

# DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

BUILDING PERMITS SECTION

## PERMIT

Permit Number 090965  
**PERMIT ISSUED**  
SEP 22 2009  
CBL 087 W007001  
CITY OF PORTLAND

This is to certify that MOSS STEWART M Property Owner  
has permission to providing bedroom suite with alterations for  
AT 224 ISLAND AVE, Peaks Island

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 lath or other closed-in. 2 HOUSING NOTICE IS REQUIRED.

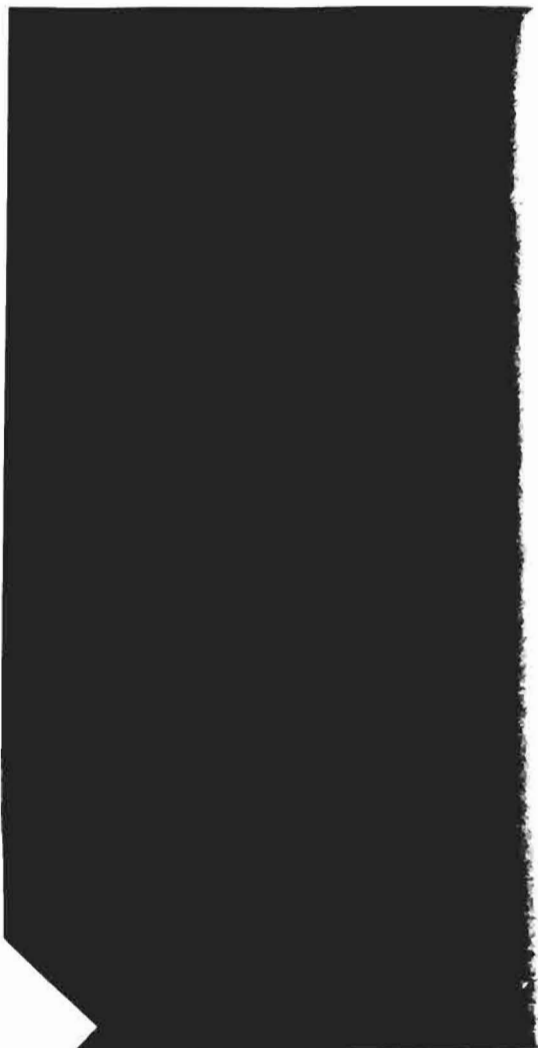
A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

### OTHER REQUIRED APPROVALS

Fire Dept. \_\_\_\_\_  
Health Dept. \_\_\_\_\_  
Appeal Board \_\_\_\_\_  
Other \_\_\_\_\_  
Department Name

*Thomas H. Marshall* 9/22/09  
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: 09-0965	Issue Date:	CBL: 087 W007001
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<b>Location of Construction:</b> 224 ISLAND AVE, Peaks Island	<b>Owner Name:</b> MOSS STEWART M	<b>Owner Address:</b> PO BOX 1682	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Property Owner	<b>Contractor Address:</b> Portland	<b>Phone:</b>
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Dwellings	<b>Zone:</b> IR-2

<b>Past Use:</b> Single Family Home	<b>Proposed Use:</b> Single Family Home w/ bedroom suite with alterations for father	<b>Permit Fee:</b> \$105.00	<b>Cost of Work:</b> \$875.00	<b>CEO District:</b> 1
<b>Proposed Project Description:</b> providing bedroom suite with alterations for father		<b>FIRE DEPT:</b> <input type="checkbox"/> Approved <input type="checkbox"/> Denied	<b>INSPECTION:</b> Use Group: R3 Type: SB IRC 2003	
		<b>Signature:</b>	<b>Signature:</b> Jm 9/22/09	
<b>PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)</b>				
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied				
<b>Signature:</b> _____ <b>Date:</b> _____				

<b>Permit Taken By:</b> Ldobson	<b>Date Applied For:</b> 09/03/2009	<b>Zoning Approval</b>		
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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..

<b>Special Zone or Reviews</b>	<b>Zoning Appeal</b>	<b>Historic Preservation</b>
<input type="checkbox"/> Shoreland	<input type="checkbox"/> Variance	<input checked="" 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: <i>OK with conditions</i> 9/17/09	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

**BUILDING PERMIT INSPECTION PROCEDURES**

**Please call 874-8703 or 874-8693 (ONLY)**

**to schedule your inspections as agreed upon**

**Permits expire in 6 months, if the project is not started or ceases for 6 months.**

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

**By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.**

**A Pre-construction Meeting will take place upon receipt of your building permit.**

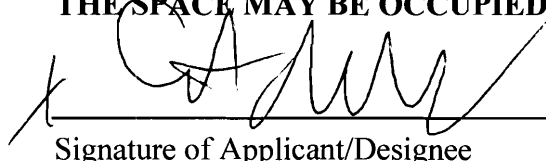
**Framing/Rough Plumbing/Electrical: Prior to Any Insulating or drywalling**

**Final inspection required at completion of work.**

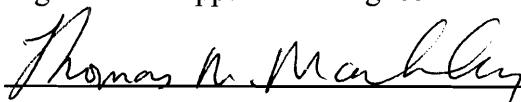
Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection.

**If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.**

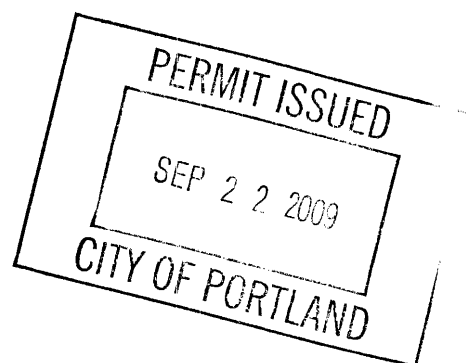
**CERTIFICATE OF OCCUPANCIES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.**

  
\_\_\_\_\_  
Signature of Applicant/Designee

9/23  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Signature of Inspections Official

9/22/09  
\_\_\_\_\_  
Date



CBL: 087 W007001

Building Permit #: 09-0965



# General 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>224 Island Ave, Peaks Island</u>		
Total Square Footage of Proposed Structure/Area <u>520 sq ft.</u>		Square Footage of Lot <u>3810 sq ft.</u>
Tax Assessor's Chart, Block & Lot Chart# <u>87</u> Block# <u>W</u> Lot# <u>7</u>	Applicant * <b>must be owner, Lessee or Buyer</b> * Name <u>Stew Moss</u> Address <u>224 Island Ave</u> City, State & Zip <u>Peaks Island, ME 04198</u>	Telephone: <u>232-4072</u>
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name Address City, State & Zip	Cost Of Work: \$ <u>875.00</u> C of O Fee: \$ <u>75.</u> Total Fee: \$ <u>950.</u>
Current legal use (i.e. single family) <u>Single Family</u> If vacant, what was the previous use? Proposed Specific use: <u>Addition of a Handicapped Family unit</u> <i>changed - will not have kitchen facilities</i> Is property part of a subdivision? <u>NO</u> If yes, please name Project description: <u>I plan to add a handicapped family unit to accomodate my handicapped father, I plan to do the work myself, except for the plumbing.</u>		
Contractor's name: <u>OWNER</u> Address: City, State & Zip Telephone: Who should we contact when the permit is ready: <u>Stew Moss</u> Telephone: <u>232-4072</u> Mailing address: <u>P.O. Box 1682 Gray, ME 04039</u>		

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

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), or stop by the Inspections Division 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 this permit.

Signature: Stew Moss Date: 9/3/09

This is not a permit; you may not commence ANY work until the permit is issued

SEP 3 2009

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

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

Permit No: 09-0965	Date Applied For: 09/03/2009	CBL: 087 W007001
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<b>Location of Construction:</b> 224 ISLAND AVE, Peaks Island	<b>Owner Name:</b> MOSS STEWART M	<b>Owner Address:</b> PO BOX 1682	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Property Owner	<b>Contractor Address:</b> Portland	<b>Phone:</b>
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Dwellings	

<b>Proposed Use:</b> Single Family Home w/ bedroom suite with alterations for father	<b>Proposed Project Description:</b> providing bedroom suite with alterations for father
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**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Marge Schmuckal      **Approval Date:** 09/17/2009**Note:****Ok to Issue:** 

- 1) 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.
- 2) This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
- 3) This permit is being approved on the basis of revised plans submitted on 9/17/09. Any deviations shall require a separate approval before starting that work. These revised plans show NO NEW KITCHEN FACILITIES.

**Dept:** Building      **Status:** Approved with Conditions      **Reviewer:** Tom Markley      **Approval Date:** 09/22/2009**Note:****Ok to Issue:** 

- 1) Hardwired interconnected battery backup smoke detectors shall be installed in all bedrooms, protecting the bedrooms, and on every level.
- 2) Separate permits are required for any electrical, plumbing, sprinkler, fire alarm or HVAC or exhaust systems. Separate plans may need to be submitted for approval as a part of this process.
- 3) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.

**Comments:**

9/4/2009-mes: An accessory dwelling unit is a conditional use appeal to the ZBA - but this proposal is not meeting many of the requirements of the conditional use, such as lot area required, limit to no more than 35% of floor area - also a question about the owner occupying the lot full time - has an address in Gray - see letter

9/16/2009-mes: I received a phone message - owner got my letter - will come in and revise the plans to be a single family dwelling with an area for his father - only one kitchen.

9/17/2009-mes: Owner e-mailed new plans showing that it is not longer a separate dwelling unit for his father. It is still a single family dwelling.



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	087 W007001
Location	224 ISLAND AVE
Land Use	SINGLE FAMILY
Owner Address	MOSS STEWART M PO BOX 1682 GRAY ME 04039

IR-2

Book/Page	19156/022
Legal	87-W-7 ISLAND AVE PEAKS ISLAND 3810 SF

Current Assessed Valuation

Land	Building	Total
\$133,400	\$55,600	\$189,000

Property Information

<b>Year Built</b> 1900	<b>Style</b> Bungalow	<b>Story Height</b> 1	<b>Sq. Ft.</b> 1000	<b>Total Acres</b> 0.087		
<b>Bedrooms</b> 2	<b>Full Baths</b> 1	<b>Half Baths</b>	<b>Total Rooms</b> 4	<b>Attic</b> None	<b>Basement</b> Pier/slab	

Outbuildings

<b>Type</b>	<b>Quantity</b>	<b>Year Built</b>	<b>Size</b>	<b>Grade</b>	<b>Condition</b>
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Sales Information

<b>Date</b> 04/01/2003	<b>Type</b> LAND + BLDING	<b>Price</b> \$100,000	<b>Book/Page</b> 19156-22
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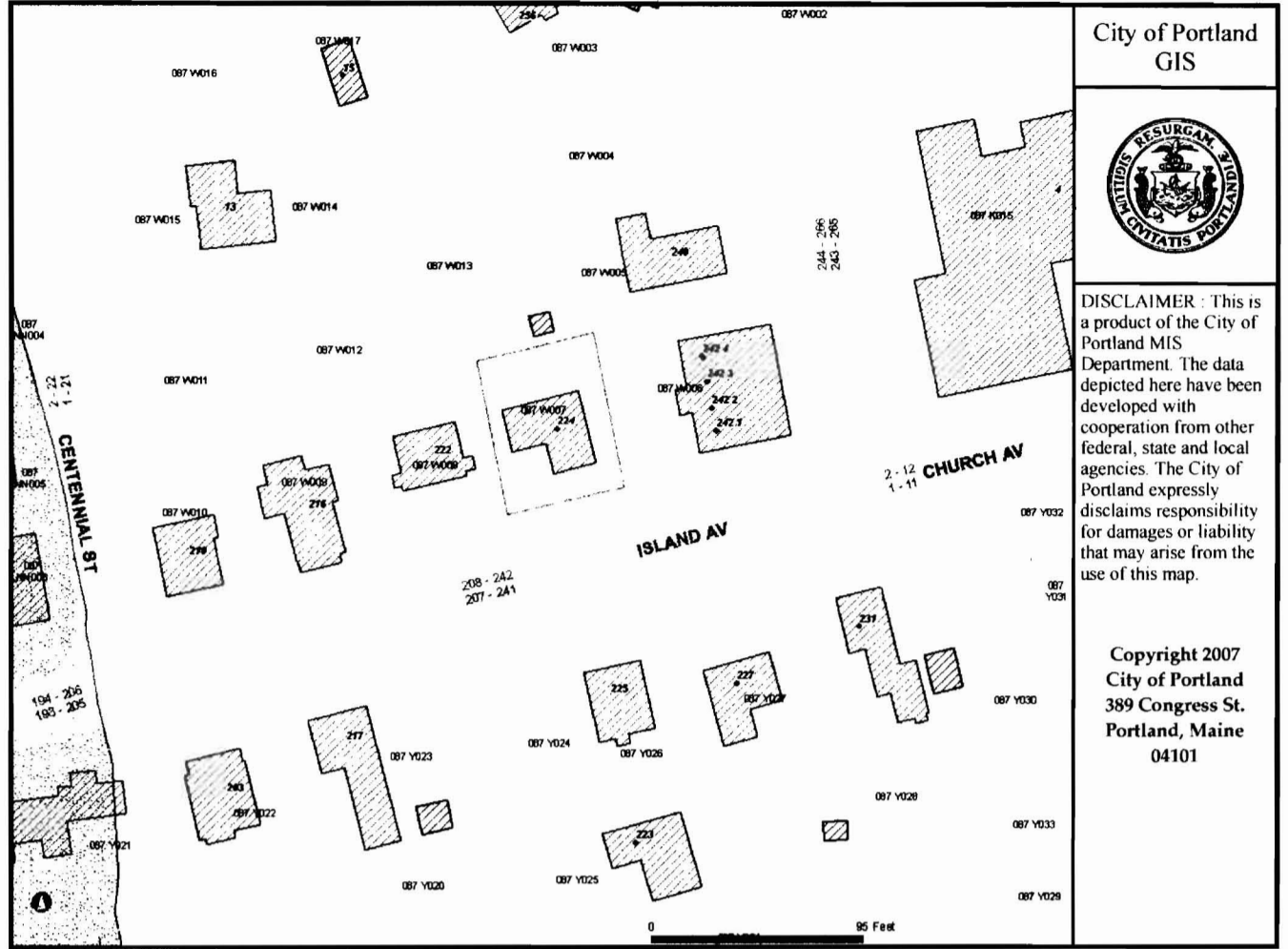
Picture and Sketch

[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](#).

**New Search!**



IR-2



**From:** Gayle Guertin  
**To:** Marge Schmuckal  
**Date:** 9/17/2009 3:26:52 PM  
**Subject:** Fwd: 224 Island Ave building permit revisions

>>> stone <stew.moss@yahoo.com> 9/17/2009 2:08:40 PM >>>  
Hi,

Gayle,

Please forward these revised plans for my 224 Island Ave building permit along to Marge Schmuckal.

regards,

stew moss

232-4072

**CC:** Gayle Guertin

INSPI  
PLANNING

SEP 17 2009

OPEN

September 17, 2009

Marge Schmuckal  
Zoning Administrator  
City of Portland, ME

Re: 224 Island Ave, Peaks Island-087-W-007-IR-2 Zone -permit # 09-0965

Attention Marge Schmuckal,

After consulting with my real estate attorney, Mr. Thomas Jewell, I have decided to pursue a new handicapped area for my father at 224 Island Ave. without kitchen facilities to meet the current ordinances.

I have enclosed new drawings of the area proposed, including "Detail of removal of all walls/partitions; one new beam", and "Detail of new wall construction." Note these new drawings show a new door between areas, as well as the deletion of any kitchen facilities. I hope this will meet your requirements, as I remain available at the contact provided for any further questions.

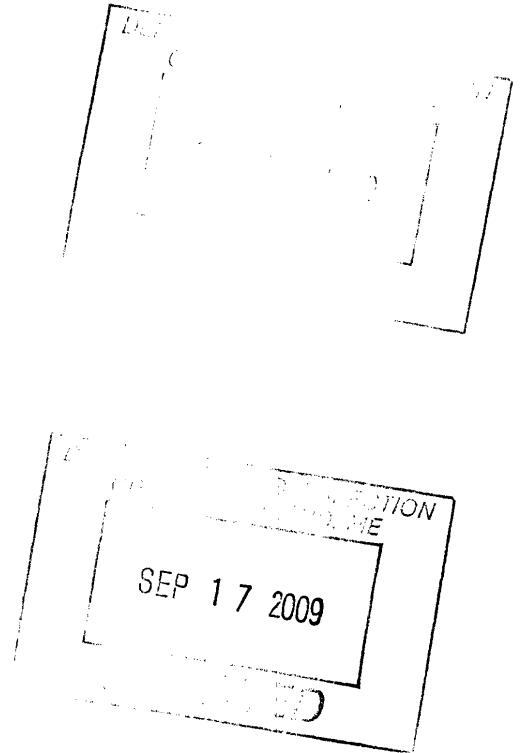
regards,

Stew Moss RN

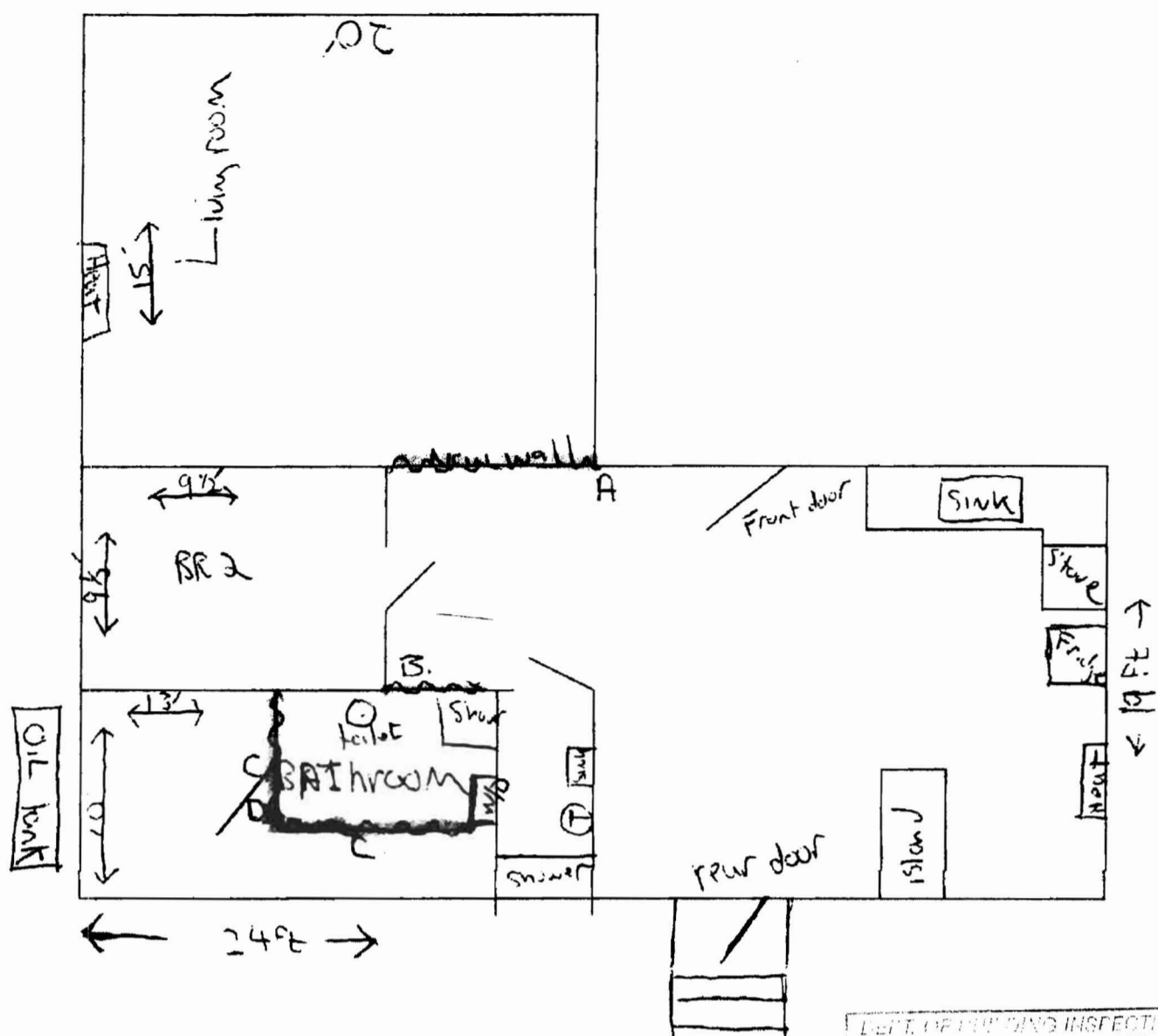


207-232-4072

stew.moss@yahoo.com



Front

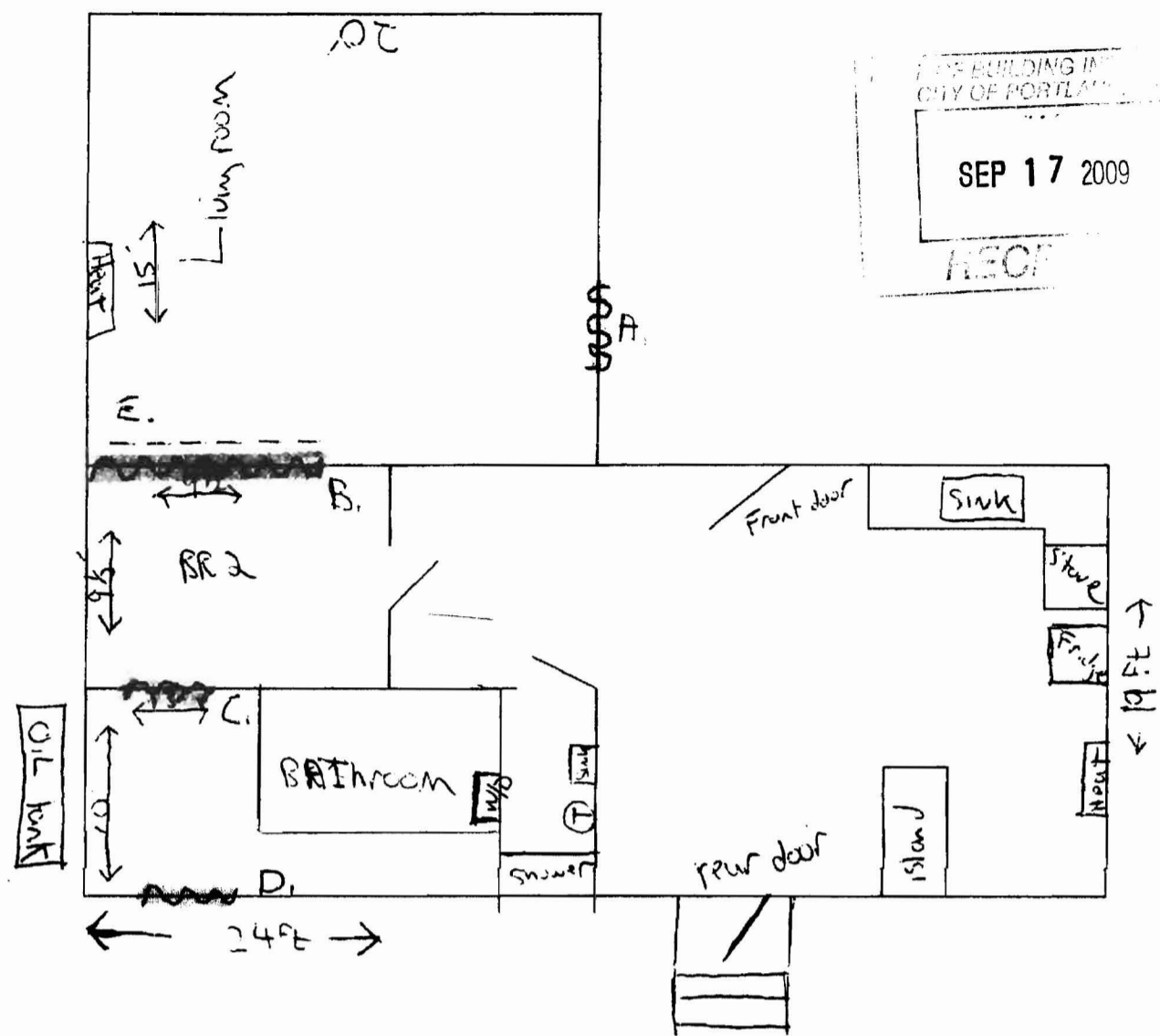


DEPT. OF BUILDING INSPECTION  
CITY OF PORTLAND, ME  
SEP 17 2009  
RECEIVED

Detail of new wall construction.

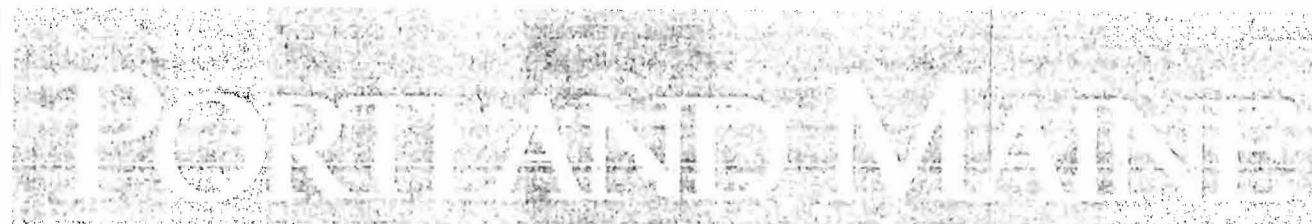
- A. - Separates Living room
- B. Closes doorway to former bedroom.
- C. Encloses bathroom.
- D. Doorway to bathroom

Front



THE BUILDING INSPECTOR  
CITY OF PORTLAND  
SEP 17 2009  
REC'D

- Detail of Removal of all walls/partitions; 1 new beam.
- A. Removal of existing window and replace with entry door.
- B. Removal of 6' of wall to open up BR 2 to the livingroom
- C. Removal of 32" for doorway
- D. Removal of existing window for exit to rear yard.
- E. 6' 4"x4" support beam to replace removed 2"x4" S; to be added



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

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

September 4, 2009

Stewart M Moss  
P.O. Box 1682  
Gray, ME 04039

RE: 224 Island Avenue, Peaks Island – 087-W-007 – IR-2 Zone – Permit #09-0965

Dear Mr. Moss,

I am in receipt of your permit application to change the use of your property on Peaks Island from a single family to a single family with an accessory dwelling unit. Your permit application is on hold based upon the requirements of the IR-2 Zone in which your property is located.

Please note that the use you are seeking, the addition of an accessory dwelling unit, is a conditional use appeal before the Zoning Board of Appeals. I am enclosing a copy of section 14-145(a) which outlines the requirements that you must meet to obtain such an appeal. Your current application submittal indicates that several of the conditions are NOT being met. An accessory dwelling unit requires 30,000 square feet of land area for this use. Your lot is shown to have only 3,810 square feet which is significantly under the requirement. There is also a requirement that the accessory unit be no more than 35% of the gross floor area of the principal building. My quick calculations based on the minimal amount of information that you provided, shows that the accessory unit will have approximately 505 square feet of area out of a total of 1000 square feet of building area. That is half of the existing structure instead of the maximum 35% allowed.

There is another requirement that either the accessory unit or the principal dwelling unit shall be occupied by the owner of the lot, except for bona fide temporary absences. The mailing address given to the City for assessment purposes and for this permit application is in Gray, Maine.

Before the Zoning Board of Appeals can grant this type of Conditional Use Appeal, you shall first obtain variances for any condition(s) that you can not meet.

It may be easier to revise your plans to instead show a new area handicap area for your father with out kitchen facilities. Under such conditions, this office could approve a

*new plans  
by e-mail  
9/17/09  
9/16/09 - phone  
message - will  
bring in revised  
plans*

permit without the need for a Conditional Use Appeal. This office would be glad to work with you to redesign your plans to meet the current ordinances.

I am enclosing section 14-145 (a) of the Ordinance with the requirements for an accessory dwelling unit.

Your current application is on hold until this office receives revised information, or receives an application for a Variance and/or Conditional Use Appeal(s).

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Marge Schmuckal", with a long horizontal flourish extending to the right.

Marge Schmuckal  
Zoning Administrator

CC: File

enclosure

conditional use permit, subject to the provisions of section 14-474 (conditional uses) of this article and any special provisions, standards or requirements specified below:

(a) *Residential:*

1. Accessory dwelling unit within and clearly subordinate to a principal single-family detached dwelling provided that:
  - a. The accessory unit shall be no more than thirty-five (35) percent of the gross floor area of the principal building and shall have a minimum floor area of four hundred (400) square feet;
  - b. Lot area shall be thirty thousand (30,000) square feet;
  - c. There shall be no open outside stairways or fire escapes above the ground floor;
  - d. Any additions or exterior alterations such as facade materials, building form, roof pitch, and exterior doors shall be designed to be compatible with the architectural style of the building and preserve the single-family appearance of the building. The exterior design of new construction including facade materials, building form, roof pitch and exterior doors shall have a single-family appearance;
  - e. A lower level dwelling unit shall have a minimum two-thirds of its floor-to-ceiling height above the average adjoining ground level;
  - f. Either the accessory unit or the principal dwelling shall be occupied by the owner of the lot on which the principal building is located, except for bona fide temporary absences; and

- g. All sanitary waste shall be disposed of by a public sewer, subsurface sewerage system or other method in compliance with state and local regulations.

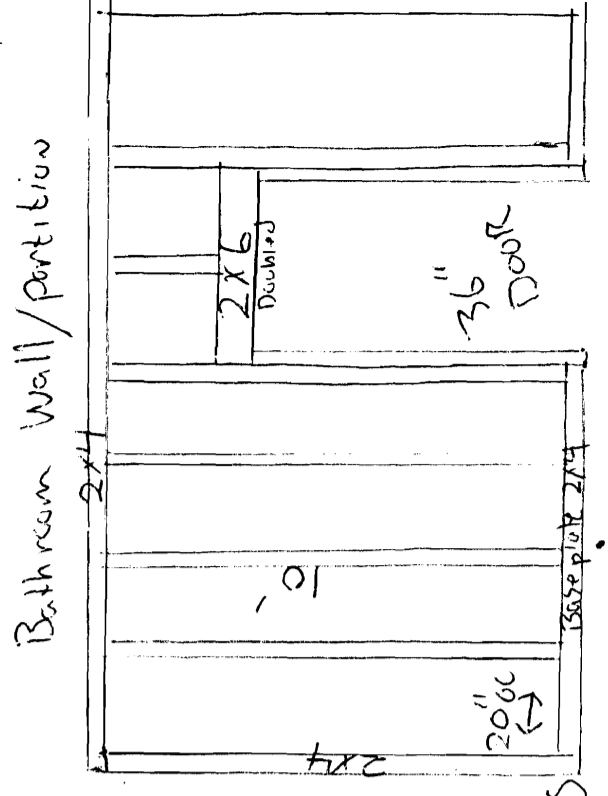
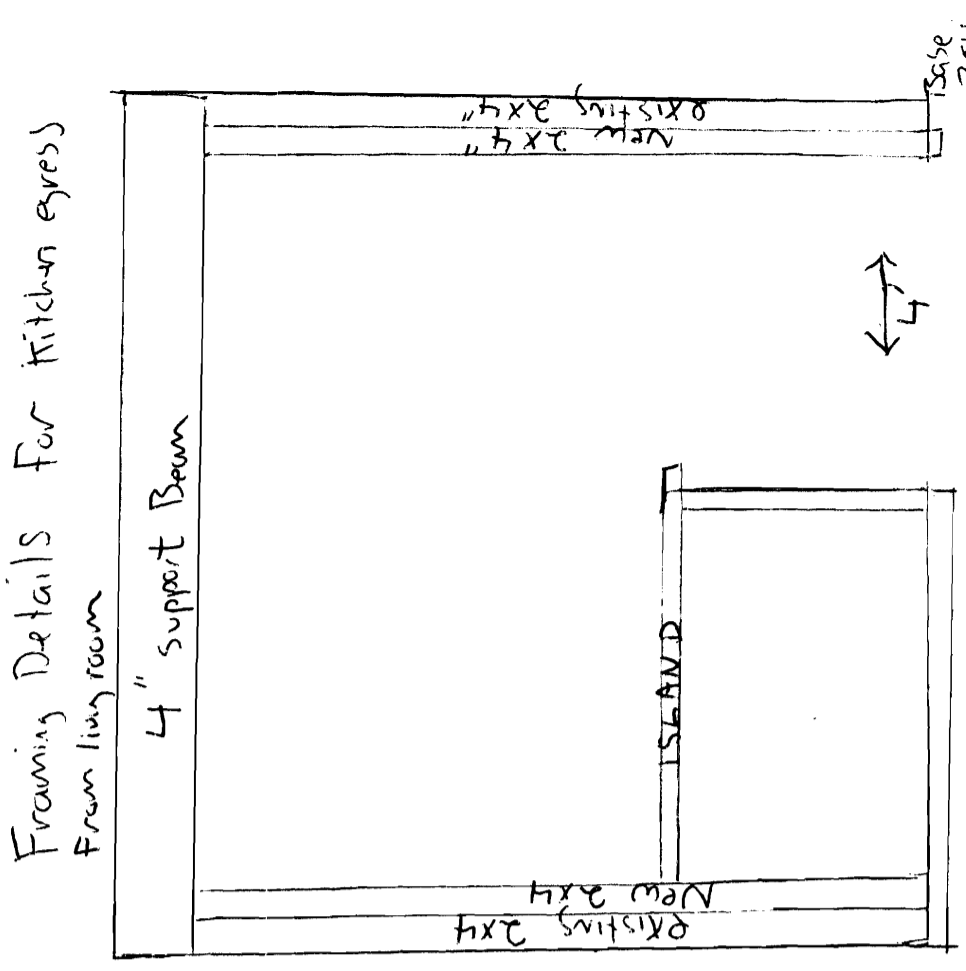
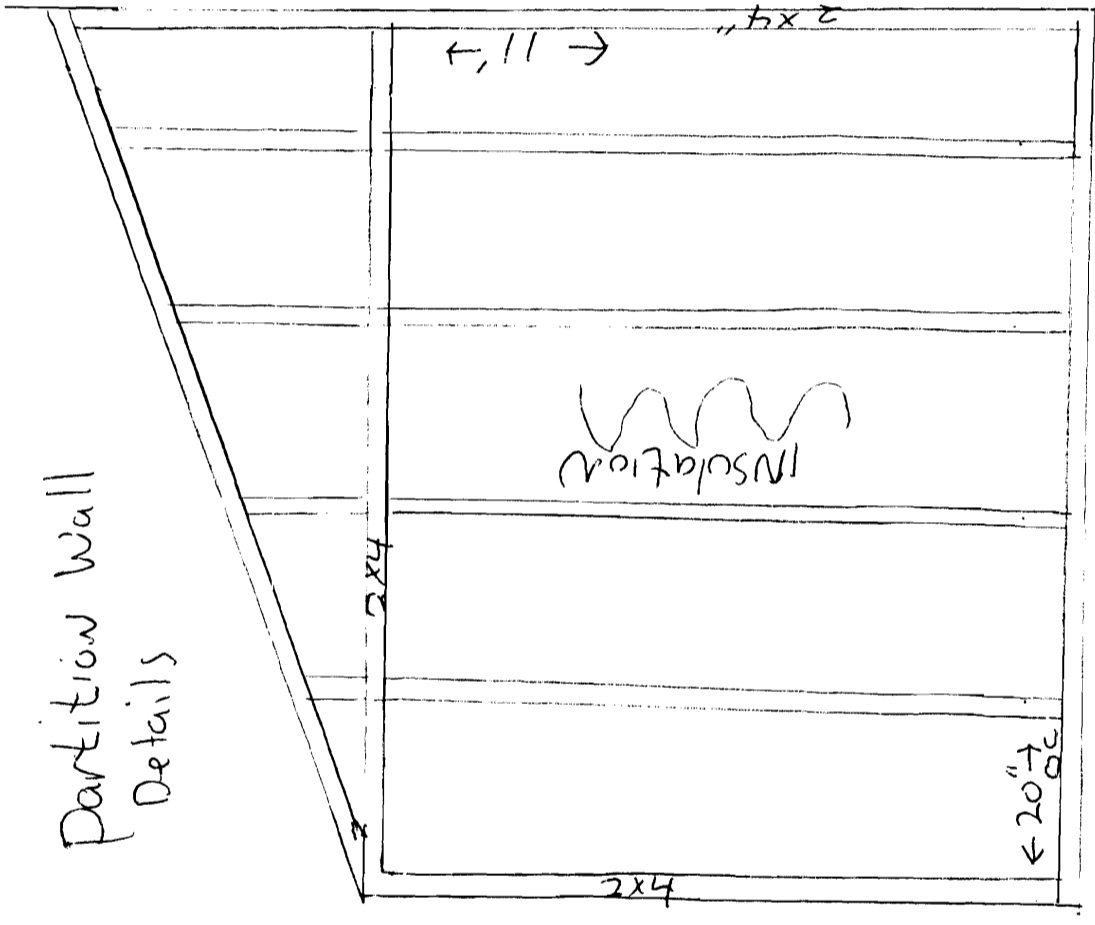
(b) *Institutional*: Any of the following uses provided that, notwithstanding section 14-474(a) (conditional uses) of this article or any other provision of this Code, the planning board shall be substituted for the board of appeals as the reviewing authority:

1. Schools and other educational facilities;
2. Churches or other places of worship;
3. Private clubs or fraternal organizations excluding yacht clubs and marinas;
4. Municipal uses, provided that outside storage and parking areas are suitably screened and landscaped to ensure compatibility with the surrounding neighborhood;

Such uses shall be subject to the following standards if the total land area of the use is two (2) acres or more:

- a. In the case of expansion of existing such uses onto land other than the lot on which the principal use is located, it shall be demonstrated that the proposed use cannot reasonably be accommodated on the existing site through more efficient utilization of land or buildings, and will not cause significant physical encroachment into established residential area;
- b. The proposed use will not cause significant displacement or conversion of residential uses existing as of July 15, 1985, or thereafter; and
- c. In the case of a use or use expansion which constitutes a combination of the above-listed

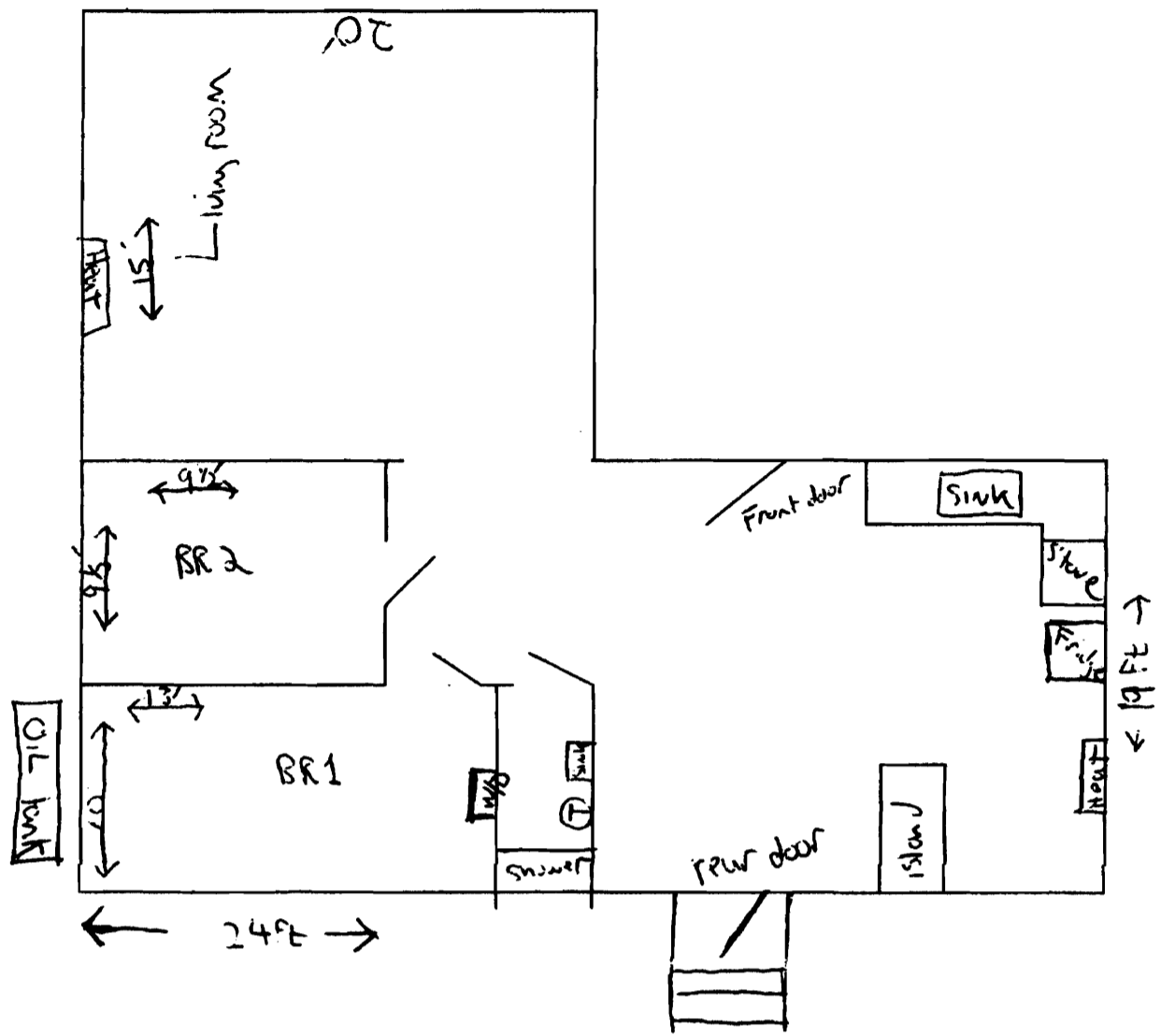




New Construction FRAMING Details

# Current Floor Plan 224 Island Ave


Front




Details

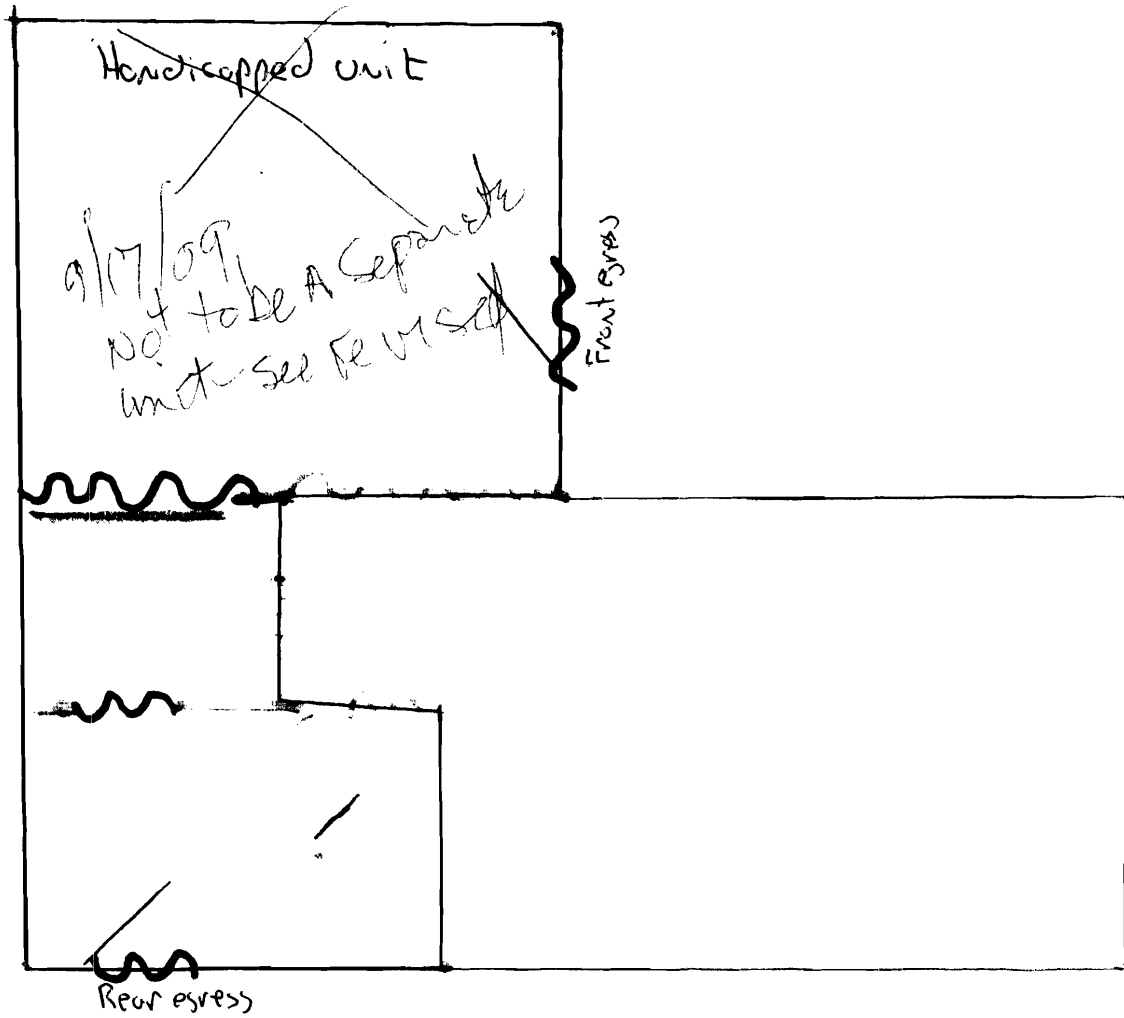
Permanent Partitions, Demolition, New Structural beam

 = New partition

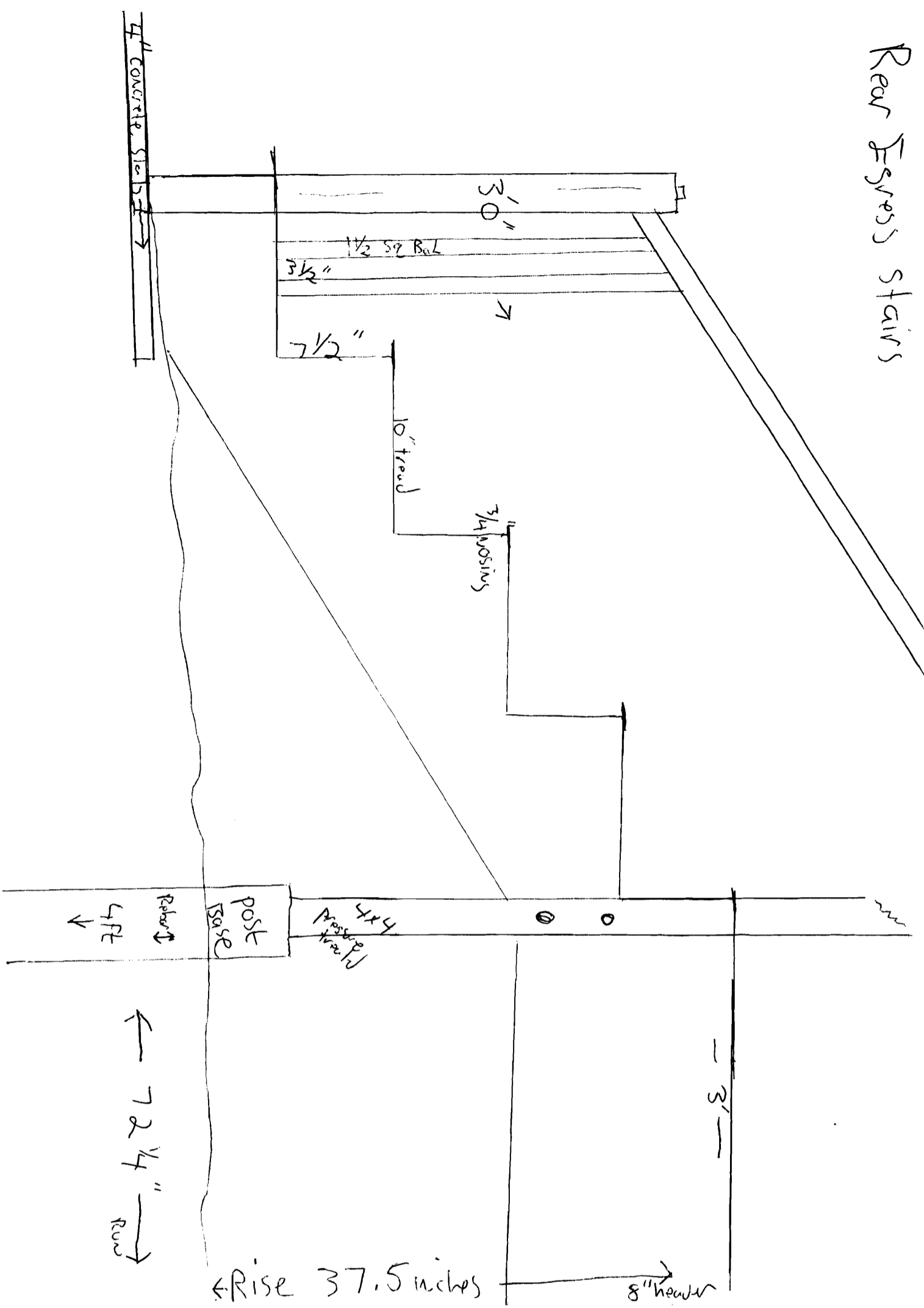
 = Demolition for space + doors

 = New 4x4 structural beam

Front



Rear Egress Stairs





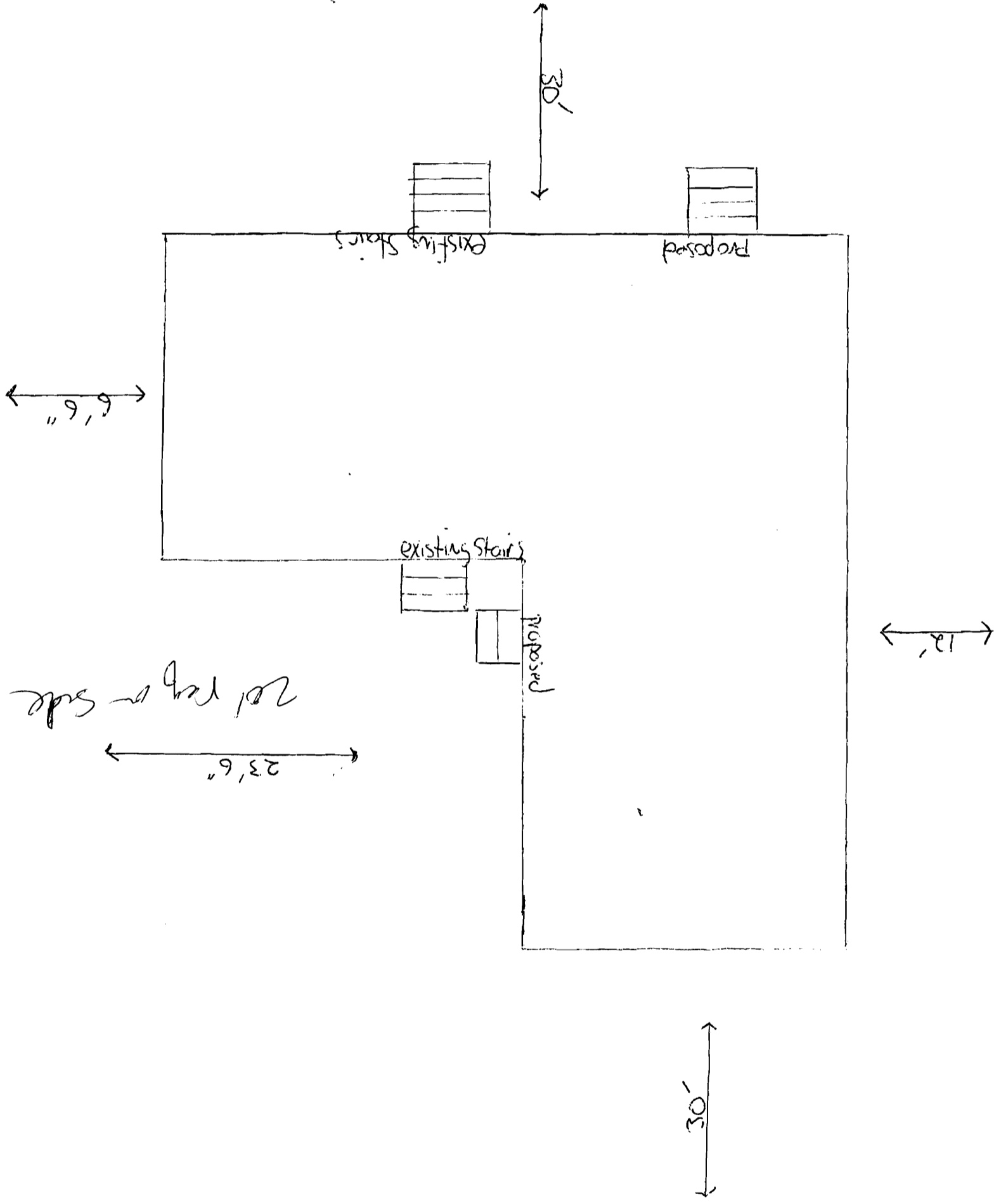
<http://www.portlandassessor.com/images/pictures/01069201.jpg>

9/4/2009

0/0

1R-2

25' required in front



224 Island Ave Setbacks

Edge of Road