

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

Please Read
Application And
Notes, If Any,
Attached

BUILDING INSPECTION

PERMIT

Permit Number: 061780

This is to certify that YTURRASPE SUSAN Mhas permission to Dormer addition & interior renovationsAT 19 MERRIAM ST

085 J01700

APR - 9 2007

provided that the person or persons who accept this permit shall comply with all of the provisions of the Statutes of the State 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 when permission is procured before this building or part thereof is started or work is closed-in. 4 HOUR NOTICE 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

Thomas J. M. Mally 3/27/07
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

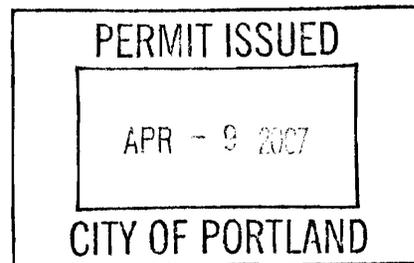
Permit No: 06-1780	Issue Date:	CBL: 085 J017001
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Location of Construction: 19 MERRIAM ST, Peaks Island	Owner Name: YTURRASPE SUSAN M	Owner Address: 15 MERRIAM ST	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Dwellings	Zone: IR2

Past Use: Single Family Home	Proposed Use: Single Family Home - Dormer addition & interior renovations	Permit Fee: \$1,220.00	Cost of Work: \$120,000.00	CEO District: 2
Proposed Project Description: Dormer addition & interior renovations		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: R3 Type: SB IRC 2003	
		Signature: <i>Jm 3/27/07</i>		
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: ldobson	Date Applied For: 12/13/2006	Zoning Approval
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- 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 <i>N/A</i> <input type="checkbox"/> Wetland <i>section 14-434a allows 22% of using this.</i> <input type="checkbox"/> Flood Zone <i>Final IS zone C</i> <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 <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 <i>ABU</i> Date: _____
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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: 06-1780	Date Applied For: 12/13/2006	CBL: 085 J017001
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Location of Construction: 19 MERRIAM ST	Owner Name: YTURRASPE SUSAN M	Owner Address: 15 MERRIAM ST	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Dwellings	

Proposed Use: Single Family Home - Dormer addition & interior renovations	Proposed Project Description: Dormer addition & interior renovations
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Ann Machado **Approval Date:** 03/23/2007

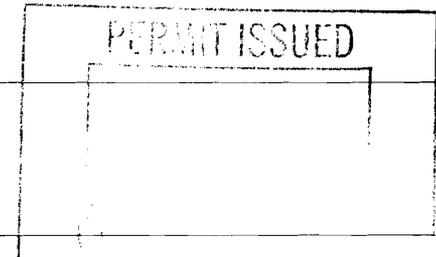
Note: Section 14-436(a) allows a 50% increase. First floor footprint is 764 s.f. Can expand 382 s.f. The dormer adds 85 s.f to the second floor which is 22% of the allowable increase. **Ok to Issue:**

- 1) This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
- 2) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
- 3) The existing shed on the site plan was not permitted. It must be permitted after the fact if it can meet all the underlying requirements of the zone.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Tom Markley **Approval Date:** 03/27/2007

Note: **Ok to Issue:**

- 1) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.
- 2) Separate permits are required for any electrical, plumbing, or HVAC systems. Separate plans may need to be submitted for approval as a part of this process.

**Comments:**

12/14/2006-amachado: In reviewing previous building permits to track the construction history of the house, I realized that the rear of the building had been added on to without a permit. (See permit #970949). That addition is still not permitted so the owner has no legal right to it and it doesn't meet setbacks or lot coverage. I spoke with the applicant Rachel Conley at Thompson Johnson Woodworks about the fact that part of the rear of the existing building is not legal and does not meet the zoning ordinance.

12/15/2006-amachado: Spoke to Rachel Conley again in response to her email dated 12/14/06 and reiterated what I had told her yesterday.

3/16/2007-amachado: Received copy of recorded "Agreement to Determine Status of Residence Footprint". Left message for Rachel Conley. Need to confirm that all three phases of work included on the plans are all part of this permit. Also the roof of the proposed front entrance goes beyond the existing footprint. There is no permit for the shed.

3/16/2007-amachado: Spoke to Rachel. The permit includes all the phases of work. She will send a revised plan that shows the roof of the front porch not expanding more than two feet beyond the existing footprint. I'm moving the permit forward to the plan reviewers so they can start their review.

3/23/2007-amachado: Received revised building plans for roof over front entry.

T h o m p s o n J o h n s o n
W o o d w o r k s

March 20, 2007



Ann Machado
Code Enforcement Officer
Planning and Development Department
389 Congress Street
Portland, Maine 04101

RE: 15 Merriam Street, Peaks Island

Dear Ann,

Please find enclosed revisions to a permit submission for the Yturraspe Residence located at 15 Merriam Street, Peaks Island, Chart 85, Block J, Lot 17. Per your request, I have made changes to the front entry roof, such that the overhangs do not exceed 24" beyond the original footprint.

Please let me know if there is anything else you need. Thank You.

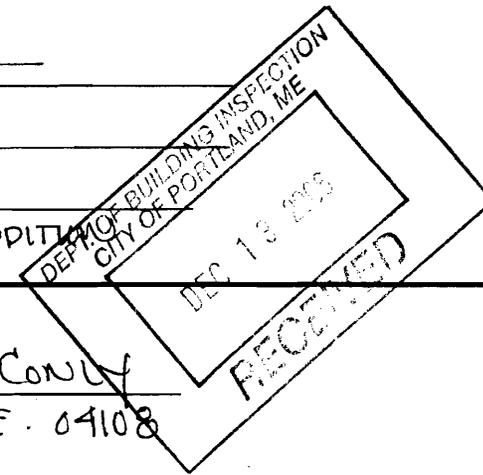
Rachel Conly
Architectural Designer
Thompson Johnson Woodworks

1 1 5 i s l a n d a v e n u e p e a k s i s l a n d m a i n e 0 4 1 0 8 2 0 7 . 7 6 6 . 5 9 1 9

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: 19 MERRIAM ST., PEAKS ISLAND ME 04108		
Total Square Footage of Proposed Structure NO FOOTPRINT CHANGE	Square Footage of Lot 2800 SF	
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# 85 J 17	Owner: SUSAN YURRASPE	Telephone: 207-766-2202
Lessee/Buyer's Name (If Applicable) _____	Applicant name, address & telephone: _____	Cost Of Work: \$ 120,000 Fee: \$ _____
Current use: SINGLE FAMILY RESIDENCE		
If the location is currently vacant, what was prior use: _____		
Approximately how long has it been vacant: _____		
Proposed use: SINGLE FAMILY RESIDENCE		
Project description: INTERIOR RENOVATION, FORMER ADDITION		
Contractor's name, address & telephone: _____		
Who should we contact when the permit is ready: RACHEL CONLEY		
Mailing address: 115 ISLAND AVE, PEAKS ISLAND, ME 04108		
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: 207-766-5919		



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 codes applicable to this permit.

Signature of applicant: <u>Paulle Cully</u>	Date: <u>12-12-06</u>
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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



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

30 day appeal up
January 17th

December 18, 2006

Susan M. Yturraspe
15 Merriam Street
Peaks Island, ME 04108

See copy of recorded
"Agreement to Determine
Status of Residence Footprint"
recorded 2/16/07

RE: 19 Merriam Street, Peaks Island – 085 J017 – IR-2 – interior renovations & dormer addition – permit # 06-1780

Dear Ms. Yturraspe,

Our office is in receipt of the building application for interior renovations and the addition of a dormer at your house at 19 Merriam Street, Peaks Island. In reviewing our records to track the construction history of the house to see if the dormer could be added under the land use ordinance, it came to my attention that part of the single story addition in the rear of the house was never permitted. In 1983 there was an amendment to permit #82-117 that shows the footprint of the house on the plans. The plan is not scalable but it shows that there were two rectangular extensions off of the rear of the house but the whole area was not built out. In 1997, permit #97-0949 was issued to construct a dormer. On the comment part of the permit one of the code enforcement officers wrote "7-22-98 Rear addition not included in permit 6 x 20+/- square out of building on first floor". The comment for 7-23-98 says that the code enforcement officer talked to someone and asked for a revised plan. We have no record of a revised plan ever having been filed. Since this addition was never permitted, you do not have any legal right to it. Section 14-145.11(c)(3) of the ordinance states that the side yard setback for the principal structure is twenty feet. The site plan shows that there are three feet on the right side of the building to the side property line and eight feet on the left side of the building to the side property line. Section 14-145.11(d) states that the maximum lot coverage is twenty percent of the lot area. The lot is 2800 square feet. Twenty percent of this is 560 square feet. The original twenty-four foot by twenty-four foot footprint of the building is 576 square feet, which is already over the maximum allowable lot coverage. Since the rear addition does not meet the required side setbacks or the lot coverage it cannot be permitted after the fact. Since the addition was not permitted and it does not meet the zoning ordinance, it must be removed. Our office is willing to work with you to bring your house into compliance with the ordinance.

You have the right to appeal my decision. If you wish to exercise your right to appeal, you have thirty 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 feel free to call me at 874-8709.

Sincerely,



Ann B. Machado
Zoning Specialist
(207) 874-8709

WARREN & CURRIER & BUCHANAN

Limited Liability Company, P.A.

Carol Godfrey Warren
David E. Currier
Brenda M. Buchanan

March 15, 2007

Marge Schmuckal
Zoning Administrator
Portland City Hall
389 Congress Street
Portland, ME 04141

RE: Susan M. Yuturraspe
15 Merriam Street
Peaks Island

Dear Marge:

Brenda Buchanan asked that I send you the enclosed copy of the Agreement to Determine Status of Residence Footprint for the property referenced above. This was recorded at the Cumberland County Registry of Deeds on February 16, 2007 in Book 24849, Pages 156-160.

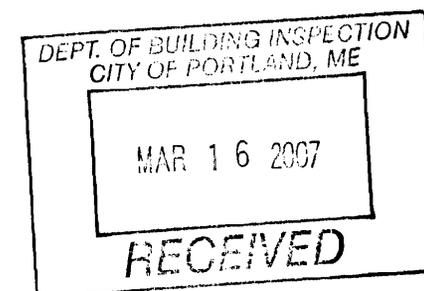
Please feel free to call this office if you have any further questions.

Sincerely,



Nancy Gibson-Nash

Enclosure



57 Exchange Street, Portland, Maine 04101-5020

Telephone (207) 772-1262 Telecopier (207) 772-1279 E-mail: counsel@wacubu.com

COPY

AGREEMENT TO DETERMINE STATUS OF RESIDENCE FOOTPRINT

Property Owner: Susan M. Yturraspe
Location of Property: 15 Merriam Street
Peaks Island, Maine 04108

Assessor's Reference: Chart 85, Block J, Lot 17

This Agreement is made this 31st day of January, 2007, by and between the City of Portland (hereinafter "City") and Susan Yturraspe (hereinafter "Owner").

WITNESSETH

WHEREAS, the Owner holds title to property located at 15 Merriam Street on Peaks Island in the City of Portland, which is more particularly described in a deed from Lawrence Weymouth and Anne H. Weymouth to the Owner, dated July 10, 2000, and recorded in the Cumberland County Registry of Deeds in Book 15589, Page 295; and

WHEREAS, a prior owner of the property obtained a building permit in 1997 (Permit #97-0949) to construct a dormer on the second floor of the house on the property; and

WHEREAS, at the time that permit was issued, the rear of the property was irregularly configured as shown on the sketch attached hereto, marked as Exhibit A; and

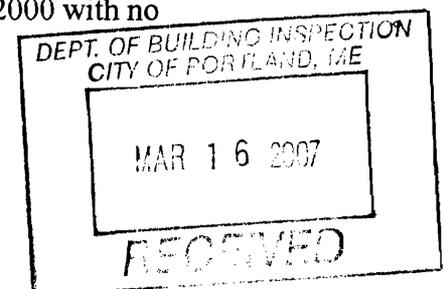
WHEREAS, at the time of an inspection on July 22, 1998, the City code enforcement officer noted that in addition to constructing the permitted dormer, the prior owner had squared off the rear of the property, thereby adding between 50 and 70 square feet of area to the building footprint (the "Unpermitted Work"); and

WHEREAS, at or about the time the Unpermitted Work was done, the former owners apparently reconfigured the interior of the house to locate the kitchen in the newly-squared off sections; and

WHEREAS, the code enforcement officer's notes, which were not a part of the public microfiche records at City Hall at the time the Owner purchased the property in 1998, reflect that when he observed the Unpermitted Work, he instructed the prior Owner to file a revised plan with the City; and

WHEREAS, there is no evidence in the City's files that a revised plan was ever filed; and

WHEREAS, the Owner purchased the property in July of 2000 with no knowledge of the above facts; and



WHEREAS, in the spring of 2006, the Owner hired Thompson Johnson Woodworks of Peaks Island to design and construct a second dormer on the second floor; and

WHEREAS, Rachel Conly, the architectural designer of the project, was not made aware of the Unpermitted Work when she reviewed City records prior to beginning the design because the notes of the 1998 code enforcement officer's inspection were not in the microfiche database; and

WHEREAS, the Zoning Administrator became aware of the Unpermitted Work when reviewing other files in the zoning office, causing the denial of Owner's application for a building permit to construct the second dormer, even though the new dormer is located over the original footprint of the house, not over the unpermitted section, and is otherwise acceptable for zoning purposes;

WHEREAS, requiring the Unpermitted Work to be removed at this time would eliminate what is now the house's kitchen, forcing a complete remodel of the first floor in order for the house to be habitable; and

WHEREAS, such removal would result in waste of resources; and

WHEREAS, the benefit to be gained by the City in forcing removal of the Unpermitted Work would be negligible; and

WHEREAS, abutters to the Owner's property have lived uncomplainingly with the Unpermitted Work for nearly a decade; and

WHEREAS, under the circumstances recited above, the parties desire to permit use and occupancy of the house on the footprint that exists as of the date of this agreement, including the Unpermitted Work, as a lawful use:

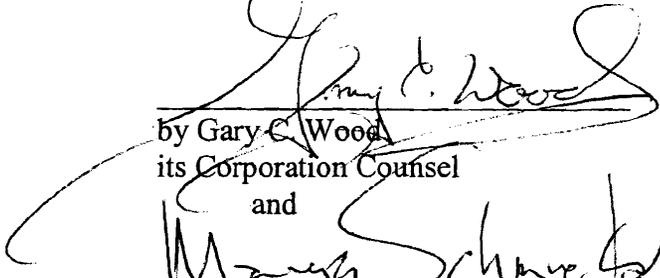
NOW, THEREFORE, in consideration of their mutual promises, covenants and agreements, and other good and valuable consideration, receipt of which is hereby acknowledged, the said parties agree, as follows:

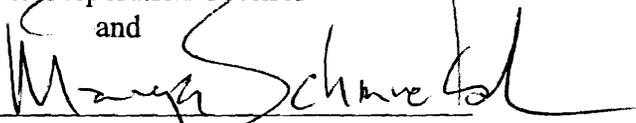
1. The Owner will pay \$ 100 to the City of Portland as a civil penalty, receipt of which is hereby acknowledged.
2. Hereinafter the Owner's house, including the Unpermitted Work, will have the status of a non-conforming, grandfathered building and be treated the way such buildings are treated in Portland's Land Use Code (§§ 14-382, et seq.), as such provisions be amended from time to time.
3. The City of Portland, in recognition of the non-conforming, grandfathered status created by this Agreement, covenants not to seek civil remedies nor damages as a result of the fact that a portion of the current footprint of the Owner's house was build without a permit as recited above.

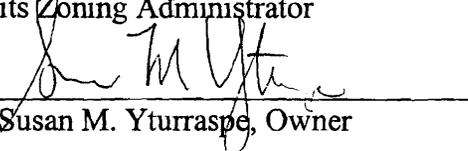
4. The rights granted by this Agreement shall extend to the Owner' heirs, successors, representatives and assigns.

IN WITNESS WHEREOF, the parties have set forth their hands and seals on the day and date set forth above.

City of Portland


by Gary C. Wood
its Corporation Counsel
and


by Marge Schmuckal
its Zoning Administrator


Susan M. Yturraspe, Owner

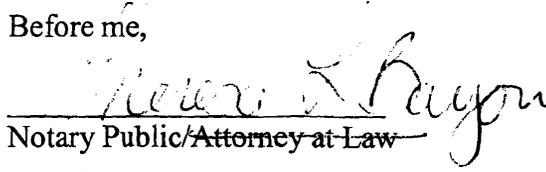
OATH

CUMBERLAND, ss.

January 31, 2007

Then personally appeared Gary C. Wood, in his capacity as Corporation Counsel of the City of Portland and made oath that he has read the above Agreement in his said capacity and knows the content thereof, and that the same is true of his own knowledge.

Before me,


Notary Public/Attorney at Law

Theresa L Bourgoin
Printed Name

Commission Expires:

Theresa L Bourgoin

Commission Expires October 2007

OATH

CUMBERLAND, ss.

January 11, 2007

Then personally appeared Marge Schmuckal, in her capacity as Zoning Administrator for the City of Portland, and made oath that she has read the above Agreement in her said capacity and knows the content thereof, and that the same is true of her own knowledge.

Before me,

Theresa L. Rougin
Notary Public/Attorney at Law

Theresa L. Rougin
Printed Name

Commission Expires:

Notary Public
My Commission Expires October 2007

OATH

CUMBERLAND, ss.

February 9th
January 11, 2007

Then personally appeared SUSAN M. YTURRASPE and made oath that she has read the above Agreement and knows the content thereof, and that the same is true of her personal knowledge.

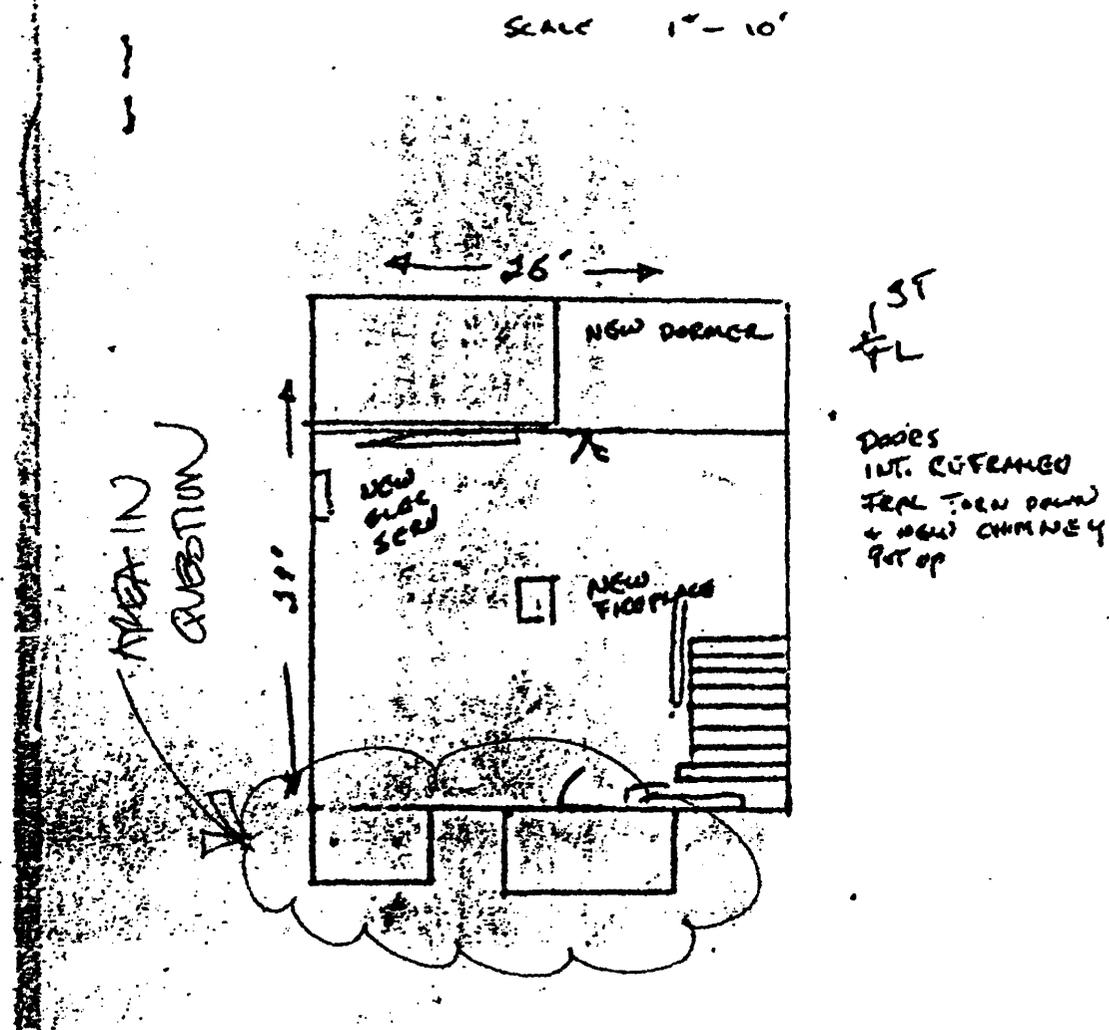
Before me,

Brenda M. Buchanan
Notary Public/Attorney at Law

BRENDA M. BUCHANAN
Printed Name

Commission Expires:

EXHIBIT A
City of Portland - Yturraspe Consent Order



This sketch shows the footprint of 15 Merriam Street
as it existed in 1997. The Unpermitted...
this