

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

Location of Construction: <i>99 Chenery Street</i>		Owner: <i>Ira O. Waltz and Jeffrey M. Cheetham</i>		Phone: <i>775-2955</i>		Permit No: <b>960611</b>	
Owner Address:		Leasee/Buyer's Name:		Phone:		Business Name:	
Contractor Name:		Address:		Phone:		Permit Issued: <b>JUN 28 1996</b> <b>CITY OF PORTLAND</b>	
Past Use: <i>Single fam dwelling</i>		Proposed Use: <i>Same w/deck</i>		COST OF WORK: \$		PERMIT FEE: \$50.00 appeal fee	
				FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:	
Proposed Project Description: <i>Variance Appeal</i>				Signature:		Signature:	
				PEDESTRIAN ACTIVITIES DISTRICT (P.U.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		Zoning Approval: <i>OK 6/25/96</i> <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"/>	
Permit Taken By: <i>Vicki Dover</i>		Date Applied For: <i>May 9, 1996</i>					

1. This permit application doesn't 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..

**PERMIT ISSUED WITH REQUIREMENTS**

**APPEAL SUSTAINED 6/20/96**

**PERMIT ISSUED WITH REQUIREMENTS**

**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 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 provisions of the code(s) applicable to such permit

SIGNATURE OF APPLICANT *Jeffrey M. Cheetham* ADDRESS: DATE: *5/9/96* PHONE: *775-2955*

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE PHONE:

- Zoning Appeal**
- Variance
  - Miscellaneous
  - Conditional Use
  - Interpretation
  - Approved
  - Denied

- Historic Preservation**
- Not in District or Landmark
  - Does Not Require Review
  - Requires Review

- Action:**
- Approved
  - Approved with Conditions
  - Denied

Date: *6/26/96*

*D. Andrew*

CEO DISTRICT **#6**  
*Aron*

COMMENTS

9-12-96 Deck is all completed

Inspection Record

	Type		Date
Foundation:	OK	Allen	9/12/96
Framing:	OK	an	mu
Plumbing:			
Final:			
Other:			

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

Location of Construction: 89 Chenery St		Owner: Ira Waltz		Phone:		Permit No:	
Owner Address:		Leasee/Buyer's Name:		Phone:		BusinessName:	
Contractor Name: Steven Bourey		Address: 157 Brentwood St Ptld, ME		Phone: 04103 761-4217		Permit Issued:	
Past Use: 1-fam		Proposed Use: Same w/deck		COST OF WORK: \$ 2,500.00		PERMIT FEE: \$ 35.00	
Proposed Project Description:  Construct Deck		FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:		Zone: R-3 CBL: 120-A-35-41-1	
		Signature:		Signature:		Zoning Approval:	
Proposed Project Description:		PEDESTRIAN ACTIVITIES DISTRICT (P.U.D.)		Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		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"/> nph <input type="checkbox"/>	
Permit Taken By: Mary Gresik		Date Applied For: 25 April 1996		Signature:		Date:	

1. This permit application doesn't 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.

**Zoning Appeal**

Variance  
 Miscellaneous  
 Conditional Use  
 Interpretation  
 Approved  
 Denied

**Historic Preservation**

Not in District or Landmark  
 Does Not Require Review  
 Requires Review

**Action:**

Approved  
 Approved with Conditions  
 Denied

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 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 provisions of the code(s) applicable to such permit

SIGNATURE OF APPLICANT: Steven Bourey ADDRESS: \_\_\_\_\_ DATE: 25 April 1996 PHONE: \_\_\_\_\_

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE: \_\_\_\_\_ PHONE: \_\_\_\_\_

CEO DISTRICT 6

Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

## CITY OF PORTLAND

Steven Bourey  
157 Brentweed Street  
Portland, Maine 04103

April 30, 1996

RE: 89 Chenery Street - R-3 Zone

Dear Mr Bourey,

As I explained on the phone, I have received and reviewed your permit application to construct a deck at the above named location. I can not issue the permit because the allowance would violate section 14-90(5) of the Land Use Ordinance which restricts the maximum coverage of a lot in this R-3 zone to 25%. The present lot size is 6,264 sq. ft. which would limit the maximum lot coverage to 1,566 sq. ft. Prior to the deck being built, the lot coverage is now at 1,536 sq. feet. With the additional proposed deck, the lot coverage would be at approximately 1,796 sq. feet. Also Section 14-436(b) restricts further intrusions into the rear setback. 14-436(b) states, "Existing buildings which are conforming as to land area per dwelling unit on July 19, 1988, whether conforming or nonconforming as to any yard requirements, may be enlarged or extended within the existing footprint, provided that the expansion of portions of buildings adjacent to any nonconforming setback does not extend horizontally beyond the exterior walls of the exiting building." You would have to modify your proposal in order to meet this provision.

You have the right to appeal the maximum lot coverage provision within thirty days of the receipt of this letter. Please bear in mind that this is a variance appeal which is very difficult to gain approval. I have enclosed copies of information which you would need in order to appeal this matter. If you would like a refund of your permit, you will need to bring in your original receipt to this office so that we can process it.

If you have any questions, please do not hesitate to contact this office.

Sincerely,

Marge Schmuckal  
Zoning Administrator

Appeals Board Approved  
6/20/96  
under Sec. 14-385

cc to: Ira Waltz, 89 Chenery St.

**CITY OF PORTLAND, MAINE**

BOARD OF APPEALS



June 21, 1996

Ira O. Waltz  
Jeffrey M. Cheetham  
89 Chenery Street  
Portland, Maine 04103

RE: 89 Chenery Street

Dear Ira and Jeffrey,

As you know at its June 20, 1996 meeting, the Board of Appeals voted to grant your Interpretation Appeal.

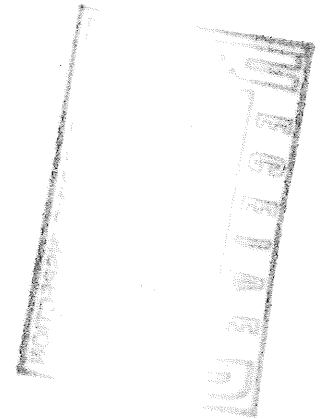
A copy of the Board's decision is enclosed for your records.

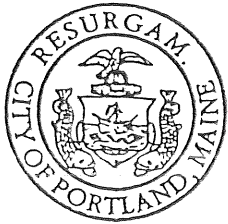
Before any construction begins, it will be necessary for you to come to this office and apply for a building permit. At the time of application, please bring with you the documentation necessary to expedite the process. We are open Monday through Friday from 7:00 a.m. to 4:00 p.m.

Sincerely,

Marge Schmuckal  
Asst. Chief, Code Enforcement Division

cc: Matthew D. Manahan, Chairman, ZBA  
Joseph E. Gray, Dir, PUD  
P. Samuel Hoffses, C, Code Enf Div  
Charles A. Lane, Corp. Counsel  
A. Rowe, CEO





CITY OF PORTLAND  
Planning and Urban Development Department

MEMORANDUM

*TO:* Nadeen Daniels, City Clerk

*FROM:* Marge Schmuckal, Asst. Chief, Inspection Services

*SUBJECT:* Actions taken by the Board of Appeals on June 20, 1996

*DATE:* June 21, 1996

The meeting was called to order at 7:02 p.m. Five Board Members were present. Matthew Manahan and Laura Bartsch were absent. William Neleski was acting chairman and Elizabeth Bordowitz was acting secretary.

1. *Unfinished Business:*

*Variance Appeal:*

89 Chenery Street, Ira O. Waltz and Jeffrey M. Cheetham, owners, the Board accepted the withdrawal of this appeal. R-3 Zone

2. *New Business:*

*Interpretation Appeal:*

89 Chenery Street, Ira O. Waltz and Jeffrey M. Cheetham, owners, the Board voted 4-1 to grant the request to reconsider the interpretation of the term structure based on Section 14-385 regarding this particular patio and its substantial structure relief from the 25 percent maximum lot coverage. R-3 Zone

*Variance Appeal:*

22 Bramhall Street, Shepley, Bulfinch, Richardson and Abbott, on behalf of Maine Medical Center, owner, the Board voted 5-0 to grant relief from the maximum structure height of 45 feet.

3. *The meeting was adjourned at 10:05 p.m.*

Enclosure: Agenda for June 20, 1996 meeting  
Copy of Board's decision  
Tape of meeting (2)

cc: Joseph E. Gray, Dir, PUD  
P. Samuel Hoffses, C, Code Enf Div  
Charles Lane, Corp Counsel  
Matthew Manahan, Chairman ZBA

BUILDING PERMIT REPORT

DATE: 26 June / 96 ADDRESS: 89 Choseny St.  
 REASON FOR PERMIT: To Construct deck  
 BUILDING OWNER: 10 X 26' 2"  
 CONTRACTOR: WALTZ - Cheatham APPROVED: \*1, \*11, \*13  
 PERMIT APPLICANT: \_\_\_\_\_ DENIED: \_\_\_\_\_

CONDITION OF APPROVAL OR DENIAL

- \*1. Before concrete for foundation is placed, approvals from ~~the Development Review Coordinator and~~ Inspection Services must be obtained. (A 24 hour notice is required prior to inspection)
2. Precaution must be taken to protect concrete from freezing.
3. It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.
4. All vertical openings shall be enclosed with construction having a fire rating of at least one(1) hour, including fire doors with selfclosers.
5. Each apartment shall have access to two(2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units.

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6. The boiler shall be protected by enclosing with one(1) hour fire-rated construction including fire doors and ceiling, or by providing automatic extinguishment. Sprinkler piping serving not more than six sprinklers may be connected to a domestic water supply having a capacity sufficient to provide 0.15 gallons per minute, per square foot of floor throughout the entire area. An INDICATING shut-off valve shall be installed in an accessible location between the sprinkler and the connection to the domestic water supply. Minimum pipe size shall be 3/4 inch copper or 1 inch steel. Maximum coverage area of a residential sprinkler is 144 sq. feet per sprinkler.
7. Every sleeping room below the fourth story in buildings of Use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue, they shall have a sill height not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508 mm), and a minimum net clear opening of 5.7 sq. feet.
8. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type.
9. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the City's building code Chapter 9, section 19, 919.3.2(BOCA National Building Code/1993), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):

1. In the immediate vicinity of bedrooms
2. In all bedrooms
3. In each story within a dwelling unit, including basements

In addition to the required AC primary power source, required smoke detectors in occupancies in Use Groups R-2, R-3 and I-1 shall receive power from a battery when the AC primary power source is interrupted.

10. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of 1/2 inch gypsum board or the equivalent applied to the garage side. (Chapter 4 section 407.0 of the BOCA/1993)

X 11. Guardrail & Handrails-A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42", except Use Group R which is 36". In occupancies in Use Group A, B, H-4, I-1, I-2 M and R and public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect.

12. All exit signs, lights, and means of egress lighting shall be done in accordance with Chapter 10, section & subsections 1023. & 1024. of the City's building code. (The BOCA National Building Code/1993)

X 13. Stair construction in Use Group R-3 & R-4 is a minimum of 9" tread and 8-1/4" maximum rise. ~~All other Use Group minimum 11" tread, 7" maximum rise.~~

14. Headroom in habitable space is a minimum of 7'6".

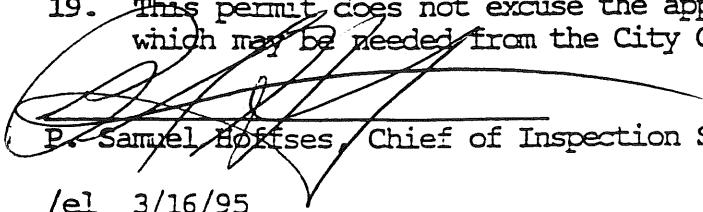
15. The minimum headroom in all parts of a stairway shall not be less than 80 inches.

16. All construction and demolition debris must be disposed at the City's authorized reclamation site. The fee rate is attached. Proof of such disposal must be furnished to the office of Inspection Services before final Certificate of Occupancy is issued or demolition permit is granted.

17. Section 25-135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".

18. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act, Title 5 MRSA refers, shall obtain a certification from a design professional that the plans of the facility meet the standards of construction required by this section. Prior to commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.

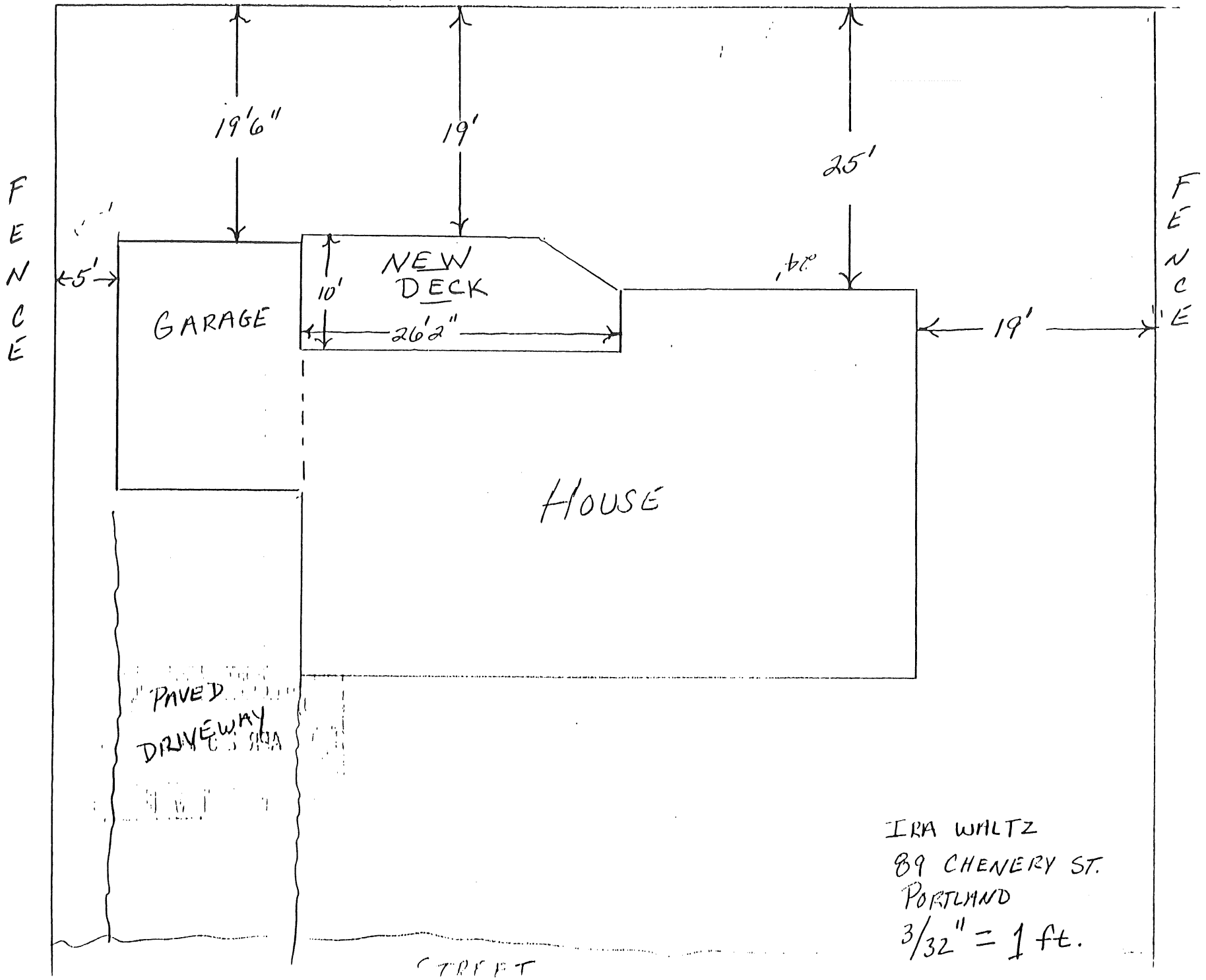
19. This permit does not excuse the applicant from obtaining any license which may be needed from the City Clerk's Office.

  
P. Samuel Hoffses, Chief of Inspection Services

/el 3/16/95



90' WOODEN FENCE ON PROPERTY LINE



IRA WALTZ  
 89 CHENERY ST.  
 PORTLAND  
 $3/32" = 1 \text{ ft.}$

Applicant: Steven Bourey  
Address: 89 Chenery St,  
Assessors No.: 128-A-35-41-42

Date: 4/30/96

CHECK LIST AGAINST ZONING ORDINANCE

Date - EXISTING - 1951 - 1 family

Zone Location - R-3

Interior or corner lot -

Use - CONSTRUCT DECK  $\approx 10' \times 26'$

Sewage Disposal - City

Rear Yards - 25' req. - 19' Shown - 14-436 Applies  $\rightarrow$  OK

Side Yards - 8' req. N/A - between two sections of house

Front Yards - N/A

Projections -

Height - 1 story

Lot Area -

6,264  $\#$  per Assessors

14-90(5) Building Area - MAX. COVERAGE 25% OF LOT AREA = 1566  $\#$  MAX

Area per Family -

Width of Lot -

Lot Frontage -

EXISTING

Off-street Parking -

Loading Bays -

Site Plan - N/A

Shoreland Zoning - N/A

Flood Plains -

$$15 \times 22 = 330 \#$$

$$26 \times 27 = 702 \#$$

$$14 \times 36 = 504 \#$$

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$$1536 \#$$

$$\text{New} = 10 \times 26 = 260 \#$$

$$1796 \#$$

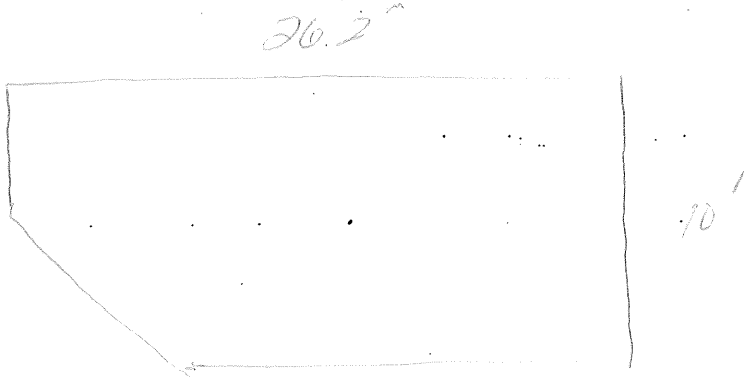
OVER MAX.

APPEAL BOARD  
Allowed 6/20/96  
under Sec. 14-385

please check off the appropriate description

FOUNDATION	_____	Frost Wall, min 4" below grade. 8" thick	
	✓ _____	Sono Tube, 4" below grade. 6" min. on footing, hard pan or bedrock.	
	_____	Other	
SILL	DOUBLE 2x8	Size	
SPAN OF SILL	8'	Distance between foundation supports	
JOISTS SPAN	10'	_____	
JOISTS SIZE	2 x 6	✓ 2 x 8	2 x 10
DISTANCE BETWEEN JOISTS	✓ 16" O.C.	24" O.C.	other
DECKING	✓ 5/4	other explain	
GUARD HEIGHT	* 36"	42"	
DISTANCE BETWEEN BALUSTER	* 4"	spacing between	
STAIR CONSTRUCTION	minimum 9" tread	11"	
	maximum 8 1/4" rise	7 1/2"	

please use space below for drawing of deck with measurements.



\* NO RAILINGS - DECK IS ONLY 16" ABOVE GRADE.

Property Address 89 CHENERY ST  
 Owner Name1 CHEETHAM JEFFREY M & (l, f, i)  
 Name2 IRA O WALTZ JTS  
 Address 89 CHENERY ST  
 City/State/Zip PORTLAND ME 04103

Entrance Code 7 Land Use 11 # of Units 1

Route 90 Zone R3 Nbhd 112 District 9 Traffic 1  
 Total Sq Ft

Utilities 2 3 4 Desc 128-A-35-42-41 Living Area 1,206  
 CHENERY ST 85-89

6264 SF

House Style 3 Year Built 1951 Total Rms 06 Total Bedrms 03

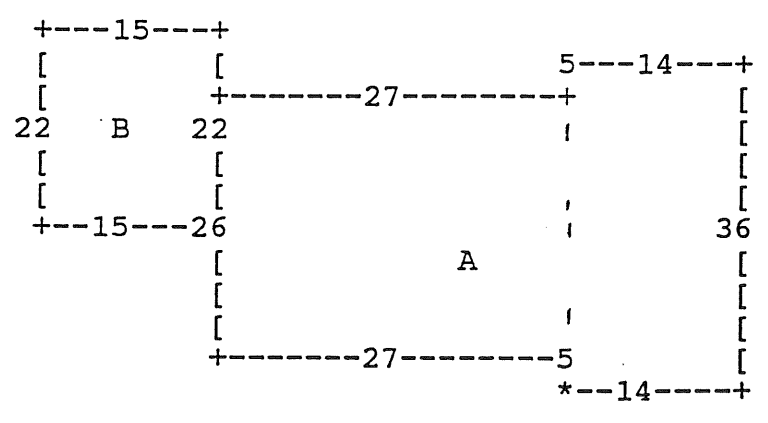
Baths Full 1 Half 1 Kitchen Remodeled 1 Bath Remodeled 2 Basement 4

Attic 2 Phy Cond 3 CDU VG Heating Type 2 4 4 Wood/Coal Burn 0  
 Next Screen [\_] Bldg Sketch Screen [\_] Return [\_]

LWR 1ST 2ND 3RD AREA  
 A MAIN STR 1206  
 B 13 0330

C  
 D  
 E  
 F  
 G  
 H  
 I

TOTAL AREA: 1206



Return [\_]

