

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 05-0737	Issue Date: PERMIT ISSUED AUG 26 2005	CR#: G013001
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Location of Construction: 31 Kenwood St	Owner Name: Carlos Gomez & Melissa Mcstay	Owner Address: 37 Kenwood Street	Phone: 207-773-0989
Business Name: n/a	Contractor Name: n/a	Contractor Address: n/a Portland	Phone:
Lessee/Buyer's Name n/a	Phone: n/a	Permit Type: Legalization of Non-Conforming Units	Zone: R-3

Past Use: One Dwelling Unit	Proposed Use: Legalization of one non-conforming dwelling unit to be a total of two dwelling units.	Permit Fee: \$375.00	Cost of Work \$0.00	CEO District: 3
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Proposed Project Description: Legalization of one non-conforming dwelling unit to be a total two dwelling units.	FIRE DEPT: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied <i>N/A</i>	INSPECTION: Use Group: R-3 Type: SB IRC 2003
	DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____	

Permit Taken By: gg	Date Applied For: 0611012005	Zoning Approval
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<ol style="list-style-type: none"> 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.. 	Special Zone or Reviews <input type="checkbox"/> Shoreland <input type="checkbox"/> Wetland <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan <i>Site plan, exemptions</i> Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: <i>8/10/05</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved 4-φ <input type="checkbox"/> Denied Date: <i>8/10/05</i>	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: <i>S</i>
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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

City of Portland, Maine - Building or Use Permit

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

Permit No: 05-0737	Date Applied For: 06/10/2005	CBL: 080 G013001
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Location of Construction: 37 Kenwood St	Owner Name: Carlos Gomez & Melissa Mcstay	Owner Address: 37 Kenwood Street	Phone: 207-773-0989
Business Name: n/a	Contractor Name: n/a	Contractor Address: n/a Portland	Phone:
Lessee/Buyer's Name: n/a	Phone: n/a	Permit Type: Legalization of Non-Conforming Units	

Legalization of one non-conforming dwelling unit to be a total of two dwelling units.	Legalization of one non-conforming dwelling unit to be a total two dwelling units.
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Dept:
Note:

*Return to
Tom*

Dept:
Note:

1) This

Reviewer: Tammy Munson

Approval Date: 08/19/2005

Ok to Issue:

ize any construction activities.

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 05-0737	Issue Date:	CBL: 080 G013001
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Location of Construction: 37 Kenwood St	Owner Name: Carlos Gomez & Melissa Mcstay	Owner Address: 37 Kenwood Street	Phone: 207-773-0989
Business Name: n/a	Contractor Name: n/a	Contractor Address: n/a Portland	Phone
Lessee/Buyer's Name n/a	Phone: n/a	Permit Type: Legalization of Non-Conforming Units	Zone:
Past Use: One Dwelling Unit	Proposed Use: Legalization of one non-conforming dwelling unit to be a total of two dwelling units.	Permit Fee: \$375.00	Cost of Work \$0.00
		CEO District: 3	
		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: Type:

Proposed Project Description:
Legalization of one non-conforming dwelling unit to be a total two dwelling units.

Signature: _____ Signature: _____

PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)

Action Approved Approved w/Conditions Denied

Signature _____ Date _____

Permit Taken By: gg	Date Applied For: 06/10/2005	Zoning Approval	
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Special Zone or Reviews	Zoning Appeal	Historic Preservation
<input type="checkbox"/> Shoreland	<input type="checkbox"/> Variance	<input type="checkbox"/> Not in District or Landmark
<input type="checkbox"/> Wetland	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Does Not Require Review
<input type="checkbox"/> Flood Zone	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Requires Review
<input type="checkbox"/> Subdivision	<input type="checkbox"/> Interpretation	<input type="checkbox"/> Approved
<input type="checkbox"/> Site Plan	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Conditions
Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/>	<input type="checkbox"/> Denied	<input type="checkbox"/> Denied
Date: _____	Date: _____	Date: _____

GAGLE, 6/27/05
PLEASE put together the required notices for this & return to me -

THANKS
MAYE

I heret
I have
jurisdi
shall h
such p

CERTIFICATION

roperty, or that the proposed work is authorized by the owner of record and that I as his authorized agent and I agree to conform to all applicable laws of this e application is issued, I certify that the code official's authorized representative rmit at any reasonable hour to enforce the provision of the code(s) applicable to

SIGNATURE	ADDRESS	DATE	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE	DATE	PHONE	

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 05-0737	Issue Date:	CBL: 080 G013001									
Location of Construction: 37 Kenwood St	Owner Name: <i>see application for the</i> Nicola C Thomas & 1818 Tramway Terrace Loop Ne	Phone: 207-773-0989									
Business Name: n/a	Contractor Name: <i>Teal Lowe</i> n/a	Contractor Address: n/a Portland									
Lessee/Buyer's Name n/a	Phone: n/a	Permit Type: Legalization of Non-Conforming Units									
Past Use: One Dwelling Unit	Proposed Use: Legalization of one non-conforming dwelling unit to be a total of two dwelling units.	Zone: <i>3</i>									
Proposed Project Description: Legalization of one non-conforming dwelling unit to be a total two dwelling units.		<table border="1"> <tr> <td>Permit Fee: \$375.00</td> <td>Cost of Work \$0.00</td> <td>CEO District: 3</td> </tr> <tr> <td colspan="2"> FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied </td> <td> INSPECTION: Use Group: Type </td> </tr> <tr> <td colspan="2">Signature:</td> <td>Signature:</td> </tr> </table>	Permit Fee: \$375.00	Cost of Work \$0.00	CEO District: 3	FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type	Signature:		Signature:
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Signature:		Signature:									
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)											

Signature: _____		Date: _____	
Permit Taken By: gg	Date Applied For: 06/10/2005	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 information may invalidate a building permit and stop all work..</p>	Special Zone or Reviews <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: _____	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 Not in District or Landmark <input type="checkbox"/> Does Not Require Review <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: _____

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SIGNATURE OF APPLICANT _____ ADDRESS _____ DATE _____ PHONE _____

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

Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Planning & Development
Lee Urban, Director

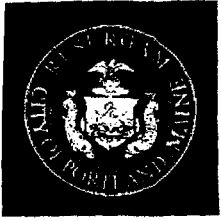


CITY OF PORTLAND

APPLICATION FOR LEGALIZATION OF NONCONFORMING DWELLING UNITS Section 14-391 - In effect March 24, 2004

391

Location/Address of Legalization: <u>37 Kenwood Street</u>		
Tax Assessor's Chart, Block & Lot Chart# <u>80</u> Block# <u>G</u> Lot# <u>13</u>	Owner: <u>Carlos Gómez + Melissa McStay</u> Address: <u>37 Kenwood Street</u> <u>Portland, ME 04102</u>	Telephone: <u>773-0989</u>
Contact name, address & telephone if different than above: <u>(Same as above)</u>	Cost of Work: \$ <u>300</u> Fee: \$ <u>75</u>	
<small>\$300 per legalized unit & \$75 per C of O</small>		
Current # of legal D.U. <u>1</u>	Requested # of units To be legalized: <u>1</u>	Total bldg. units: <u>2</u>
Attach evidence that each requested unit to be legalized existed as of List evidence that you are submitting: <u>1994 Polk City Directory</u> <u>3</u>		JUN 10 2005 RECEIVED
Attach evidence that the current owner/applicant neither constructed nor established the non-conforming dwelling units to be legalized: List evidence that you are submitting: <u>Warranty Deed (Sale to current owner + applicant on 5/31/05)</u>		
<small>I hereby certify that I am the Owner of record of the above 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.</small>		
Signature of applicant:		Date:
This is NOT a permit, you may not commence ANY work until the permit is issued.		



PORTLAND MAINE

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

*Lee Urban-Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

TO: William Hall, Chair and Board Members
FROM: Marge Schmuckal, Zoning Administrator
SUBJECT: 37 Kenwood Street Appeal – 080-G-013 – R-3 Zone
DATE: August 12, 2005

Please note that this request to legalize one nonconforming unit within a single family dwelling has gone to the Zoning Board because this officer received a letter against the change. This office **has** received approvals from **both** the housing inspector and the Fire Department.



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*Lee Urban-Director of Planning and Development
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Zoning Division
Marge Schmuckal
Zoning Administrator

Department of Planning & Development
Lee Urban, Director



37 Kenwood St
080-G-013

CITY OF PORTLAND

PAGE 2

APPLICATION FOR
LEGALIZATION OF NONCONFORMING DWELLING UNITS

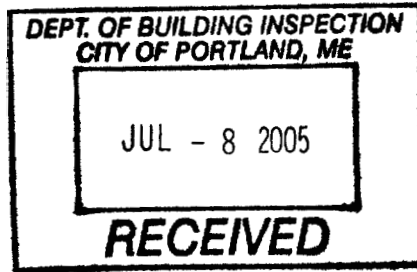
 gave to City to create 6/27/05
 properties situated within 300 feet

129/05

ved 7/25/05

City NFPA compliance received on: ^{CAPT. CASS} Caivento 6/27/05 received from CAPT. CASS
not dated

Is ZBA action required? yes - received letter on 7/8/05



Danny Carr
773-5335

July 8, 2005

Dear Ms. Schmuckal and Zoning Board,

I oppose granting permission to the owners of 37 Kenwood Street of two dwelling units within the building.

Do not allow the legislation of a non-conforming dwelling on 37 Kenwood Street, so I ask that you deny the request of the owners to legalize one existing dwelling unit for a total of two dwelling units within this building.

NAME	ADDRESS	SIGNATURE
Ed Susbuc	46 Kenwood St	Ed Susbuc
Eric Griffin	54 Kenwood	Eric Griffin
CINDY CZASKOWSKI	58 Kenwood	Cindy Czakowski
Margaret Cleveland	59 Kenwood	Margaret Cleveland
Jim Damm	51 Kenwood	Jim Damm
Cheryl Vacciano	41 Kenwood	Cheryl Vacciano
Karen M. McAllum	23 Kenwood St	Karen McAllum
Mark Cornwell	17 Kenwood St.	Mark Cornwell
Caroline Parlow	11 Kenwood St	Caroline Parlow
CATHERINE M. DiMARZIO,	28 Kenwood St	Cathy Marzio
Michael Mazurkiewicz	24 Kenwood St	Michael Mazurkiewicz

Jim and Aletha Dunn
51 Kenwood Street
Portland, Maine 04102

City of Portland Zoning Administration
City Hall - Room 315
389 Congress Street
Portland, Maine 04102

6 July 2005

To Whom It May Concern:

We are home-owners with property at 51 Kenwood Street, three houses from the residence located at 37 Kenwood. It is our understanding that the owners of that property have requested to legalize that structure's illegal apartment.

Although we have no complaint with the current owners, we do object to legalizing an apartment that these owners (we believe) knew was illegal and not in conformance with current occupancy laws when they purchased the unit. Previous owners also knew of the illegal aspects of this 'apartment' and did not rent it. Buying a house that could be used in an illegal manner—and not using it as such--demonstrated a more appropriate and legal use of the property, in our view.

However, attempting to take advantage of the good will of neighbors who did not object earlier (as the apartment was not being rented) and suggesting that our lack of complaint is evidence of our acquiescence is incorrect. It will be a poor decision for the Zoning Commission to now 'legalize' construction that was illegal from its inception. Such a decision can only encourage other improper construction and usage by builders/owners/buyers who hope to reap benefits from their violations of zoning ordinances.

Again, we have no complaint against the current owners. However, permitting them a variance to the ordinances will permit them, or subsequent owners, to forever modify the character of our neighborhood. It would reward unlawful behavior. It would open the possibility for this street to substantially change in character from its predominantly single-home nature to something different. As there is a single apartment house on the street (across from our property), we can attest to how a 'non-resident-landlord' situation can develop. Permitting another to establish itself on Kenwood, in direct and known violation of the ordinances, is the wrong message to send.

Thank you for considering our views. We chose this neighborhood and this street in Portland for our home. We hope that you will uphold the ordinances, and not permit a variance to be granted. We know this decision may be a tough one, but trust that you will 'do the right thing.'

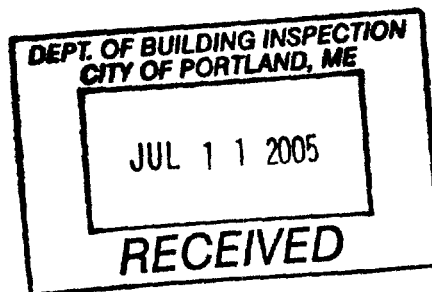
Sincerely,



Jim Dunn



Aletha Dunn



TCM #3



CITY OF PORTLAND

**CITY OF PORTLAND HOUSING CODE
DWELLING UNIT COMPLIANCE**

Section 14-391 of the Land Use Ordinance allows illegal nonconforming dwelling units to become legalized thru a given process. Part of this process is that the dwelling unit(s) that are requested to be legalized must comply or be able to comply with the City of Portland's Housing Code PRIOR to issuing the requested permit.

Please return this form to the Zoning Administrator (Marge Schmuckal) as to compliance or the ability to comply with these codes.

Location: 37 Kenwood St 080-G-013

Owner: Carlos Gomez & Melissa McStay

Address of Owner: 37 Kenwood St **Telephone:** 773-0989

Applicant information if different than above: _____

Current number of legal units: one (1)

Number of units to be legalized: one (1)

TOTAL Number of D.U. in bldg (2) two

Comments of approval or disapproval (list any and all conditions):

Notice of violation listed 4 items of 29 June 05 inspection.
Reinspection on 7/25/05 found all violations corrected.

Signature: Thomas N. Mackley

Date: 25 July 05

6/27/05



CITY OF PORTLAND

**NFPA LIFE SAFETY CODE – FIRE PREVENTION CODE
DWELLING UNIT COMPLIANCE**

Section 14-391 of the Land Use Ordinance allows illegal nonconforming dwelling units to become legalized thru a given process. Part of this process is that the dwelling unit(s) that are requested to be legalized must comply or be able to comply with the NFPA Life Safety Code – Fire Prevention Code **PRIOR** to issuing the requested permit.

Please return this form to the Zoning Administrator (Marge Schmuckal) as to compliance or the ability to comply with these codes.

Location: 37 Kenwood St -080-G-013

Owner: Carlos Gomez & Melissa McStay

Address of Owner: 37 Kenwood Street **Telephone:** 773-0989

Applicant information if different than above: _____

Current number of legal units: one (1)

Number of units to be legalized: one (1)

total Number of D.U. in bldg (2) two

Comments of approval or disapproval (list any and all conditions):

Protect oil line, sprinkle boiler, Fire Door
F.D. Inspect Insp. 2 Family's

Signature: Grego Cass **Date:** _____

6/27/05

Zoning Division
 Marge Schmuckal
 Zoning Administrator

Department of Planning & Development
 Lee Urban, Director



CITY OF PORTLAND

**APPLICATION FOR
 LEGALIZATION OF NONCONFORMING DWELLING UNITS**
 Section 14-391 – In effect March 24, 2004

Location/Address of Legalization: <u>37 Kenwood Street</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>80</u> Block# <u>G</u> Lot# <u>13</u>	Owner: <u>Carlos Gómez + Melissa McStay</u> Telephone: <u>773-0986</u> Address: <u>37 Kenwood Street</u> <u>Portland, ME 04102</u>
Contact name, address & telephone if different than above: <u>(Same as above)</u>	Cost of Work: \$ <u>300</u> Fee: \$ <u>75</u> <small>\$300 Per legalized unit & \$75 per C of O</small>
Current # of legal D.U. <u>1</u>	Requested # of units To be legalized: <u>1</u> Total bldg. units: <u>2</u>
Attach evidence that each requested unit to be legalized existed as of 4/1/94: List evidence that you are submitting: <u>1994 Polk City Directory</u>	DEPT. OF BUILDING INSPECTOR CITY OF PORTLAND, ME <div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> JUN 10 2005 </div> RECEIVED
<u>Warranty Deed (Sale to current owner + applicant on 5/31/05)</u>	
<small>hereby certify that I am the Owner of record of the above 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.</small>	
Signature of applicant:	Date:
This is NOT a permit, you may not commence ANY work until the permit is issued.	

This page contains a detailed description of the Parcel ID you selected. Press the New Search button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number 1 of 1
 Parcel ID 080 G013001
 Location 37 KENWOOD ST
 Land Use SINGLE FAMILY
 Owner Address NICOLAI C THOMAS & LISA K NICOLAI JTS
 1818 TRAMWAY TERRACE LOOP NE
 ALBUQUERQUE NM 87122
 Book/Page 16698/308
 Legal 80-G-13
 KENWOOD ST 37-39
 6200 SF

Handwritten: New owner

Current Valuation Information

Land	Building	Total
\$30,980	\$145,420	\$176,400

New Estimated Valuation Information

Land	Building	Total	Phase-In Value
\$87,400	\$280,600	\$368,000	\$272,200

Property Information

Year Built 1926	Style colonial	story Height 2	Sq. Ft. 2835	Total Acres 0.142
Bedrooms	Full Baths	Half Baths	Total Rooms 9	Attic Full Fin./wh Full Basement

Outbuildings

Type GARAGE-WD/CB	Quantity 1	Year Built 1926	Size 18x20	Grade C	Condition G
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Sales Information

Date 09/04/2001	Type LAND + BLDING	Price \$292,000	Book/Page 16698-308
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Picture and Sketch

[picture](#) [Sketch](#) [Tax Map](#)

Click here to view Tax Roll Information.

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

[Click here to view comparable sales or below to view by:](#)

[Map](#) &Card=1



From: Gayle Guertin
To: Marge Schmuckal; Mike Nugent
Date: Wed, Jun 29, 2005 2:47 PM
Subject: 37 Kenwood St. Legalization of non conforming unit

37 Kenwood St.
Owner: Carlos Gomez and Melissa Mcstay
CBL: 080 G013

Sent out abutters notice as of 6/29/05

Gayle

CC: Gayle Guertin



CITY OF PORTLAND

**NFPA LIFE SAFETY CODE - FIRE PREVENTION CODE
DWELLING UNIT COMPLIANCE**

Section 14-391 of the Land Use Ordinance allows illegal nonconforming dwelling Units to become legalized thru a given process. Part of this process is that the dwelling unit(s) that are requested to be legalized must comply or be able to comply with the **NFPA** Life Safety Code - Fire Prevention Code **PRIOR** to issuing the requested permit.

Please **return** this form to the Zoning Administrator (Marge Schmuckal) as to compliance or the ability to comply with these codes.

Location: 37 Kenwood St -080-G-013

Owner: Carlos Gomez & Melissa McStay

Address of Owner: 37 Kenwood Street **Telephone:** 773-0989

Applicant information if different than above: _____

Current number of legal units: one (1)

Number of units to be legalized: one (1)

total Number of D.U. in bldg (2) two

Comments of approval or disapproval (list any and all conditions):

Signature: _____ **Date:** _____

6/27/09



CITY OF PORTLAND

**CITY OF PORTLAND HOUSING CODE
DWELLING UNIT COMPLIANCE**

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Location: 37 Kenwood St 080-G-013

Owner: Carlos Gomez & Melissa McStac

Address of Owner: 37 Kenwood St **Telephone:** 773-0989

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TOTAL number of D.U. in bldg (2) two

Comments of approval or disapproval (list any and all conditions):

Signature: _____ **Date:** _____

1.17.10

WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that **C. Thomas Nicolai and Lisa K. Nicolai** of Portland, County of Cumberland, and the State of Maine, for consideration paid, GRANT to **Carlos I. Gomez and Melissa M. McStay** of Portland, County of Cumberland, and the State of Maine, whose mailing address is 199 Falmouth Street, Portland, Maine 04102, with **WARRANTY COVENANTS, AS JOINT TENANTS**, the land with buildings thereon in Portland, County of Cumberland, and the State of Maine, described as follows:

A certain lot or parcel of land, with the buildings thereon, situated on Kenwood Street, in the City of Portland, County of Cumberland and State of Maine, being all of lot #384 and a nine (9) foot strip from the entire westerly side of lot #82 as shown on Plan of Oakwood Heights, recorded in the Cumberland County Registry of Deeds in Plan Book 15, Page 13, to which plan reference is hereby made and more particularly bounded and described as follows:

Beginning on the northwesterly side line of Kenwood Street at the dividing line between lots #84 and #86 as shown on said plan; thence

Northerly by the easterly side line of lot #386, one hundred (100) feet; thence

Easterly by the rear line of lots #85 and #83 on said plan, sixty-two (62) feet to land formerly of Charles E. Gurney; thence

Southerly at right angles with the last described course, one hundred (100) feet to Kenwood Street; thence

Southwesterly by said side line of Kenwood Street, sixty-two (62) feet to the point of beginning

The premises are conveyed together with and subject to any and all easements or appurtenances of record, insofar as the same are in force and applicable.

Meaning and intending to convey the same premises conveyed to the Grantor(s) by virtue of a deed from Bernard J. Mohr dated August 31, 2001 and recorded in the Cumberland County Registry of Deeds in Book 16698, Page 308.

Witness our hands and seals this 31st day of May, 2005.

Witness

C. Thomas Nicolai

C. Thomas Nicolai

Witness

Lisa K. Nicolai

Lisa K. Nicolai

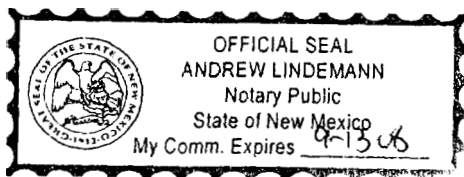
STATE OF New Mexico
COUNTY OF Bernalillo, SS.

May 31, 2005

Then personally appeared before me the above named C. Thomas Nicolai and Lisa K. Nicolai and acknowledged the foregoing instrument to be their free act and deed.

Before me,
Andrew Lindemann

Notary Public/ Attorney at Law

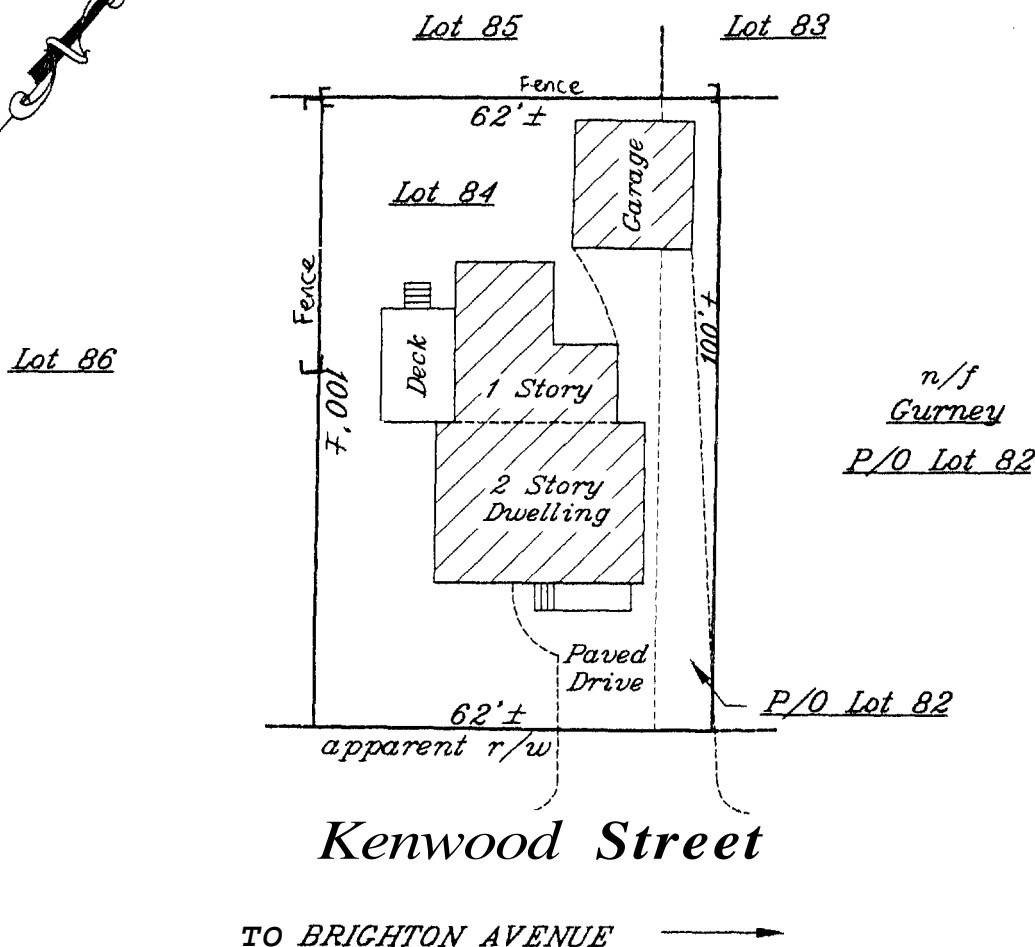
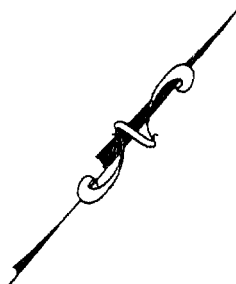


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GENERAL NOTES: (1) DISTANCES SHOWN ARE TAKEN FROM PROVIDED TITLE REFERENCES SHOWN BELOW. (2) THE PURPOSE OF THIS INSPECTION IS TO RENDER AN OPINION AS FOLLOWS: A) DWELLING AND ACCESSORY STRUCTURE'S COMPLIANCE WITH RESPECT TO MUNICIPAL ZONING SETBACKS, AND B) FLOOD ZONE DETERMINATION BY HORIZONTAL SCALING ON BELOW REFERENCED FEMA MAP. (3) THIS INSPECTION EXCEPTS OUT ALL TECHNICAL STANDARDS CURRENTLY SET FORTH BY STATE OF MAINE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS. (4) THIS INSPECTION IS TO BE USED ONLY BY THE BELOW LISTED LENDER, TITLE ATTORNEY & TITLE INSURER AND IS NOT TO BE USED BY ANOTHER PARTY FOR BOUNDARY LINE LOCATIONS OR LAND TITLE OPINIONS. (5) A BOUNDARY SURVEY SHOULD BE PERFORMED TO RENDER A PROFESSIONAL OPINION PERTAINING TO BOUNDARY LINE LOCATIONS, BASEMENTS, RIGHTS OF WAY, ENCUMBRANCES, AND/OR ENCROACHMENTS.

THIS SKETCH IS NOT TO BE USED FOR CONSTRUCTION PURPOSES

ADDRESS: 37 KENWOOD STREET INSPECTION DATE: 4/20/05
PORTLAND, MAINE SCALE: 1" = 30'



INSP. BY HSJ

SEE PROVIDED TITLE REFERENCES FOR APPLICABLE APPURTENANCES, IF ANY.

APPLICANT: CARLOS I. GOMEZ & MELISSA M. MCSTAY REQ. PARTY: NEW ENGLAND TITLE, LLC
 OWNER: C. THOMAS & LISA NICOLAI ATTORNEY: _____
 LENDER: FIRST FINANCIAL MORTGAGE CORP. FILE No. 20517588 FIELD BOOK: _____

TITLE REFERENCES:

YOUR FILE #: A05-352

DEED BOOK: 16698 PAGE: 308
 PLAN BOOK: 15 PAGE: 13 LOT: 84 P/O 82
 COUNTY: CLIMBERLAND

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KENWOOD ST-Cont'd

- Mazurkiewicz Stuart M 773-6664
- Mazurkiewicz Eliz T 773-6664
- 28 Mac Donald David C & Cath M Di
- Marzio 773-1548
- 31*Hudson John M & Alyssa K 772-4588
- 32*Bower P W 775-3653
- 33 Donovan W Michael & Deborah C 774-3577
- 37 Matthews Ralph J & Eliz J 874-9056
- 38 Silver F Charlotte B 774-8798
- 41 Vacciano Cheryl B 772-9770
- Burnett Michelle A 874-0770
- 42 Not Verified
- 45 Carr Kathleen V 773-5335
- Carr Dani J III 773-5335
- Carr Dani J IV 773-5335
- Hsueh Amber 773-5335
- 46 Mincks Charles S & Ruth A 772-5615
- 2d Fj Duryea Lynn 871-0252
- 2d Fj Beckman Sirj 871-0252
- Floor Kessler Jas 879-1539
- Floor Fischer Dawn 879-1539
- 51 Devine John J & Marilyn C 772-4458
- 54 Murphy Jas R & Sacca A 774-5235
- 55*Patron J
- 58*Bruce Robt 874-6487
- 59*Lycars Alan S & Margt environmentalist 874-8081
- 62*Dodge Teri A & Michele L 874-0401
- Dodge Mich C 874-0401
- *DEAD END
- 25 HOUSEHOLDS
- 1 BUSINESS

KENYON LA (CAPE ELIZABETH) FROM 12 COTTAGE LA

- * ZIP CODE 04107
- *COTTAGE LA INTERSECTS
- 2 Holt John W & Murrel A 799-7894
- 3 Tyler Wm K & Diane E 799-6541
- 4*Worsely John
- *DEAD END
- 3 HOUSEHOLDS

KESWICK RD (SOUTH PORTLAND) FROM 583 MAIN ST WEST

- * ZIP CODE 04106
- * MAIN ST INTERSECTS
- 11 O'Donnell Irene F 772-0528
- 15 Yoon Yong B & Hwasun 773-7314
- 16 Thurlow Christine N 774-3724
- 19 Flaherty Adelaide E 774-2074
- 20 Ives Frederick D & Mary R 773-1893
- 20b Green Dawn M 775-3997
- 24 Not Verified
- 31 Legge Eugene J & Theresa L 773-5085
- 34 Cushman Scott C & Sandra T 772-4775
- 35 Shaw Mary E 773-8382
- 36 Ladd Marjorie A 774-2817
- Ladd Jeffrey W 774-2817
- 38 Morris Bryce F 773-2833
- 40 Di Mauro Rae S 772-7939
- 41 Whaler Patricia E 776-0070

85 White Wm A & Lydia L 772-7802

- * THIRLMERE AV INTERSECTS
- 95 Cannell Charles W & Elizabeth J 774-4654
- 99 Not Verified
- 103 Wing Wendell L & Hilda 774-8362
- 104 Kennedy Dani W & Norma P 773-6189
- 107 Norton Michael & Rita E 772-9007
- 111 Lusy Ann M 772-9007
- 111 Murphy Philip L & Lucille M 774-8796
- 112 Bibeau Charles H & Jean L 773-2004
- 118 Bibeau Charles H & Jean L 773-2004
- Bibeau Charles H Jr 773-2004
- 119 Riley Carl P & Emily J 774-3830
- Canneton Patricia 775-3907
- 122 Cloutier Andrew J 774-1242
- 127 Latham William J Jr & Pamela M 879-1574
- 133 Story Roberta H 773-7960
- 135*Carter T A 774-2019
- *WESTBROOK ST INTERSECTS
- 3 HOUSEHOLDS
- 1 BUSINESS

KIDDER ST E -FROM 719 WASHINGTON AV NORTH

- * ZIP CODE 04103
- * WASHINGTON AV INTERSECTS
- 11 Durocher Elsie R 772-2220
- 12 Norris Leann E 761-2012
- 13 Jack Davis E 761-2012
- Palaza Nichole C 761-2012
- Noyes Carol 761-2012
- Jack Kimberly A 761-2012
- 14 Amadei Goehardo E Jr & Vivian M 774-8176
- Amadei Bonnie J 774-8176
- Amadei Brian J 774-8176
- 1 Not Verified
- 2 Emmons Roger 773-3662
- 16 Not Verified
- 1*Pude David A 846-0660
- 23 Leeman Robt & Sandra 761-9306
- *Dobson Daniel W & Heidi J 828-1137
- 1*Eliaison Kristina 774-3824
- 2*Woodward Matthew 772-7742
- 29 PRECISION BUILDERS genl contrs 871-8924
- Consumer Benton D & Patricia A 30 Corey Richd D & Peggy J 774-1201
- 31 Colavecchio Mary J 761-9277
- 32 Corey Frances J 773-3085
- Corey Robert 773-3085
- 34 Oikrent Mark B & Charlotte E Wirt 35-38 Not Verified (2 Hees)
- 38 Greenlaw Michl & Catherine R 40*Burham David 879-6088
- *SHERWOOD ST INTERSECTS
- 53 Rockwell Caroline 774-5215
- 54 Doyle Richard A & Betty M 55 Hamilton Edw J & Gail K 773-3313
- 56*Gamage Jane 772-2259
- Not Verified
- Thomas Dawn
- 58 Mason John W & Margt K genl contrs 60 Peter

95 Donatello Lawrence A & Anna T 773-2771

- 101 D'Altono Nunzi 773-0132
- Baude Maria 773-0132
- * PROVIDENCE ST INTERSECTS
- 109 Di Pietro Jo Ann
- 114 Puschook Thomas A & Patricia 773-9640
- 115 Foley Paul K & Mary Ann 773-2941
- 123 Hamilton Leon W 772-8245
- Richards Wayne E & Conceita D 761-1945
- 124 Donatello Phyllis L 772-4990
- * S GARFON ST INTERSECTS
- 48 HOUSEHOLDS
- 2 BUSINESSES

KIDDER ST W -FROM 718 WASHINGTON AV SOUTH

- * ZIP CODE 04103
- * WASHINGTON AV INTERSECTS
- 11 Weste Dana R & Grace A 772-9647
- 12 Hibbard George E & Virginia S 772-9647
- 17 Rogers Sally W 775-3243
- 21 Walsh John J 775-1214
- 25 Fazio J Stephen & Dianne P 772-9647
- 27 Johnson Arvid A & E Frances 772-9647
- * HANSON ST INTERSECTS
- 30 Di Rocco Arthur J 879-0681
- 33 Fasulo Paul A & Michelle 772-9647
- 37*Fisher Mark & Alison Bane
- 38 Jamison D C 772-5383
- 39 Not Verified
- 41 Tanner A 772-4907
- 43*Miller Wm L 761-0583
- O'Halloran Scott 761-0583
- 45 Wallace Edward T 772-1444
- 48 Nicholson David J & Helen E 773-0540
- Nicholson Lisa M 773-0540
- PORTLAND DRYWALL 773-0540
- 51 Hyson Della G 774-2853
- Hyson Derrill 774-2853
- * PAYSON PARK CROSSES
- 16 HOUSEHOLDS
- 1 BUSINESS

KILDEER RD (CAPE ELIZABETH) FROM 46 COLUMBUS RD NORTH

- * ZIP CODE 04107
- * COLUMBUS RD INTERSECTS
- 10 Weeks Donald B & Barbara A 799-2535
- * THRASHER RD ENDS
- 18 Casey Mark E & Serena M 773-7122
- 19 Purdy John A & Leona A 799-2535
- 25 Peary David E & Deborah K 27 Conley Philip J & Judith A 31 Conley Jeffrey T 799-7420
- 31 Lusing Jacob M & Ruth E 38*Moran Richard J & Janet L 7 HOUSEHOLDS

80M 73 WELLWOOD RD

- 04103
- *RD INTERSECTS
- 2 Not Verif
- 96 Delcourt He
- 99 Conley Mich
- Conley Dixi
- 102 Saunders I
- 854-2955
- 107 Pednaht (854-1555
- 112 Miller Ha 854-2693
- 118 Williams (854-9865
- * PRINCE S
- 126 Champrg
- 140 Begin Dor 854-4360
- 143 Charite
- 145 Dinardo I
- 146 Lamprom 854-4467
- 147 Drouin E
- 148 Bilodeau
- 151 La Charnt
- La Charnt
- 154 Vacant
- 160 Mc Lan
- 856-6618
- * BRIDGE I
- 50 HOUSEH

FROM 128 HICKS ST EAST

- * ZIP CODE 04103
- * HANSON ST INTERSECTS
- 154 Vacant
- 160 Mc Lan
- 856-6618
- * BRIDGE I
- 50 HOUSEH

WESTBROOK-FROM SCOT RIVER NORTHWEST

- * ZIP CODE 04103
- * SCOT RIVER INTERSECTS
- 11* Talbot Sr 879-9130
- 12 Not Verif
- 22*Annone I
- * SPAR L
- 33*Berth H
- 45*Berth S
- 49 Not Verif
- 59 Carland
- * DEAD E
- 7 HOUSEH

KINGSTON FROM 8

- * ZIP CC
- *Nason T
- *Nason
- *STROU
- 11 Waluma
- 767-222
- Lord D
- Lord D
- Lord D
- * THAD
- * HUNN
- 29 Kyle B
- 767-4

FLOORPLAN

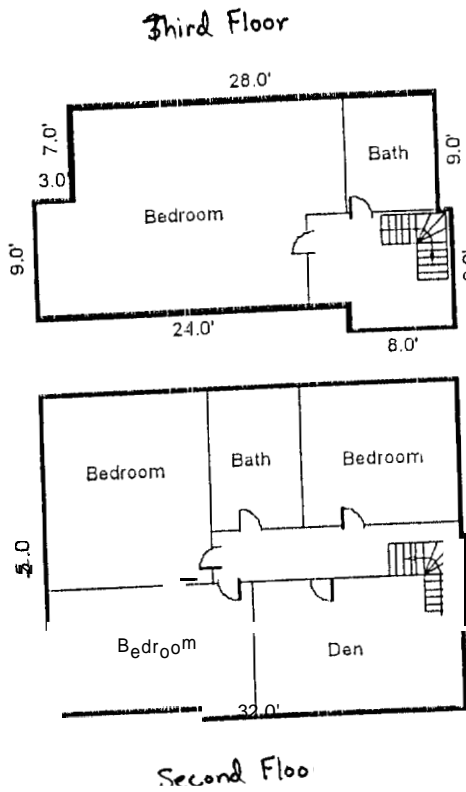
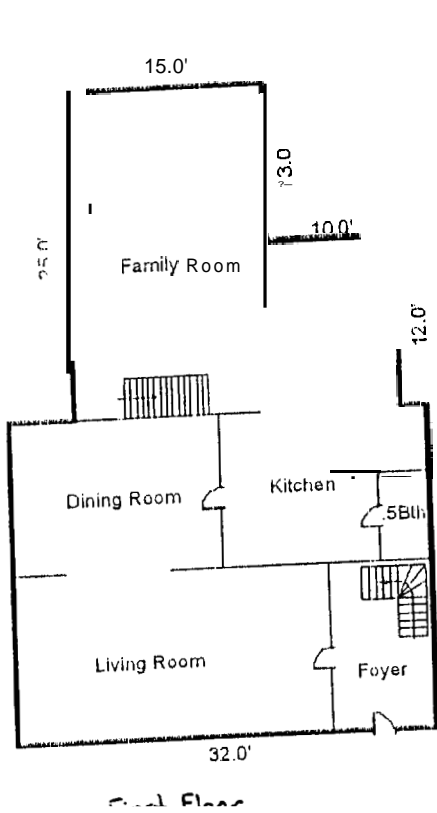
Borrower: Carlos Gomez & Melissa McStay
 Property Address: 37 Kenwood Street
 City: Portland
 Lender: First Financial Mortgage

File No.: CS504321

Case No.:

State: ME

Zip: 04102



Sketch by Apex 'dWindows'

AREA CALCULATIONS SUMMARY			
Code	Description	Size	Totals
LA1	First Floor	800.00	800.00
LA2	second floor	498.00	498.00
LA3	third floor		

LIVING AREA BREAKDOWN			
Breakdown:			Subtotals
First Floor			
12.0	x	25.0	300.00
13.0	x	15.0	195.00
25.0	x	32.0	800.00
Second Floor			
25.0	x	32.0	800.00
Third Floor			
8.0	x	9.0	72.00
7.0	x	9.0	63.00
16.0	x	21.0	336.00
3.0	x	9.0	27.00

Application for Legalization of Nonconforming Dwelling Units
June 9, 2005

Applicants: Carlos I. Gómez & Melissa McStay
Location: 31 Kenwood Street

Basement Apartment

Kitchen and Bathroom 11 x 11 = 121
Living Room 10 x 32 = 320
Bedroom 11 x 11 = 121
562 sq. ft.

Basement

Storage 12 x 25 = 300
Laundry 12 x 15 = 195
495 sq. ft.

Total Area: Basement Apartment, Storage and Laundry = 1,057 sq. ft.

Percent Apartment = $562 / 1057 = 53\%$
Percent Storage and Laundry = $495 / 1057 = 47\%$

