

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

Location of Construction: ***47 Hersey Street		Owner: Constance Tidd		Phone: 329-5511	
Owner Address: Same As Above		Lessee/Buyer's Name:		Phone:	
Contractor Name: Owner		Address:		Phone:	
Past Use: 1-Family		Proposed Use: Same		COST OF WORK: \$ 6,500	
				PERMIT FEE: \$ 55,00	
				FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied	
				INSPECTION: Use Group: U, Type: 3M Signature: [Signature]	
Proposed Project Description: Tear down and replace garage including new slab.				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____	
Permit Taken By: SP		Date Applied For: 3-1-99			

Permit No: **990535**

PERMIT ISSUED

Permit Issued: **26 1999**

CITY OF PORTLAND

Zone: **R-3** CBL: 129-F-022

Zoning Approved *OK with conditions*

Special Zone or Reviews:
 Shoreland *NA*
 Wetland *NA*
 Flood Zone *zmc*
 Subdivision
 Site Plan maj minor mm

1. This permit application does not 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

Zoning Appeal

Variance *Appeal was on hold til amendment passed*

Miscellaneous *See conditions*

Conditional Use *See conditions*

Interpretation

Approved

Denied *7/1/99 - Denied needs appeal*

Historic Preservation

Not in District or Landmark

Does Not Require Review

Requires Review

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 provisions of the code(s) applicable to such permit

Action:

Approved

Approved with Conditions

Denied

Date: _____ *[Signature]*

SIGNATURE OF APPLICANT	ADDRESS:	DATE: 3-2-99	PHONE:
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE			PHONE:

CEO DISTRICT **2**

COMMENTS

- 6-2-99 1 Block Header over Garage Door.
- 2 Turn Headers over Door (Side) + Windows.
- 3 Install Ridge Pole Entire Length
- 4 Install collar ties on Rafters.

Bill Tocher will be correcting the violation on the Garage
I met with him at the site and we went over all the violations
he will call when completed the stop order will be lifted.
after corrections are completed. (TR)

Inspection Record


Type	Date
Foundation: _____	_____
Framing: _____	_____
Plumbing: _____	_____
Final: _____	_____
Other: _____	_____

THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE PERMIT IS ISSUED

**Building or Use Permit Pre-Application
Additions/Alterations/Accessory Structures
To Detached Single Family Dwelling**

In the interest of processing your application in the quickest possible manner, please complete the Information below for a Building or Use Permit.

NOTEIf 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>47 Healey St.</u>			
Tax Assessor's Chart, Block & Lot Number Chart# <u>129</u> Block# <u>F</u> Lot# <u>022</u>		Owner: <u>#</u> <u>Constance Tidd</u>	Telephone#: <u>329-5511</u>
Owner's Address: <u>47 Healey St. 04103</u>		Lessee/Buyer's Name (If Applicable)	Cost Of Work: <u>\$ 6,500</u> Fee: <u>\$ 55</u>
Proposed Project Description:(Please be as specific as possible) <u>Tear down and replace garage incl. dig new slab</u>			
Contractor's Name, Address & Telephone <u>Owner See above</u>		Rec'd By: 	

Separate permits are required for Internal & External Plumbing, HVAC and Electrical installation.

- All construction must be conducted in compliance with the 1996 B.O.C.A. Building Code as amended by Section 6-Art II.
- All plumbing must be conducted in compliance with the State of Maine Plumbing Code.
- All Electrical Installation must comply with the 1996 National Electrical Code as amended by Section 6-Art III.
- HVAC(Heating, Ventilation and Air Conditioning) installation must comply with the 1993 BOCA Mechanical Code.

You must Include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) A Copy of your Construction Contract, if available
- 3) A Plot Plan (Sample Attached)

If there is expansion to the structure, a complete plot plan (Site Plan) must include:

- The shape and dimension of the lot, all existing buildings (if any), the proposed structure and the distance from the actual property lines. Structures include decks porches, a bow windows cantilever sections and roof overhangs, as well as, sheds, pools, garages and any other accessory structures.
- Scale and required zoning district setbacks

4) Building Plans (Sample Attached)

A complete set of construction drawings showing all of the following elements of construction:

- Cross Sections w/Framing details (including porches, decks w/ railings, and accessory structures)
- Floor Plans & Elevations
- Window and door schedules
- Foundation plans with required drainage and dampproofing
- 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.

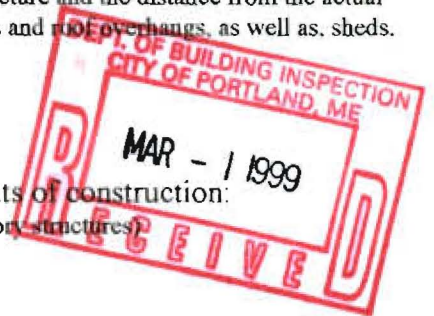
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Signature of applicant: 	Date: <u>3/1/99</u>
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Building Permit Fee: \$25.00 for the 1st \$1000 cost plus \$5.00 per \$1,000.00 construction cost thereafter.

O:\VNSP\CORRESP\MNUAGENT\APADSF.D.WPD



BUILDING PERMIT REPORT

DATE: 25 MAY 99 ADDRESS: 47 Hersey St. CBL: 129-F-022
 REASON FOR PERMIT: Replace existing garage & slab
 BUILDING OWNER: Constance Tidd
 PERMIT APPLICANT: _____ / Contractor Owner
 USE GROUP R-3 "U" BOCA 1996 CONSTRUCTION TYPE 5-B

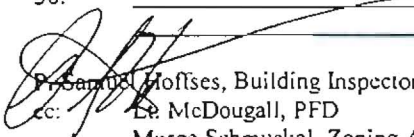
CONDITION(S) OF APPROVAL

This permit is being issued with the understanding that the following conditions are met:

Approved with the following conditions: *1, *2 *8 *27 *29 *32 *34 *11, *13 *31

1. This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
2. 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)
3. Foundation drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 sieve. The drain shall extend a minimum of 12 inches beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than 6 inches above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2" of gravel or crushed stone, and shall be covered with not less than 6" of the same material. Section 1813.5.2
4. Foundations anchors shall be a minimum of 1/2" in diameter, 7" into the foundation wall, minimum of 12" from corners of foundation and a maximum 6' o.c. between bolts. (Section 2305.17)
5. Waterproofing and damp proofing shall be done in accordance with Section 1813.0 of the building code.
6. Precaution must be taken to protect concrete from freezing. Section 1908.0
7. 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.
- *8. 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 means of 1/2 inch gypsum board or the equivalent applied to the garage side. (Chapter 4, Section 407.0 of the BOCA/1996)
9. All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993). Chapter 12 & NFPA 211
10. Sound transmission control in residential building shall be done in accordance with Chapter 12, Section 1214.0 of the City's Building Code.
11. Guardrails & 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. (Handrails shall be a minimum of 36" but not more than 38". Use Group R-3 shall not be less than 30", but not more than 38".) Handrail grip size shall have a circular cross section with an outside diameter of at least 1 1/4" and not greater than 2". (Sections 1021 & 1022.0) - Handrails shall be on both sides of stairway. (Section 1014.7)
12. Headroom in habitable space is a minimum of 7'6". (Section 1204.0)
- *13. Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 3/4" maximum rise. All other Use Group minimum 11" tread, 7" maximum rise. (Section 1014.0)
14. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6'8") 1014.4
15. 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 (508mm), and a minimum net clear opening of 5.7 sq. ft. (Section 1018.6)
16. 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. (Section 1010.1)
17. All exterior openings shall be protected with construction having a fire rating of at least one (1) hour, including fire doors with self closer's. (Over 3 stories in height requirements for fire rating is two (2) hours.) (Section 710.0)

18. The boiler shall be protected by enclosing with (1)hour fire rated construction including fire doors and ceiling, or by providing automatic extinguishment. (Table 302.1.1)
19. 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 920.3.2 (BOCA National Building Code/1996), and NFPA 101 Chapter 18 &19. (Smoke detectors shall be installed and maintained at the following locations):
 - In the immediate vicinity of bedrooms
 - In all bedrooms
 - 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. (Interconnection is required) Section 920.3.2.
20. 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. (Section 921.0)
21. The Fire Alarm System shall maintained to NFPA #72 Standard.
22. The Sprinkler System shall maintained to NFPA #13 Standard.
23. All exit signs, lights and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023.0 & 1024.0 of the City's Building Code. (The BOCA National Building Code/1996)
24. 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".
25. 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 commencing construction of the facility, the builder shall submit the certification the Division of Inspection Services.
26. Ventilation shall meet the requirements of Chapter 12 Sections 1210.0 of the City's Building Code. (Crawl spaces & attics).
- X 27. All electrical, plumbing and HVAC permits must be obtained by a Master Licensed holders of their trade. No closing in of walls until all electrical (min. 72 hours notice) and plumbing inspections have been done.
28. All requirements must be met before a final Certificate of Occupancy is issued.
- X 29. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code (the BOCA National Building Code/1996).
30. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical Code (The BOCA National Mechanical Code/1993). (Chapter M-16)
- X 31. Please read and implement the attached Land Use Zoning report requirements.
- X 32. Boring, cutting and notching shall be done in accordance with Sections 2305.4.4, 2305.5.1 and 2305.5.3 of the City's Building Code.
33. Glass and glazing shall meet the requirements of Chapter 24 of the building code.
- X 34. IF garage is within 5' to dwelling the wall closest to the dwelling must meet the requirement section 407.6 of the building code, OR Table 705.2 of the building code.
36. _____


 Paul Hoffses, Building Inspector
 cc: Ed McDougall, PFD
 Marge Schmuckal, Zoning Administrator

**On the basis of plans submitted and conditions placed on these plans any deviations shall require a separate approval.

LAND USE - ZONING REPORT

ADDRESS: 47 Hershey St. DATE: 5/24/99

REASON FOR PERMIT: replace existing Garage & slab

BUILDING OWNER: Constance Tidd C-B-L: 129-F-22

PERMIT APPLICANT: owner

APPROVED: with conditions DENIED: _____
#1, #3, #6, #11 CONDITION(S) OF APPROVAL

- 1. This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
- 2. During its existence, all aspects of the Home Occupation criteria, Section 14-410, shall be maintained.
- 3. The footprint of the ~~existing~~ ^{replaced} garage shall not be increased during ~~maintenance~~ reconstruction.
- 4. All the conditions placed on the original, previously approved, permit issued on _____ are still in effect for this amendment.
- 5. Your present structure is legally nonconforming as to rear and side setbacks. If you were to demolish the building on your own volition, you will **not** be able to maintain these same setbacks. Instead you would need to meet the zoning setbacks set forth in today's ordinances. In order to preserve these legally non-conforming setbacks, you may only rebuild the _____ in place and in phases.
- 6. This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
- 7. Our records indicate that this property has a legal use of _____ units. Any change in this approved use shall require a separate permit application for review and approval.
- 8. Separate permits shall be required for any signage.
- 9. Separate permits shall be required for future decks, sheds, pool(s), and/or garage.
- 10. This is **not** an approval for an additional dwelling unit. You **shall not** add any additional kitchen equipment, such as stoves, microwaves, refrigerators, or kitchen sinks, etc. without special approvals.

11. Other requirements of condition Recent changes in the zoning ordinance allow me to now approve this permit application. You have until September 9, 1999 (1 year from tear down) to replace this garage on the same footprint, and keeping the same garage use.
Marge Schmuckal Marge Schmuckal, Zoning Administrator

P.S. Thank you for your patience on this matter.

Applicant: Constance TIDD

Date: 3/4/99

Address: 47 Hensley St.

C-B-L: 129-F-22

CHECK-LIST AGAINST ZONING ORDINANCE

Date - Existing - 1946

Zone/Location - R-3

Interior or corner lot -

Proposed Use/Work - tear down & rebuild garage in ~~the~~ ^{same} location with new slab

Sewage Disposal - City

Lot Street Frontage - exist

15' x 24'

Front Yard - 25' req - 25' + shown

→ Rear Yard - 25' req - 8' 6" shown

→ Side Yard - 8' req - 2' shown

Projections -

Width of Lot -

Height -

Lot Area -

5,265 #

Lot Coverage/Impervious Surface - 25%

Area per Family -

Off-street Parking - 0

Loading Bays -

Site Plan - N/A

Shoreland Zoning/Stream Protection - N/A

Flood Plains - Zone C

old garage torn down Sept 9, 1998
has 1 yr to rebuild -

OK per revised provisions in Non-conformity section which gives 1 yr to rebuild on the same footprint and same use - 3/24/99

1316.25 # MAX

6/1

27' x 31' = 837 #
5' x 10' = 50 #
5' x 6' = 30 #
15' x 24' = 360

1277 #

garage shown on prop.

Zoning Division
Marge Schmuckal
Zoning Administrator



Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

Constance Tidd
47 Hersey Street
Portland, ME 04103

March 5, 1999

RE: Hersey Street, R-3 Zone - 129-F-022

Dear Constance Tidd,

I am in receipt of your building permit to tear down an old garage and then to replace it with a new slab. It is my understanding that the garage has already been torn down. Your garage was legally nonconforming as to setbacks. When you tore down the garage, you lost your nonconforming rights (often called "grandfathered rights"). Your replacement garage will now be required to meet today's setback requirements within the Zoning Ordinance. Your structure is in the R-3 Residential Zone which requires a 25' rear setback and an eight foot side setback. The plot plan submitted shows an 8'6" rear setback and a 2' side setback.

I am denying your permit since you cannot meet the required setbacks in the R-3 Zone (Section 14-90(4)b. & c.). You have the right to appeal within 30 days of the date of this letter. I have attached copies of information that you will need in order to apply for an appeal. This is a Practical Difficulty Variance. It is not an easy variance to get. The Board of Appeals interprets the criteria very strictly. Please gear your arguments toward the criteria that the Board is required to consider.

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

Very Truly Yours,

Marge Schmuckal.
Zoning Administrator

cc: Joseph Gray, Jr., Planning & Urban Dev.
Mark Adelson, Housing & Neighborhood Services
Michael Downing, LMD Construction Co., Inc., 36 Gunstock Rd., Scarborough, ME 04074
Nadine Gagnon, Inspection Services
File

5/2/99
Note: permit may now be issued
Due to Emergency provisions to ordinance in
the Nonconformity Section - gives 1 yr to
rebuild.

Zoning Division
Marge Schmuckal
Zoning Administrator



Department of Urban Development
Joseph E. Gray, Jr.
Director

CITY OF PORTLAND

Constance Tidd
47 Hersey Street
Portland, ME 04103

March 5, 1999

RE: Hersey Street, R-3 Zone - 129-F-022

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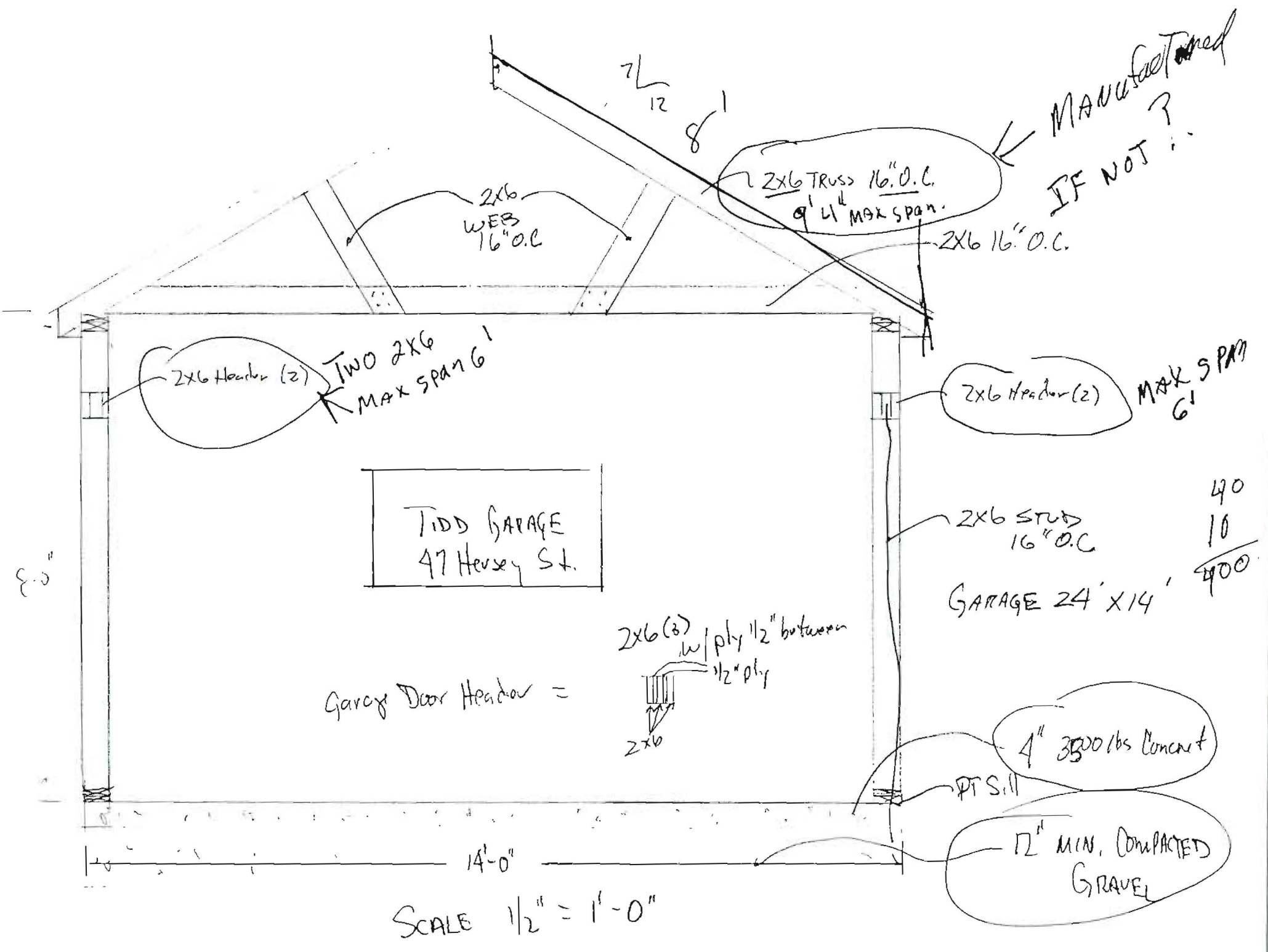
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Michael Downing, LMD Construction Co., Inc., 36 Gunstock Rd., Scarborough, ME 04074
Nadine Gagnon, Inspection Services

File



MANUFACTURED
IF NOT ?

2x6 TRUSS 16" O.C.
9' 4" MAX SPAN.

2x6
WEBS
16" O.C.

2x6 16" O.C.

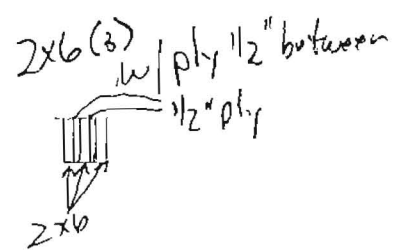
2x6 Header (2)
TWO 2x6
MAX SPAN 6'

2x6 Header (2)
MAX SPAN
6'

TIDD GARAGE
47 Hervey St.

2x6 STUD
16" O.C.
GARAGE 24' X 14' $\frac{40}{10} = 400$

Garage Door Header =



4" 3500 lbs Concrete

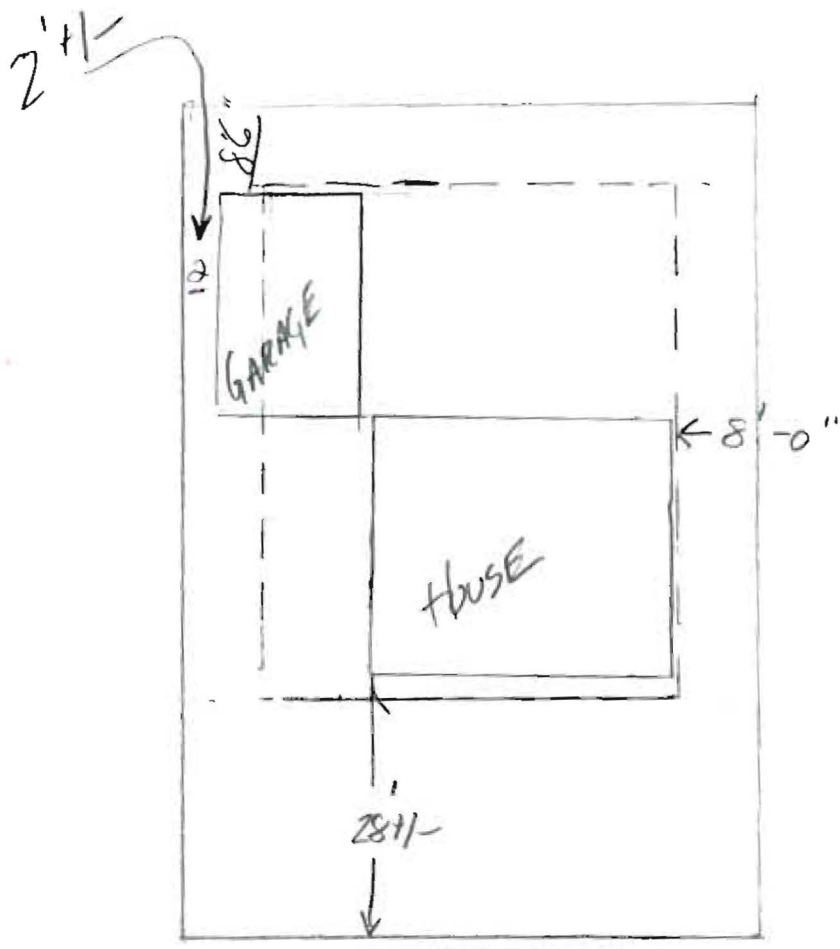
PT S. II
12" MIN. COMPACTED
GRAVEL

14'-0"

SCALE 1/2" = 1'-0"

8'-0"

PLOT PLAN 1" = 20'-0"



HERSEY ST

----- = SETBACK, BUILDING ENVELOPE

R-3 Zone

S 8'

R 25

F 25'

129-F²²

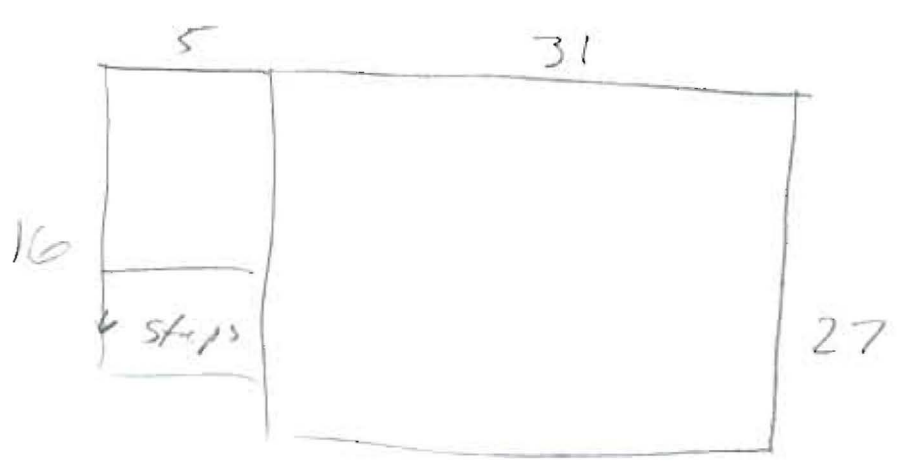
60 x 87.75



17.5
8.5

8.75
140.00

148.75



Michael Downing
 ↓
LMD CONSTRUCTION CO., INC.
 36 GUNSTOCK RD.
 SCARBOROUGH, MAINE 04074
 (207)-883-1662

EXPLANATION	AMOUNT

PAY *Fifty Five*

DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NO.	\$
3-1-99	City of Portland	Tidd Garage Rent	1141	

Peoples Heritage Bank PORTLAND, MAINE

[Signature]

⑈001141⑈ ⑆211274450⑆ 0290 90272⑈

SECURITY FEATURES: MICRO PRINT BORDERS - COLORED BRICK PATTERN - WATERMARK & CARBON STRIP ON REVERSE SIDE - MISSING FEATURE INDICATES A COPY