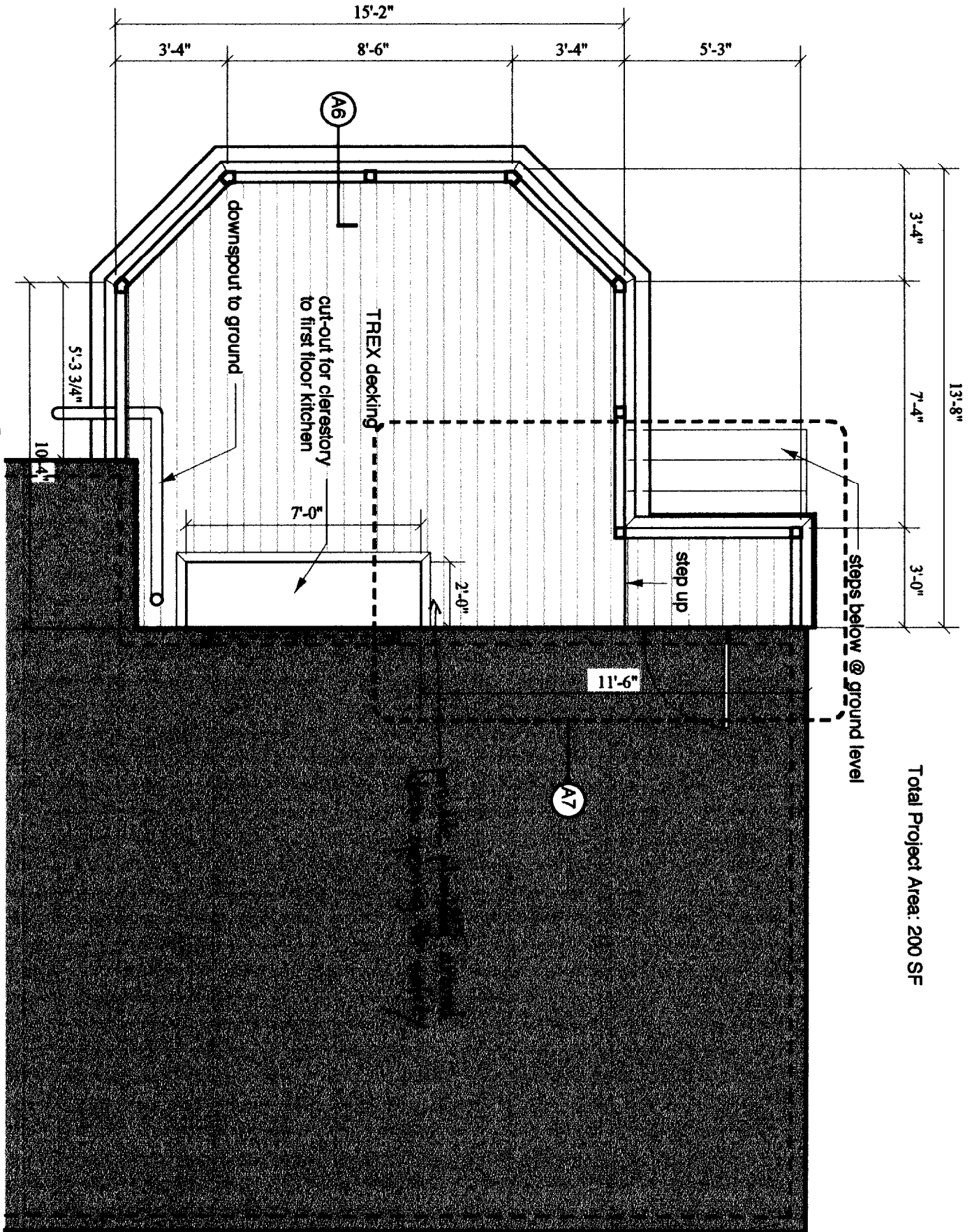
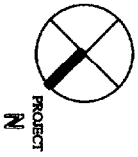
Portland, Maine

**Kyo Bannal Design Studio**

126 Emery Street  
Portland ME 04102  
207.775.4636



**PROPOSED DECK PLAN**  
1/4"=1'-0"



A3

**Proposed Deck Plan**

Drawn by: KB Date: 5/12/03  
Scale: 1/4" = 1'-0" Revisions: -

**Bannal/Schneider Residence**

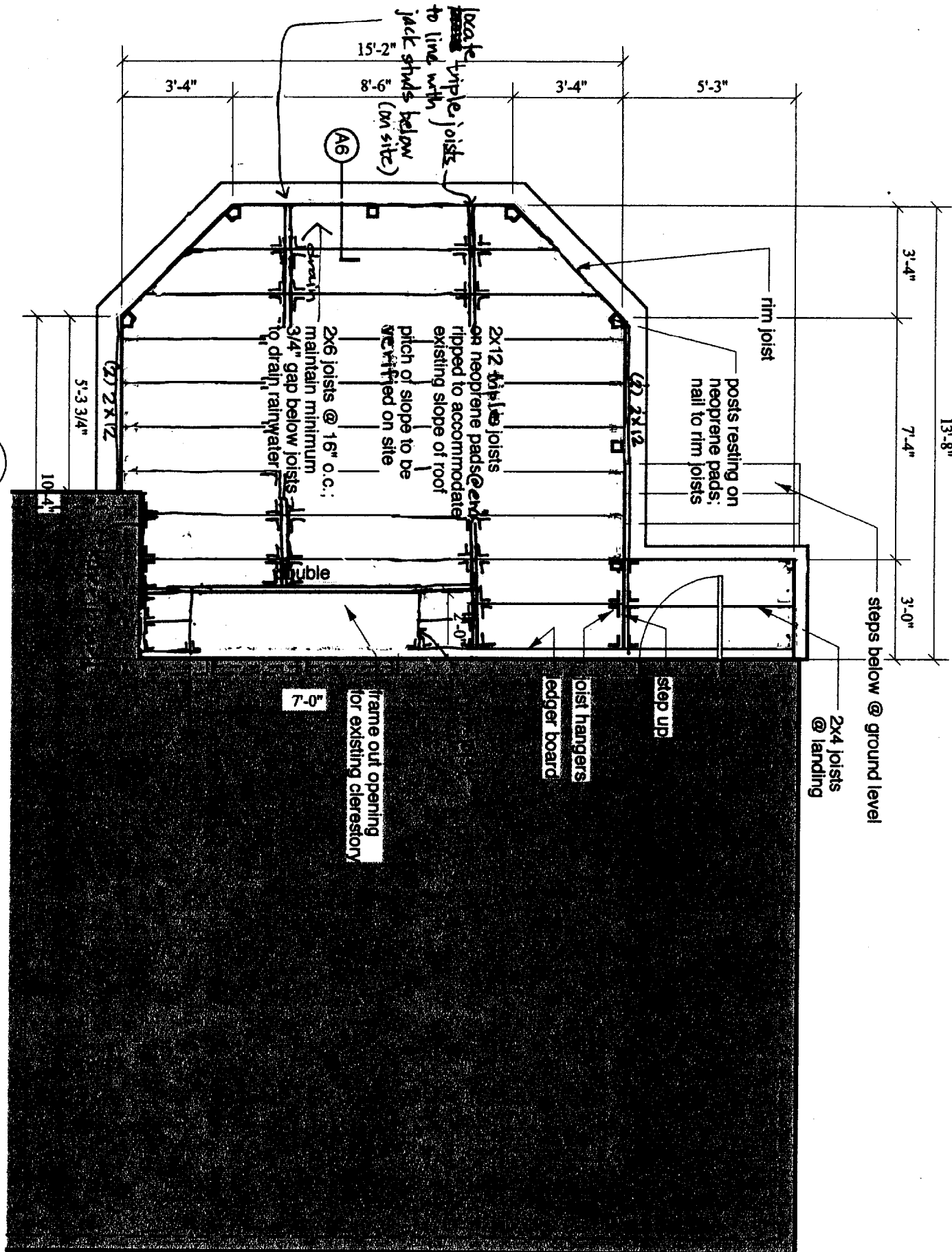
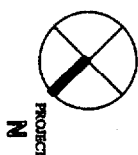
Portland, Maine

**Kyo Bannal Design Studio**

126 Emery Street  
Portland ME 04102  
207.775.4836

# DECK FRAMING PLAN

1/4"=1'-0"



## Deck Framing Plan

Drawn by: KB

Date: 5/12/03

Scale: 1/4" = 1'-0"

Revisions: -

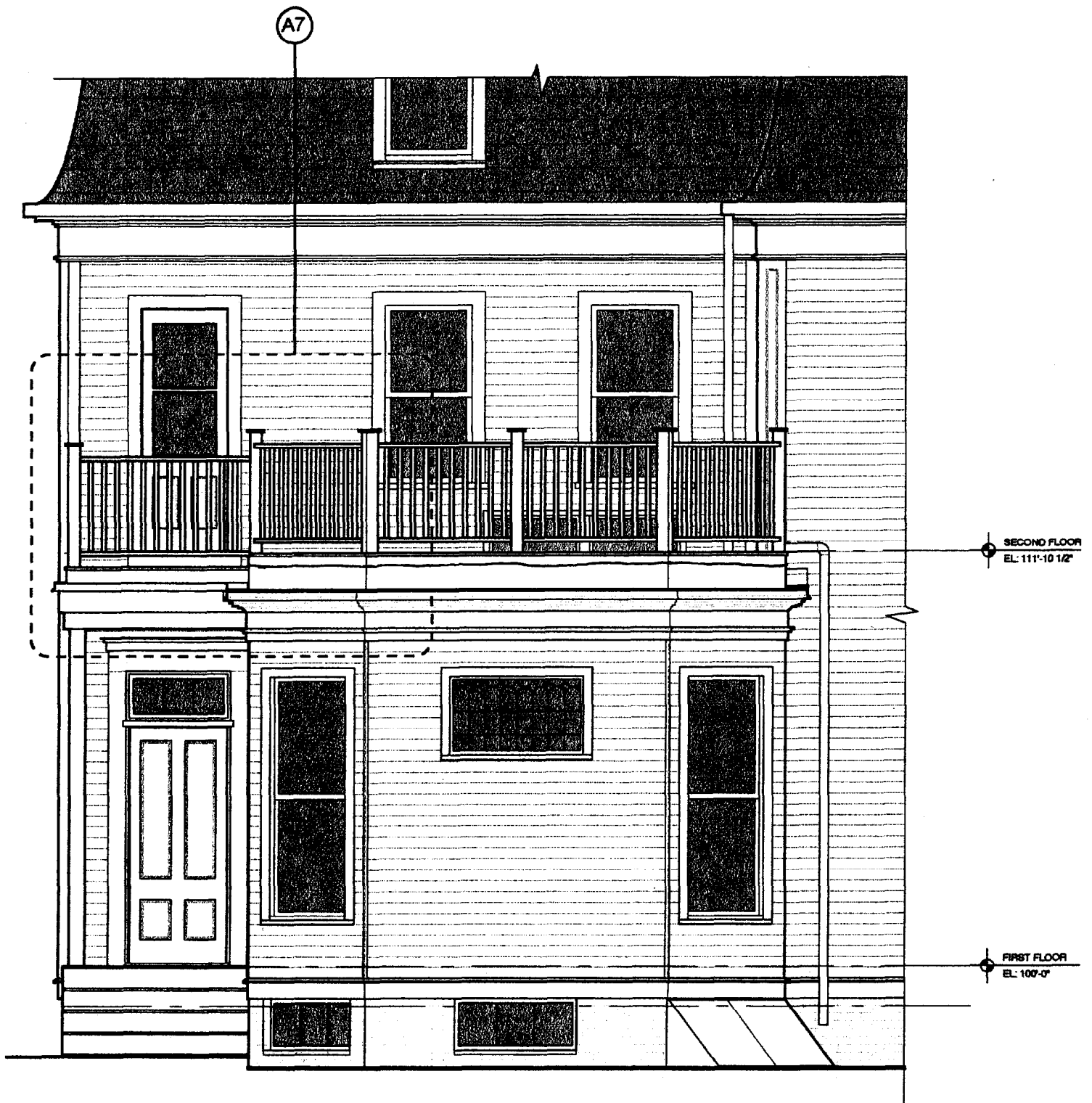
## Bannal/Schneider Residence

Portland, Maine

Kyo Bannal Design Studio

128 Emory Street  
Portland ME 04102  
207.775.4938

A4



# DECK ELEVATION

1/4"=1'-0"

BASEMENT FLOOR  
EL: 92'-8"

A5

## Deck Elevation

Drawn by: KB

Date: 5/12/03

Scale: 1/4" = 1'-0"

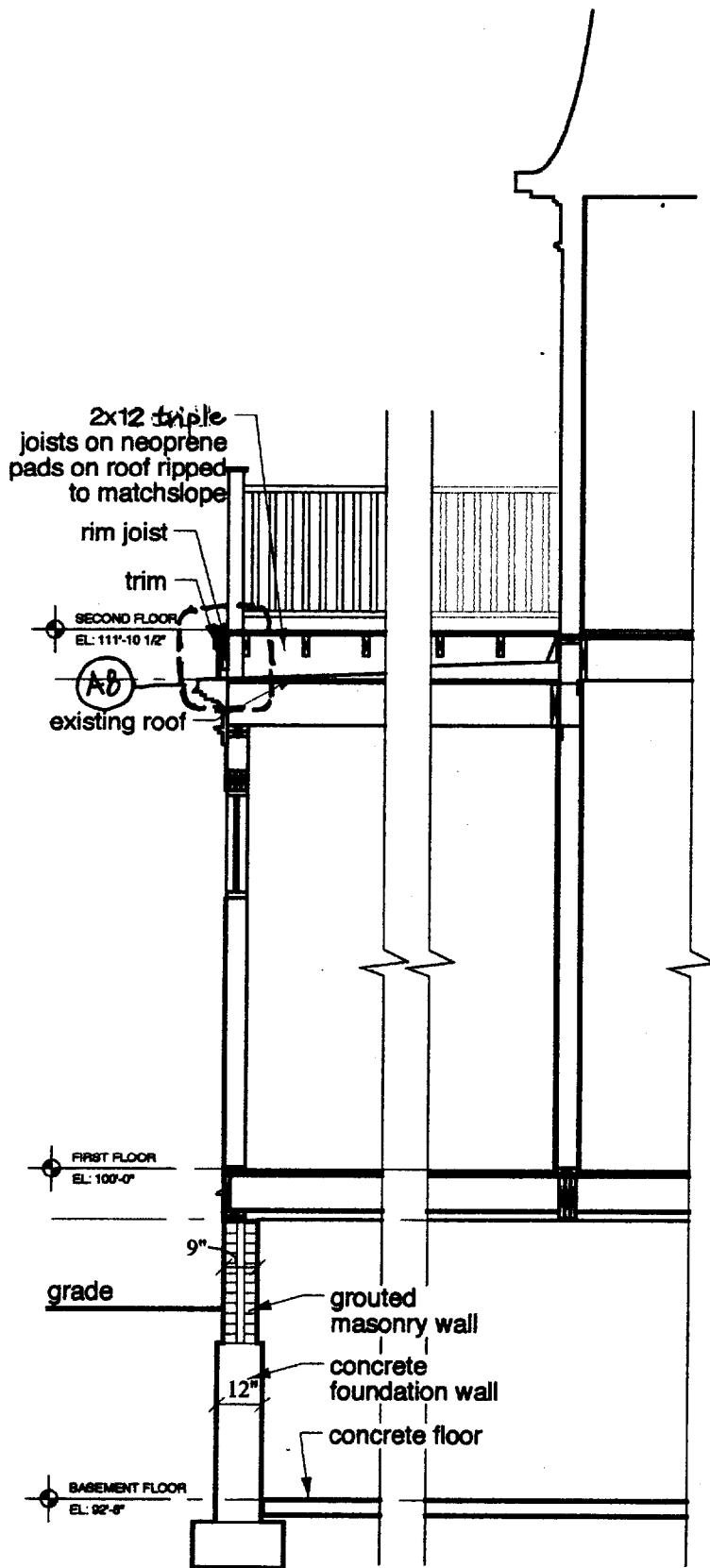
Revisions: -

## Bannai/Schneider Residence

Portland, Maine

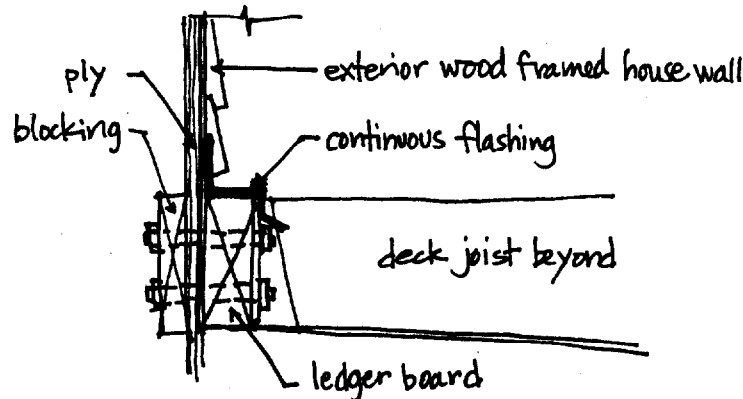
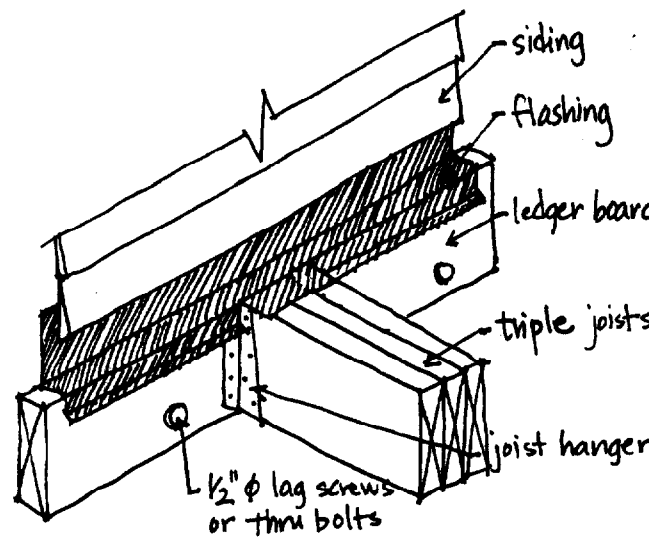
## Kyo Bannai Design Studio

128 Emery Street  
Portland ME 04102  
207.776.4936



DECK SECTION

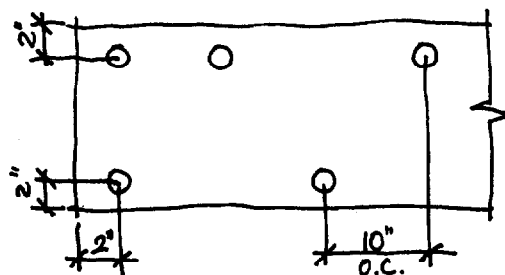
1/4"=1'-0"



note: remove siding as necessary prior to installation of ledger board

FLASHING REQUIREMENTS + LEDGER BD DETAILS

NTS



FASTENER SPACING + CLEARANCES @ LEDGER BOARD

NTS

A6

Deck Section

Drawn by: KB Date: 5/12/03  
Scale: As Noted Revisions: -

Bannal/Schneider Residence

Portland, Maine

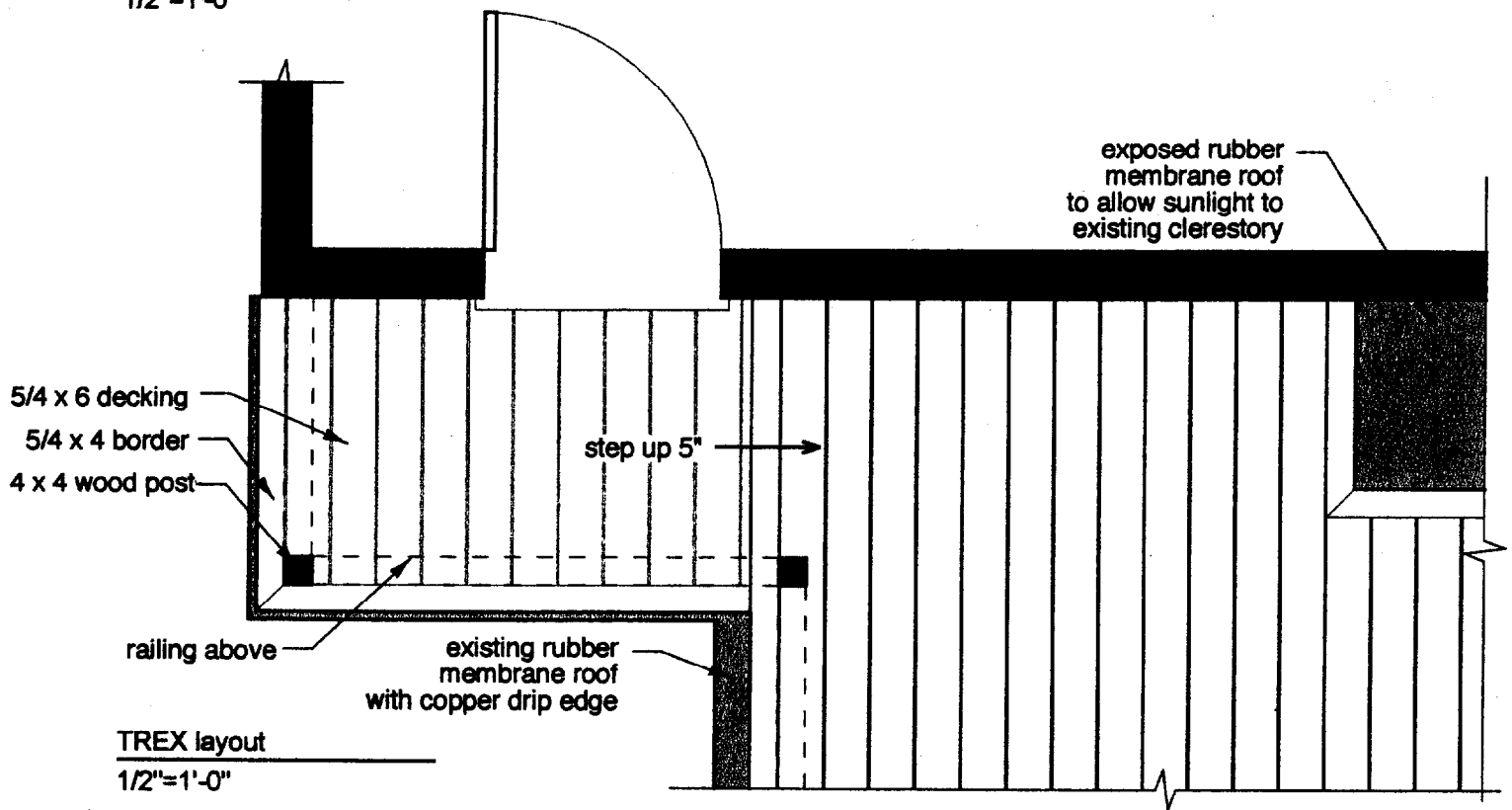
Kyo Bannal Design Studio

128 Emery Street  
Portland ME 04102  
207.776.4938



**RAILING DETAIL**

1/2"=1'-0"



**TREX layout**

1/2"=1'-0"

A7

**Details**

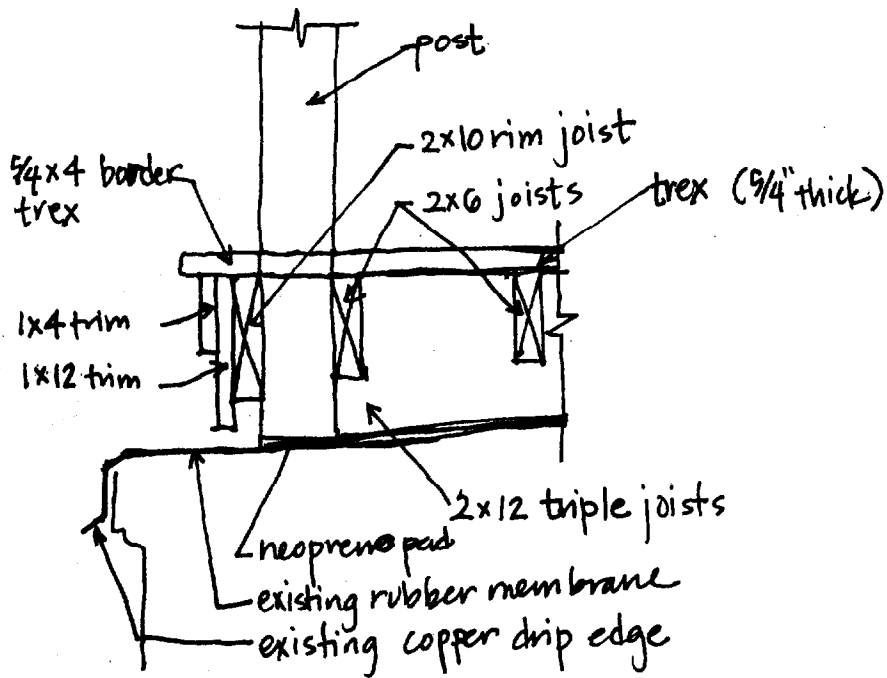
Drawn by: KB Date: 5/12/03  
Scale: 1/2" = 1'-0" Revisions: -

**Bannai/Schneider Residence**

Portland, Maine

**Kyo Bannai Design Studio**

128 Emery Street  
Portland ME 04102  
207.776.4938



PERIMETER DETAIL

NTS

A8

**Details**

Drawn by: KB  
Scale: NTS

Date: 5/12/03  
Revisions: -

**Bannal/Schneider Residence**

Portland, Maine

Kyo Bannal Design Studio

128 Emery Street  
Portland ME 04102  
207.775.4638

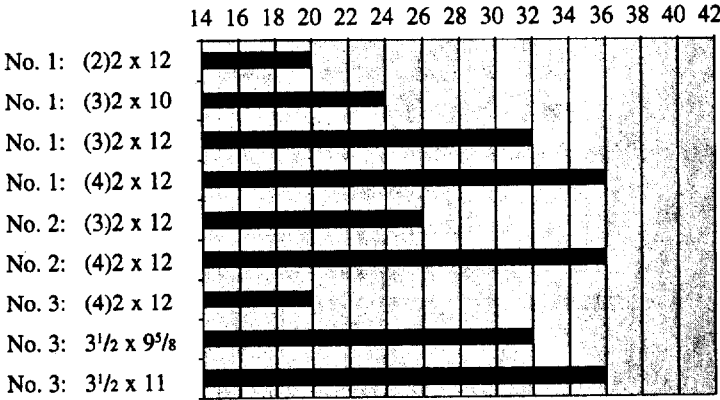
Floor Beams (Southern Pine)

Total length of floor supported on both sides of the beam  
measured  $\perp$  to the beam.

40# Live load, 10# Dead load

Total load deflection  $\leq L/240$ , Live load deflection  $\leq L/360$

Clear span = 10 ft



Clear span = 11 ft

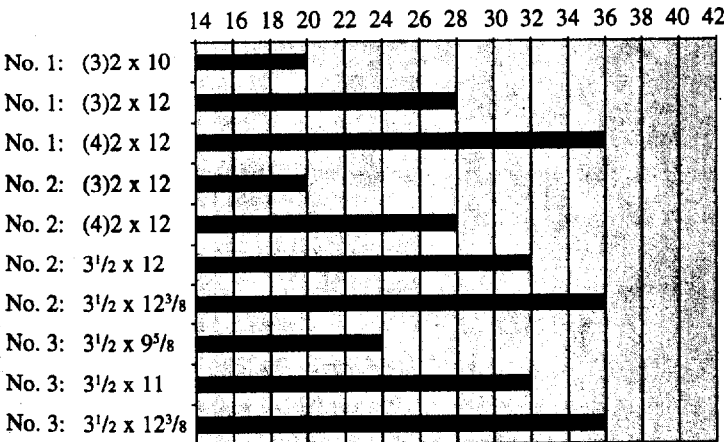


Fig. 2-32 (continued).

### Floor Edge Beams (Southern Pine)

Length of floor supported on only one side of the beam  
measured  $\perp$  to the beam.

40# Live load, 10# Dead load

Total load deflection  $\leq L/240$ , Live load deflection  $\leq L/360$

Clear span = 10 ft

	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36
No. 1: (1)2 x 12	■														
No. 1: (2)2 x 10	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 1: (2)2 x 12	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 1: (3)2 x 10	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 2: (2)2 x 10	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 2: (2)2 x 12	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 2: (3)2 x 10	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 2: (3)2 x 12	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 3: (3)2 x 10	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 3: (3)2 x 12	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 3: (4)2 x 12	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 3: 3 1/2 x 9 5/8	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

Clear span = 11 ft

	8	10	12	14	16	18	20	22	24	26	28	30	32	34	36
No. 1: (2)2 x 10	■														
No. 1: (2)2 x 12	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 1: (3)2 x 10	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 1: (3)2 x 12	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 2: (2)2 x 12	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 2: (3)2 x 10	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 2: (3)2 x 12	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 3: (3)2 x 12	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 3: (4)2 x 12	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
No. 3: 3 1/2 x 9 5/8	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

Fig. 2-33.

40 #

#2

21



## Floor Joist Spans (ft.) (Southern Pine)

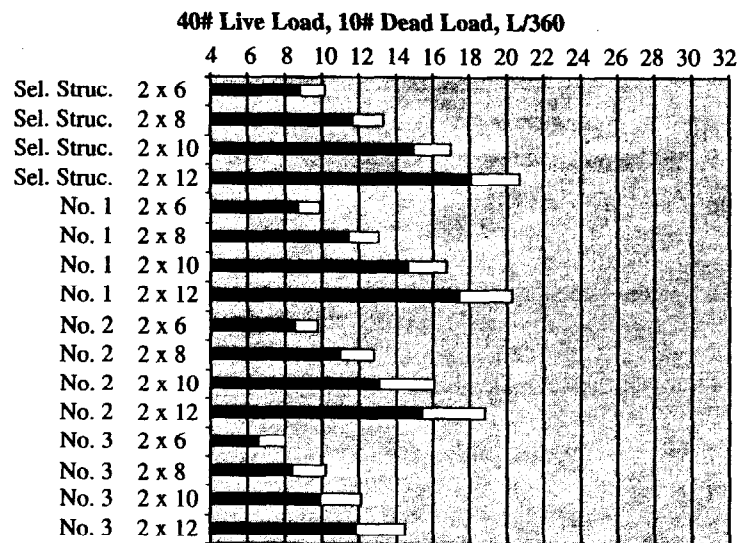
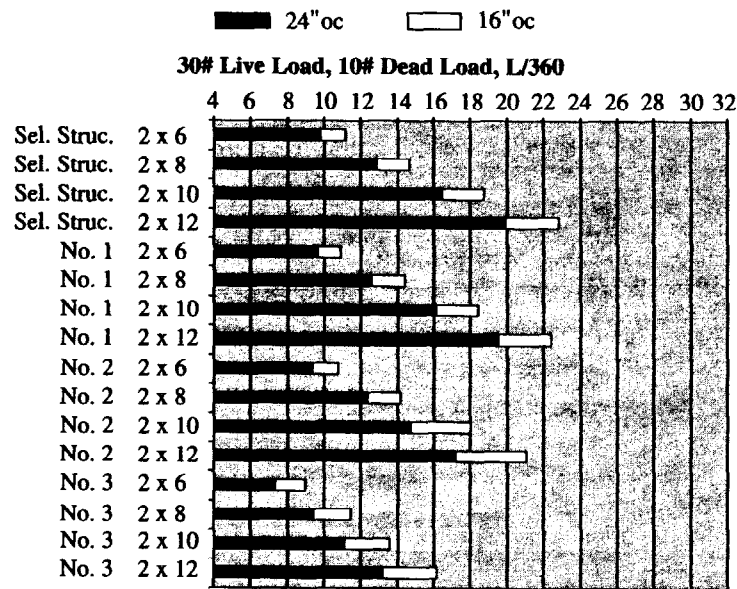


Fig. 2-27.

## Floor Joist Spans (ft.) (Southern Pine)

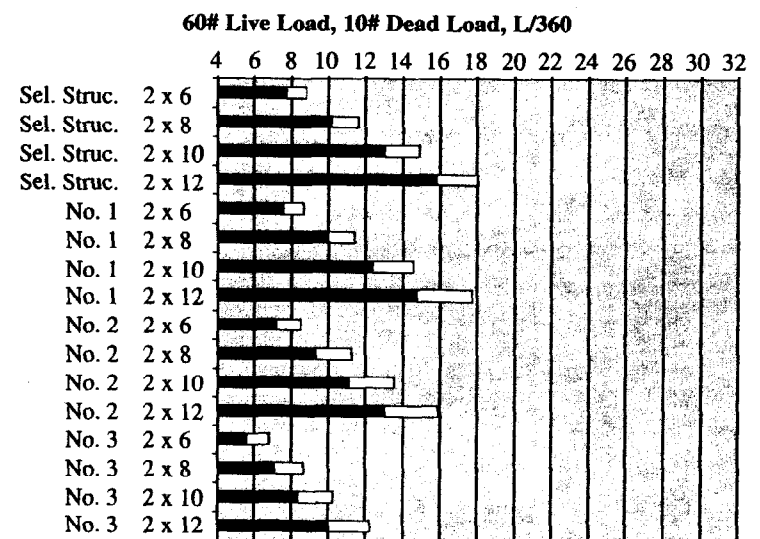
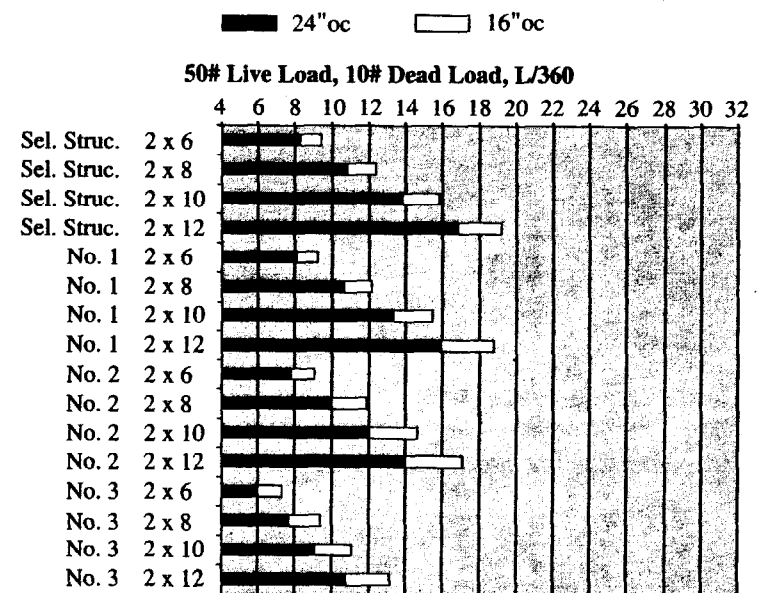


Fig. 2-27 (continued).

## **Project Description:**

**Location:** 128 Emery Street, Portland ME 04102  
**Owners:** Kyo Bannai & Craig Schneider  
**Contact:** 207-775-4938  
**Proposed project:** Deck

The 1861 three-story Victorian has a bedroom addition (a) on the first floor, at the end of the driveway. The date of the addition is unknown. The addition has a full basement below and a flat roof covered with rubber membrane above.

There is currently a door (b) from the back stairwell that leads right on to the flat roof (c). We are required by homeowner's insurance to either build a deck or keep the door screwed shut.

We would like to build a deck on this roof. Conceptually, our goal is to use this existing flat roof and create a pleasant habitable outdoor space that will visually blend into the rest of the house and complete the blank space above the addition. Its location is visible from the street, but it is attached towards the rear of the house and partially hidden by the main structure and its bay window. Our belief is that this project will help enhance the beauty and integrity of the house and our neighborhood.

Technically, our intent is to "float" the deck on the roof so as not to puncture the existing rubber membrane, which happens to be in good shape. The deck's shape and size are determined by the perimeter of the walls and foundation below. Double joists will be attached at the house and extend to the perimeter in order to transfer the load to the walls below. Because we are interested in using sustainable design elements, we are proposing to use TREX ([www.trex.com](http://www.trex.com) or see enclosure) for the decking. Balusters, handrails and rail posts will be painted finish cedar. We would like to match the 2x2 baluster and 4x4 posts that exist at our front entry (d). Many of our neighbors have these same elements at their front steps.

The contractor who will be hired for this project is Steve Childs of Rosewood Construction at 207-671-0394.

0060042

BK 17887PG001

Recording Order: \_\_\_\_\_ of \_\_\_\_\_


File Number 20415

**WARRANTY DEED**  
Maine Statutory Short Form

**KNOW ALL MEN BY THESE PRESENTS**, That **Ann M. Dunbar** of Deland, County of Volusia and State of Florida, for consideration paid, grants to **Craig D. Schneider and Kyo Bannai** whose mailing address is 172 Eastern Promenade, Portland, Maine 04101, as joint tenants with **WARRANTY COVENANTS**, the real property situated in Portland, County of Cumberland and State of Maine more particularly described in Exhibit A attached hereto and incorporated herein by reference.

**IN WITNESS WHEREOF**, I/we have hereunto set my/our hands(s) and seal(s) this 25th day of July, 2002

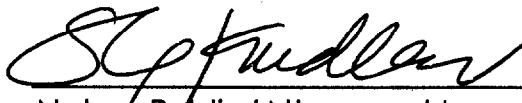
  
Witness

+   
Ann M. Dunbar

State of Maine  
County of Cumberland

July 25, 2002

Personally appeared before me the above named Ann M. Dunbar and acknowledged the foregoing instrument to be his/her/their free act and deed.

  
Notary Public/Attorney at Law

MAINE REAL ESTATE TAX PAID

**EXHIBIT A**  
(DEED)

A certain lot or parcel of land with the buildings thereon situated on the Westerly side of Emery Street in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on the westerly side line of said Emery Street at the southeasterly corner of land conveyed by John D. Brown and Philip H. Brown to Russell W. Worcester by deed dated December 18, 1869; thence southerly by said Emery Street forty (40) feet to a stake; thence westerly sixty-three and three-tenths (63.3) feet to the southeasterly corner of land formerly of one Irish; thence northerly by said Irish thirty-nine and one-tenth (39.1) feet to said land conveyed by said Browns to said Worcester; thence easterly by said Worcester land sixty-three (63) feet to the point of beginning.

Meaning and intending to convey and hereby conveying the same premises described in a deed from Michael G. Longley to Ann M. Dunbar (also known as Anne M. Dunbar) dated September 10, 1993 and recorded in the Cumberland County Registry of Deeds in Book 10947, Page 190.

**RECEIVED**  
RECORDED REGISTRY OF DEEDS

2002 JUL 26 PM 2:11

CUMBERLAND COUNTY

*John B. O'Brien*