



# PORTLAND MAINE

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

February 23, 2010

Olivia Bruzek  
112 Salem Street #2  
Portland, ME 04102

RE: 29 Payson Street – 066A-C-008 – R-5 Residential Zone

Dear Ms. Bruzek,

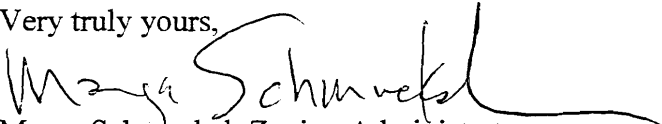
I am in receipt of your request for a determination concerning the current use of the property located at 29 Payson Street.

On August 7, 2003 the owner of the property went to the Zoning Board of Appeals to request a use change of the property from two residential dwelling units to a single family with a daycare use for up to 12 children on the first floor. The Board granted the appeal. A building permit for the change of use was then granted on October 2, 2003. The use of the building was technically changed at that time. The use of the building became a single family with a day care for up to 12 children. The previous use and any rights to the previous use were extinguished at that time. Subsequently the same owner of the property applied for and was granted a permit dated January 12, 2004 to add a 7' x7' shed on the property stating the use to be a single family with a daycare for up to 12 children. There have been no other permits either applied for or granted at this location. I have included copies of the approved permits for your record.

The legal use of the property as determined by Zoning is a single family with a daycare for up to 12 children. Separate permits are required for a change of use other than the currently approved use for a single family with a daycare for 12 children. All subsequent uses shall meet all of the requirements of the R-5 residential zone in which this property is located. Any previously approved uses do not have any "grandfathered" status.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have 30 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 this office for the necessary paperwork that is required to file an appeal. If you have any questions regarding this matter, please do not hesitate to contact me at 874-8695.

Very truly yours,

  
Marge Schmuckal, Zoning Administrator

Olivia Bruzek • 112 Salem Street • Portlan

2/18/2010

MARGE -

THANK YOU AGAIN FOR ALL YOUR HELP!

I WILL BE OUT OF TOWN TODAY, THU 2/18 + FRI 2/19 - MAY

I ASK THAT YOUR ASSISTANT E-MAIL OR FAX THE LETTER?

THANK YOU!

-olivia

olivia.bruzek@gmail.com

RE: Use of property located at 29 Payson Street, Portland, # 972-353-1715 (Fax)

February 17<sup>th</sup>, 2010

Ms Marge,

I would like to obtain a document in the form of a written letter, stating that the property located at 29 Payson Street, Portland, Maine 04102 (Book and Page NCFY09), owned by Jennifer Kim Leonard, is under the current zoning in the City of Portland classified for use as a "single family home with daycare".

66A-C-8  
\$1,000.00

Enclosed is a check for \$150.00 to cover the fee for obtaining this letter. Please don't hesitate to contact me should you have any questions.

Thank you,

 2/17/2010

Olivia Bruzek  
112 Salem Street #2  
Portland, ME 04102  
207-632-1415 (mobile phone)  
207-662-5083 (work)

RECEIVED

FEB 18 2010

Dept. of Building Inspections  
City of Portland Maine

**PERMIT ISSUED**

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

Permit No: 03-1134	Issue Date: <b>OCT 02 2003</b>	CBL: 066A C008001
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Location of Construction: 29 Payson St	Owner Name: Kamenides Jennifer	Owner Address: 29 Payson St <b>CITY OF PORTLAND</b>	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessor/Buyer's Name:	Phone:	Permit Type: Change of Use - Dwellings	Zone: <b>R5</b>

Past Use: Two family with one unit for daycare up to six children	Proposed Use: Conditional Use: Single Family w/Daycare up to 12 children	Permit Fee: \$30.00	Cost of Work: \$0.00	CEO District: 3
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Proposed Project Description: Change of Use: Single Family w/Daycare up to 12 children	FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <b>R3</b> Occupancy condition #1 <b>NO construction</b> <b>DECCA 1999</b> Signature: <b>JMB 10/2/03</b>
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: 09/17/2003	<b>Zoning Approval</b>
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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..	<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"/>	<b>Zoning Appeal</b> <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved with conditions <input type="checkbox"/> Denied buffering, which must be a fence or vegetative buffer to prevent children from reaching the	<b>Historic Preservation</b> <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: <b>9/10/03</b>	Date: _____	Date: _____

**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

<b>Permit No:</b> 03-1134	<b>Date Applied For:</b> 09/17/2003	<b>CBL:</b> 066A C008001
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<b>Location of Construction:</b> 29 Payson St	<b>Owner Name:</b> Kamenides Jennifer	<b>Owner Address:</b> 29 Payson St	<b>Phone:</b>
<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> Change of Use - Dwellings	

<b>Proposed Use:</b> Conditional Use: Single Family w/Daycare up to 12 children	<b>Proposed Project Description:</b> Change of Use: Single Family w/Daycare up to 12 children
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<b>Dept:</b> Zoning	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Marge Schmuckal	<b>Approval Date:</b> 09/18/2003
<b>Note:</b> 8/7/03 Conditional Use appeal approved by the ZBA - with one condition as stated below.			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
<ol style="list-style-type: none"> <li>1) The Zoning Board of Appeals conditioned their approval stating that additional buffering, which must be a fence or vegetative buffer to prevent children from reaching the abutter's garage is required. This is referring to the garage on the north side of the property opposite Washburn Avenue.</li> <li>2) It is understood that the first floor is to be a daycare for up to twelve (12) children. Any increase in the number of children requires a separate review and approval by the Zoning Board of Appeals.</li> </ol>			
<b>Dept:</b> Building	<b>Status:</b> Approved	<b>Reviewer:</b> Jeanine Bourke	<b>Approval Date:</b> 10/02/2003
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
<ol style="list-style-type: none"> <li>1) This is a Change of Use ONLY permit. It does NOT authorize any construction activities.</li> <li>2) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.</li> </ol>			
<b>Dept:</b> Fire	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Lt. MacDougal	<b>Approval Date:</b> 09/24/2003
<b>Note:</b>			<b>Ok to Issue:</b> <input checked="" type="checkbox"/>
<ol style="list-style-type: none"> <li>1) state fire marshall approve required</li> </ol>			

**Comments:**

9/17/2003-kwd: CofO paid for under permit #03-0454, which was for in-home occupation of daycare up to 6 children; final inspection was done, no CofO issued. Credit that towards this CofO per MJN. kwd

**PERMIT ISSUED**

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

Permit No: 03-1318	Issue Date: <b>IAN 12 2004</b>	CBL: 066A C008001
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Location of Construction: 29 Payson St	Owner Name: Kamenides Jennifer	Owner Address: 29 Payson St	Phone:
Business Name:	Contractor Name:	Contractor Address: <b>CITY OF PORTLAND</b>	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Sheds	Zone: <b>R-5</b>

Past Use: Single Family w/12 child daycare	Proposed Use: Single Family w/12 child daycare w/7' x7' shed	Permit Fee: \$30.00	Cost of Work: \$0.00	CEO District: 3
Proposed Project Description: 7' x 7' Rubbermaid shed		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <b>R3</b> Type: <b>accessory shed</b> <b>Temporary</b> Signature: <b>JMB 1/12/04</b>	

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: 10/17/2003	<b>Zoning Approval</b>	
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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 <i>approved</i> <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: <b>01/12/04</b>	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: <b>JMB</b>
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**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

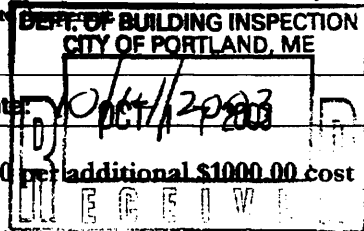
Location/Address of Construction: <u>27-29 Payson St.</u>		
Total Square Footage of Proposed Structure	Square Footage of Lot <u>5000</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>066A</u> Block# <u>C008</u> Lot#	Owner: <u>Jennifer Kamenides</u>	Telephone: <u>772-1792</u>
Lessee/Buyer's Name (If Applicable) <u>N/A</u>	Applicant name, address & telephone: <u>Jennifer Kamenides</u> <u>29 Payson St.</u> <u>Portland, Me. 04102</u>	Cost Of Work: \$ <u>N/A</u> Fee: \$ <u>30.00</u>
Current Specific use: <u>Single Family w/ Daycare (12 children)</u>	Proposed Specific use: <u>Residential Alteration</u>	
Project description: <u>7x7 Rubbermaid shed for storage</u>		
Contractor's name, address & telephone: <u>N/A</u>		
Who should we contact when the permit is ready: <u>Jennifer Kamenides</u>		
Mailing address: <u>29 Payson Street</u> <u>Portland, Me. 04102</u>		Phone: <u>772-1792</u>

**Please submit all of the information outlined in the Residential Application Checklist. Failure to do so will result in the automatic denial of your permit.**

At the discretion of the Planning and Development Department, additional information may be required prior to permit approval. For further information stop by the Building Inspections 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 the work.

Signature of applicant: [Signature] Date: 10/11/2003



Permit Fee: \$30.00 for the first \$1000.00 Construction Cost, \$9.00 per additional \$1000.00 cost

**This is not a Permit; you may not commence any work until the Permit is issued.**



# CITY OF PORTLAND, MAINE

Department of Building Inspections

## Original Receipt

2-18 20 10

Received from Olivia Marta Brunek

Location of Work 112 Sycamore St

Cost of Construction \$ \_\_\_\_\_ Building Fee: \_\_\_\_\_

Permit Fee \$ \_\_\_\_\_ Site Fee: \_\_\_\_\_

Certificate of Occupancy Fee: \_\_\_\_\_

Total: 150

Building (I1) \_\_\_\_\_ Plumbing (I5) \_\_\_\_\_ Electrical (I2) \_\_\_\_\_ Site Plan (U2) \_\_\_\_\_

Other Zoning Determination

CBL: 52-A-3

Check # 0416 Total Collected \$ 15

**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