

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 05-0286	Issue Date: PERMIT ISSUED APR - 5 2005	CBL: B005001
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Location of Construction: 38 Ocean Ave	Owner Name: Poor Robert J &
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Owner Address: 38 Ocean Ave	Phone: 7-232-2018
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Business Name: n/a	Contractor Name: n/a
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Contractor Address: n/a Portland	Phone:
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Lessee/Buyer's Name: n/a	Phone: n/a
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Permit Type: Change of Use - Condo Conversion	Zone: 32/25
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Current Use: Three apartments	Proposed Use: Change of Use: Condominium Conversion from 3 units to 3 condominiums
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Permit Fee: \$675.00	Cost of Work: \$0.00	CEO District: 4
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legal use: Three (3) residential dwelling units

FIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: R2 Type: 50 4/4/05
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Proposed Project Description:
Condominium Conversion from 3 units to 3 condominium

Signature:	Signature:
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Permit Taken By: gg	Date Applied For: 0312112005
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PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)		
Action:	<input type="checkbox"/> Approved	<input type="checkbox"/> Approved w/Conditions
Signature:	Date:	

Zoning Approval		
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: <i>3/29/05</i>	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied Date:	Historic Preservation <input checked="" type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Date:

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

DEPT. OF BUILDING INSPECTION
CITY OF PORTLAND, ME

MAR 21 2005

RECEIVED

Condominium Conversion and

If you or the property owner owe:
fees, payment arrangement:

Total Square Footage of Proposed Structure 3960 sq ft		Square Footage of Lot 2
Tax Assessor's Chart, Block & Lot Chart# 129 Block# B Lot# 6	Owner: Robert Poor	Telephone: 232-2018
Lessee/Buyer's Name (if Applicable)	Applicant name, address & telephone: Robert Poor 7 Pleasant Valley Rd Cumberland, ME 04021	cost Of Work: \$ _____ Fee: \$ 3 units @ \$150.00 per unit \$ 450 + \$75.00 per unit Cofo \$ 225 Total Fee: 675.00
Current use: <u>Rental apartments</u> number of units: <u>3</u> Proposed use: <u>Condominiums</u> number of units: <u>3</u> Project description: <u>owner see attached letter</u>		
Contractor's name, address & telephone: <u>Same</u> Whom should we contact when the permit is ready: <u>Robert Poor</u> Mailing address: <u>As above</u> Phone: 232-2018		

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: **[Signature]** Date: **3/15/05**

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

COMMERCIAL PROJECTS

Your submissions must include the following to be accepted as a complete application:

- e 1 Copy of the deed if you have owned the property less than 365 days ✓
- e 2 Copies of floor plan **showing dimensions** of each area and use to scale ✓
- 1 Copy of the plot plan to scale ✓
- 2 Copies of the construction detail *N/A*
- 2 Copies of the cover letter **explaining the** project in detail ✓
- 1 Copy of the floor plan/construction details and plot plan on 11" x 17" paper, we can not accept the application without the reduced set. Electronic plans may be submitted in place of the 11" x 17" copies

PLOT PLAN INCLUDES THE FOLLOWING:

- e The shape and dimension of the lot, footprint of the proposed structure and the distance from the actual property lines. Structures include decks porches; a bow windows cantilever sections and roof overhangs, sheds, pools, garages and any other accessory structures must be shown and to scale. A photocopy of the plat with hand drawn footprints of buildings if it is not to scale, it will not be accepted
- Boundary survey to scale showing North arrow; zoning district & setbacks
- e First floor sill elevation (based on mean sea level datum);
- e Location and dimensions of parking areas and driveways;
- e Location and size of both existing utilities in the street and the proposed utilities serving the building;
- Location of areas on the site that will be used to dispose of surface water.
- e Existing and proposed grade contours
- e Silt fence locations
- THE SURVEYORS MONUMENTS MUST BE IN PLACE AND THE LOT STAKED FOR A SETBACK INSPECTION PRIOR TO ISSUANCE OF A BUILDING PERMIT

A COMPLETE SET OF CONSTRUCTION DRAWINGS INCLUDES THE FOLLOWING:

- Cross sections w/framing details
- e Detail of any new walls or permanent partitions
- Floor Plans & Elevations
- e Window and door schedules
- Foundation plans with required drainage and damp proofing (if applicable)
- e Electrical and plumbing layout. Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review must be Included.
- e Scaled plot plan showing parking, either private or on street

Submit with Condominium Conversion Permit Application

Project Data:

Address: 38 Ocean Avenue

C-B-L: 129, B, 6

Number of units in building: 3

Unit	Tenant name	Tenant tel. #	occup. length	Date of notice	eligible for \$?
Unit 1	M...				
Unit 2					
Unit 3					
Unit 4	VACANT				
Unit 5					
Unit 6					
Unit 7					
Unit 8					

Are any building improvements, renovations, or modifications being made associated with this conversion that requires a building, plumbing, electrical, or heating permit? YES _____ NO (check one)

Type and cost of building improvements associated with this conversion that do not require permits:

\$ _____ exterior walls, windows, doors, roof

\$ _____ insulation

\$ 45,000.⁰⁰ interior cosmetics (walls/floors/ hallways refinishing, etc.)

\$ _____ other (specify)

**CONDOMINIUM CONVERSION PERMIT
CITY OF PORTLAND, MAINE
PART III: PROJECT DATA**

1. Assessors reference, Chart, **Block**, Lot: 129, B, 6

2. Number of Units before conversion: 3

_____ Units with 1 bedroom _____ Units with 2 bedrooms

3 Units with 3 or more bedrooms

3. Monthly rent range (specify with or without utilities, being specific about the utilities)

1200.00/mo without utilities (except water and sewer)

4. Number of Units after conversion: 3

_____ Units with 1 bedroom _____ Units with 2 bedrooms

3 Units with 3 or more bedrooms

5. Purchase Price range: 225,000' 235,000.

6. Length of time building owned by applicant: 5 mo

7. Improvements, renovations or modifications being made in association with this conversion will require the following permits (please circle **all** that apply):

Building Plumbing Heating Electrical

8. **Type** and cost of building improvements being made **in** association with this conversion that will not require permits:

\$ _____ exterior walls, windows, doors, roof

\$ _____ insulation

\$ 45,000.00 interior cosmetic (wall/floor refinishing, etc.)

\$ _____ other (please specify) _____

\$ 0.00 no improvements being made

city of Portland, Maine
Code of Ordinances
Sec 14-562

Land Use
Chapter 14
Rev. 12-1-00

Sec. 14-562. Reserved.
Sec. 14-563. Reserved.
Sec. 14-564. Reserved.

ARTICLE VII. CONDOMINIUM CONVERSION

Sec. 14-565. Purpose.

The purpose of this article is to regulate the conversion of rental housing to condominiums; to minimize the potential adverse impacts of such conversion on tenants; to ensure that converted such housing is safe and decent; and to maintain a reasonable balance of housing alternatives within the city for persons of all incomes. To these ends, this article shall be liberally construed. (Ord. No. 213-81, § 608.1, 11-16-81)

Sec. 14-566. Applicability.

This article shall apply to the conversion of any rental unit to a condominium unit. (Ord. No. 213-81, § 608.2, 11-16-81)

Sec. 14-567. Definitions.

For the purpose of this article, the following terms shall be defined as follows, unless otherwise clearly implied:

Condominium means any interest in real estate created pursuant to the Unit Ownership Act, 33 M.R.S.A. § 560 et seq. Or its equivalent, as it may from time to time be amended.

Developer means and includes any person or other legal entity, but not including an established lending institution unless it is an active participant in a common promotional scheme, who, whether acting as principal or agent, records a declaration of condominium that includes real estate, any portion of which was previously a rental unit.

Tenant means and includes any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise.

Unit means any building, or portion thereof, used or intended

to be used primarily as a separate dwelling.
(Ord. No. 213-81, § 608.3, 11-16-81)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 14-568. Protection of tenants.

(a) *Notice of intent to convert.* A developer shall give to each tenant written notice of intent to convert at least one hundred twenty (120) days before the tenant is required by the developer to vacate. If a tenant has been in possession of any unit within the same building for more than four (4) consecutive years, the notice period shall be increased by thirty (30) additional days for each additional year, or fraction thereof, to a maximum of two hundred forty (240) additional days. The notice shall set forth specifically the rights of tenants under subsections (a) and (b) of this section and section 14-569, and shall contain the following statement:

If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Building Inspection Division, Department of Planning and Urban Development, City of Portland, 389 Congress Street, Portland, Maine 04101 (telephone: ~~755-5451~~).

874-9703

If the notice specifies a date by which the tenant is required to vacate, the notice may also serve as a notice of termination under the applicable law of forcible entry and detainer, if it meets the requirement's thereof. The notice shall be hand-delivered to the tenant or mailed, by certified mail, return receipt requested, postage prepaid, to the tenant at the address of the unit or such other address as the tenant may provide. The notice shall be effective when actually received. No tenant may be required by a developer to vacate without having been given notice as required herein; except for the reasons specified in the applicable law of forcible entry and detainer, and in accordance with the procedures thereof. The terms of a tenancy, including rent, may not be altered during the notice period, except as expressly provided in a preexisting written lease. If, within one hundred twenty (120) days after a tenant is required by a developer to vacate, the developer records a declaration of condominium.

without having given notice as required herein, the developer shall be presumed to have converted in violation of this article.

(b) *Option to purchase.* For a sixty-day period following the giving of notice as required in subsection (a), the developer shall grant to the tenant an exclusive and irrevocable option to purchase the unit of which the tenant is then possessed, which option may not be assigned. If the tenant does not purchase or contract to purchase the unit during the sixty-day period, the developer may not convey or offer to convey the unit to any other person during the following one hundred eighty (180) days at a price or on terms more favorable than the price or terms previously offered to the tenant, unless the more favorable price or terms are first offered exclusively and irrevocably to the tenant for an additional sixty-day period. This subsection shall not apply to any rental unit that, when converted, **will be restricted exclusively to nonresidential use.** If, within two (2) years after a developer records a declaration of condominium, the use of any such unit is changed such that but for the preceding sentence, this subsection would have applied, the developer shall **be presumed to have** Converted in violation of **this** article.

(Ord. No. 213-81, § 608.4, 11-16-81)

Sec. 14-569. Relocation payments.

If the tenant **does** not purchase the unit, the developer shall, before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of rent paid by the tenant for the immediately preceding two (2) months; provided that this requirement shall not apply to any tenant whose gross income exceeds eighty (80) percent of the median income of the Portland SMSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development at the time notice is given as required in section 14-568(a). Additionally, the developer shall, upon demand, provide assistance to the tenant in the **form of referrals to other reasonable accommodations and in determining the tenant's eligibility for relocation payments as provided herein.**

(Ord. No. 213-81, § 608.5, 11-16-81)

Set. 14-570. Conversion permit.

Before conveying or offering to convey a converted unit, the
Before conveying or offering to convey a converted unit, the

city of Portland, Maine
Code of Ordinance 6
Sec 14-570

Land Use
Chapter 14
Rev. 12-1-00

developer shall obtain a conversion permit from the building inspection division of the department of planning and urban development. The permit shall issue only upon receipt of a completed application therefor in a form to be devised for that purpose, payment of a fee of twenty-five dollars (\$25.00) per unit, and a finding, upon inspection, that each unit, together with any common areas and facilities appurtenant thereto, is in full compliance with all applicable provisions of article II of chapter 6 (building code), article III of chapter 6 (electrical installations), article V of chapter 6 (minimum standards for dwellings) and article II of chapter 10 (fire prevention code) of this Code, and the Life Safety Code as adopted by the state. The developer shall post a copy of the permit in a conspicuous place in each unit, and shall make copies available to prospective purchasers upon request.

(Ord. No. 213-81, § 608.6, 11-16-81)

Sec. 14-571. Variation by agreement.

No provision of, or right conferred by, this article may be waived by a tenant, by agreement or otherwise, and any such waiver shall be void. Any attempt to require, encourage, or induce a tenant to waive any provision hereof, or right conferred hereby, shall be a violation of this article. Nothing herein shall be construed to void any term of a lease which offers greater rights than those conferred hereby.

(Ord. No. 213-81, § 608.7, 11-16-81)

Sec. 14-572. Reserved.

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Sec. 14-575. Reserved.

Sec. 14-576. Reserved.

Sec. 14-577. Reserved.

Sec. 14-578. Reserved.

Sec. 14-579. Reserved.

Sec. 14-580. Reserved.

Sec. 14-581. Reserved.

Sec. 14-582. Reserved.

ARTICLE VIII. RESERVED*