

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

Location of Construction: 89 Ocean Ave		Owner: David T. Jones		Phone: 761-2889 or 772-8389		Permit No: 010074	
Owner Address:		Lessee/Buyer's Name: David t. Jones, 260A Ocean Ave		Phone: Portland, 04103		Business Name:	
Contractor Name: East Shore Development Corp.		Address: 80 Fall Brook St., Portland, ME		Phone:		Permit Issued: JAN 31 11	
Past Use: Commercial/Convenience Store		Proposed Use: Commercial/Convenience Store		COST OF WORK: \$10,000.00		PERMIT FEE: \$84.00	
				FIRE DEPT. <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: Type:	
Proposed Project Description: Replace existing loading dock adding 10 x 16 dog house over back door <i>legal nonconforming use</i> <i>removed from permit by owner 1/29/01</i>				Signature: <i>[Signature]</i>		Signature:	
				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)		Zoning Approval: <i>ok with conditions</i> 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"/> mtr <input type="checkbox"/>	
Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied				Signature:		Date:	
Permit Taken By: Jodine		Date Applied For: January 22, 2001		gg			

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..

Zoning Appeal

Variance
 Miscellaneous
 Conditional Use
 Interpretation
 Approved
 Denied

Historic Preservation

Not in District or Landmark
 Does Not Require Review
 Requires Review

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 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

January 24, 2001

SIGNATURE OF APPLICANT	ADDRESS:	DATE:	PHONE:
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE			PHONE:

Action:

Approved
 Approved with Conditions
 Denied

Date: *[Signature]*

PERMIT ISSUED WITH REQUIREMENTS

CDP DISTRICT

2

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

Minor/Minor Site Review for New Detached Single Family Dwelling, Additions/Alterations/Accessory Structures, Multi-Family, Commercial Interior Rehab (other than additions), Change of Use

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: 89 Ocean Avenue

Total Square Footage of Proposed Structure	Square Footage of Lot <u>11,600 sqft.</u>
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Tax Assessor's Chart, Block & Lot Number Chart# <u>129</u> Block# <u>I</u> Lot# <u>010</u>	Owner: <u>DAVID T. Jones</u> <u>Tomasso Ciccomancini</u>	Telephone#: <u>761-2889</u> <u>772-8389</u>
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Lessee/Buyer's Name (If Applicable) <u>DAVID T. Jones</u>	Owner's/Purchaser/Lessee Address: <u>260A Ocean Ave</u> <u>Portland, ME 04103</u>	Cost Of Work: Fees <u>\$ 01^W</u> <u>\$ 10,000</u>
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Current use: convenience store Proposed use: convenience store

Project description: interior and exterior renovations

replacing existing loading dock same footprint - adding 10x16 ^{day house} over back _{door}

Contractor's Name, Address & Telephone <u>East Shore Development Corp.</u> <u>80 Fall Brook St, Portland 050-11349</u>	Rec'd By:
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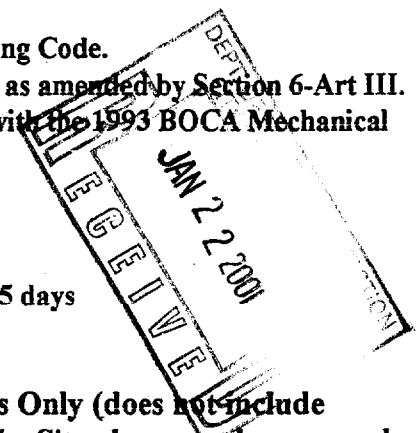
Separate permits are required for Internal & External Plumbing, HVAC and Electrical installation.

- All construction must be conducted in compliance with the 1999 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 1999 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 YOUR APPLICATION:

- Copy of Your Deed or Purchase and Sale Agreement if purchased in the last 365 days
- Plot Plan (Sample Attached)

A "minor/minor" site plan review is required for New Single Family Homes Only (does not include additions, alterations or accessory structures) prior to permit issuance. The Site plan must be prepared and sealed by a registered land surveyor. FOUR COPIES ARE REQUIRED FOR NEW SINGLE FAMILY HOMES



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

A complete plot plan (Site Plan) includes:

- 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 North arrow; Zoning District & Setbacks
- First Floor sill elevation (based on mean sea level datum);
- Location and dimensions of parking areas and driveways;
- 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.
- Existing and proposed grade contours

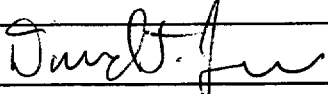
Building Plans are required for all construction, including interior rehab (Sample Attached)

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 damp proofing
- 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.

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/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: 	Date: 1/21/01
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Minor/Minor Site Review Fee: \$300.00/Building Permit Fee: \$30.00 for the 1st \$1000.cost plus \$6.00 per \$1,000.00 construction cost thereafter.

AUTOCAD OR ADOBE FORMAT REQUIRED FOR ALL COMMERICAL PROJECTS

LAND USE - ZONING REPORT

ADDRESS: 89 Ocean Ave DATE: 1/29/01

REASON FOR PERMIT: rebuild Existing Loading Dock on Side

BUILDING OWNER: DAVID Jones C-B-L: 129-I-10² 12

PERMIT APPLICANT: owner

APPROVED: with conditions: #1, #4, #5, #7, #8, #12

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. *- And revision to permit Deleting The REAR enlargement of "Dog House"*
2. During its existence, all aspects of the Home Occupations criteria, Section 14-410, shall be maintained.
3. All the conditions placed on the original, previously approved, permit issued on _____ are still in effect for this amendment, and/or revised permit.
4. The footprint of the existing LOADING DOCK shall not be increased during maintenance reconstruction.
5. Your present structure is legally nonconforming as to setbacks. If you are to demolish this structure on your own volition, you will only have one (1) year to replace it in the same footprint (no expansions), with the same height, and the same use. Any changes to any of the above shall require that this structure met the current zoning standards.
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 A retail "mom & pop" Store 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 new 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 including, but not limited to items such as stoves, microwaves, refrigerators, or kitchen sinks, etc. without special approvals.
11. All of the attached Floodplain forms shall be appropriately filled out, signed, and returned prior to the issuance of any certificates of occupancy.
12. Other requirements of condition: This permit is NOT Allowing A REAR Addition of "Doghouse" enlargement.

Marge Schmuckal Marge Schmuckal, Zoning Administrator

Zoning Division
Marge Schmuckal
Zoning Administrator

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



CITY OF PORTLAND

January 24, 2001

David T. Jones
260A Ocean Avenue
Portland, ME 04103

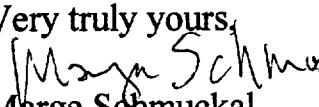
RE: 89 Ocean Avenue – 129-I-010 & 012 - R-5 zone

Dear David,

I am in receipt of your permit to replace an existing loading dock and to add a rear addition expansion around an existing bulkhead at 89 Ocean Avenue. As worded, your permit is being denied because of the rear expansion. As explained to you previously, your retail use is a legal nonconforming use in the R-5 residential zone. As a legal nonconformity, you may not increase the use nor the building size. So your request to increase the building size on the rear is being denied.


The replacement of the loading dock within the same footprint is allowable as long as it is rebuilt within one (1) year of the demolition and the size is not increased. If you wish to revise your permit so that the only approval required is for the replacement of the old loading dock, then your permit can be issued. Please let this office know if this is your intention. At this time your permit application is on hold until this office receives direction from you as to how you would like to proceed. If you have any questions regarding this matter, please do not hesitate to call.

If you wish to appeal my zoning decision on the rear enlargement, you would have 30 days from the date of this letter in which to appeal. Our office has all the information for an appeal if you wish to exercise this right.

Very truly yours,

Marge Schmuckal
Zoning Administrator

Cc: Code Enforcement Officer

Room 315 – 389 Congress Street - Portland, Maine 04101

1/29/01 ^{per voice mail} — HAS reduced his permit to only cover the rebuilding of the side loading dock — 

(207) 874-8695 - FAX: (207) 874-8716 - TTY: (207) 874-8936

0070361

BK15884 PG291

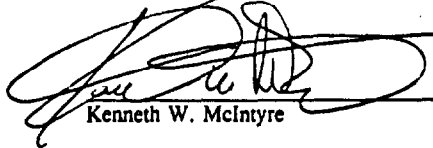
WARRANTY DEED - SHORT FORM DEEDS ACT
33 M.R.S.A. Section 761 et seq.

MAINE REAL ESTATE TAX PAID

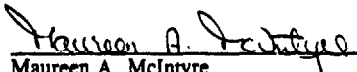
KNOW ALL BY THESE PRESENTS, that We, Kenneth W. McIntyre and Maureen A. McIntyre, of the County of Cumberland and State of Maine, for valuable consideration received, hereby grant to Tomasso Ciccomancini and David T. Jones of the County of Cumberland and State of Maine, as TENANTS IN COMMON, with WARRANTY COVENANTS, that certain lot or parcel of land, with any improvements thereon, located at 85-91 Ocean Avenue, Portland, in the County of Cumberland and State of Maine, as more fully described in Exhibit A attached hereto and fully incorporated herein by reference.

IN WITNESS WHEREOF, We have hereunto set our hands and seals on December 20, 2000.

Witness


Kenneth W. McIntyre

Witness


Maureen A. McIntyre

STATE OF MAINE
Cumberland, ss:

On December 20, 2000, personally appeared the above-named Kenneth W. McIntyre and Maureen A. McIntyre and acknowledged the foregoing deed to be their free act and deed.

Before me,


Notary Public/Attorney At Law

ANTHONY HOLT
Type or Print Name

BK 15884 PG292

**EXHIBIT A/SCHEDULE A
LEGAL DESCRIPTION OF PROPERTY LOCATED
in Cumberland County at
85 Ocean Avenue, Portland, Maine.**

A certain lot or parcel of land, with any buildings thereon, situated on the easterly side of Ocean Avenue in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning on the easterly side of Ocean Avenue and the southwesterly corner of the parcel of land conveyed by Harry Martin to Joseph A. Nappi by deed dated October 4, 1967 and recorded in the Cumberland County Registry of Deeds in Book 3014, Page 548; thence by said Ocean Avenue South thirty-one degrees fifty-five minutes West $S 31^{\circ} 55' W$ a distance of fifty (50) feet to a point; thence through land of Ernest E. Weeks and Marjorie D. Weeks on the following courses: $S 57^{\circ} 49' E$ a distance of seventy (70) feet to a point; thence $N 31^{\circ} 55' E$ a distance of fifty (50) feet to said land conveyed to said Nappi $N 57^{\circ} 49' W$ a distance of seventy (70) feet to the point of beginning. Courses are magnetic as of the date of 1945.

Also another certain lot or parcel of land, with the buildings thereon, situated on the southeasterly side of Ocean Avenue in Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a stake on the southeasterly side of said Ocean Avenue at its intersection with the southwesterly side of a proposed street, said stake being also at the northerly corner of land which Thomas M. Johnson conveyed to Mary F. Bennett by deed dated July 28, 1915 and recorded in the Cumberland County Registry of Deeds in Book 953, Page 183, and also being distant northeasterly thereon two hundred and two tenths (200.2) feet from a stake at an angle in said Ocean Avenue near Chenery Street, and said stake also being the northerly corner of the above described parcel of land; thence South fifty-nine degrees fifty-two minutes East ($S 59^{\circ} 52' E$) along said southwesterly side of said proposed street which makes an angle to the left or east from the southerly direction of said Ocean Avenue of $89^{\circ} 44'$ and along said Bennett land one hundred sixty-two (162) feet to an iron pipe set in the ground; thence northeasterly along land of Bernard S. Coppersmith et al. fifty (50) feet to an iron pipe set in the ground; thence northwesterly along other land of said Coppersmith et al. one hundred sixty-two (162) feet to an iron pipe set in the ground in said southeasterly side of said Ocean Avenue; thence southwesterly along said southeasterly side of said Ocean Avenue fifty (50) feet to the point of beginning.

Meaning and intending to convey and hereby conveying the same premises conveyed to Paul D. Theriault and Joyce B. Theriault by deed of Kenneth W. McIntyre and Maureen A. McIntyre dated June 29 1995, and recorded in the Cumberland County Registry of Deeds in Book 11987, Page 168.

RECEIVED
RECORDED REGISTRY OF DEEDS

2000 DEC -5 PM 12: 09

CUMBERLAND COUNTY

John B. Quinn