



# PORTLAND MAINE

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*Jeff Levine, AICP, Director  
Marge Schmuckal, Zoning Administrator*

MEMO

FROM: Ann Machado, Zoning Specialist *AM*  
SUBJECT: 175-177 Clinton Street – 135 C020 – R-5 Zone  
DATE: January 9, 2013  
RE: Use of Property

A permit on microfiche from 1940 gives the use of the property as a two family.

The pre-1957 assessor's card lists the use of the property as a two family.

In 2001 a permit was applied for (#01-1356) to "add two bedrooms & a bathroom". The owner was Nancy Pizzo. She said that the contractor, D.L. George & Son applied for the permit. The use on the permit was given as a single family; the application page was not scanned. In 2002, the same contractor applied for an amendment (#02-0259) to the original permit to add a window. On the application he listed the use as residential. The permit once again stated the use as a single family.

The same owner, Nancy Polito (maiden name) applied for a permit (#2012-65600) in December of 2012 to have a home occupation. The permit has not been issued because it does not meet the requirements of a home occupation. In our discussion about the permit she told me that the building had always been a two family and that the permits from 2001 and 2002 were incorrect. She said that the contractor was responsible for getting the permits and that she never saw that the use said a single family.

Nancy Polito lives at 177 Clinton Street. She has provided evidence (tax returns for the rental property from 2001 through 2008) that she was renting the apartment at 175 Clinton Street and that it existed in 2001 and still exists. Based on this evidence, it has been determined that the legal use of the property remains a two family and that the use as a single family on the permits from 2001 and 2002 is incorrect.



GENERAL RESIDING  
APPLICATION FOR PERMIT

Permit No. **PERM 1530**

Class of Building or Type of Structure Third Class

Portland, Maine, July 24, 1940

JUL 28 1940

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect alter install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 175 Clinton Street Within Fire Limits? no Dist. No. \_\_\_\_\_  
 Owner's or lessee's name and address Donato C. Profenno, 25 Free Street Telephone \_\_\_\_\_  
 Contractor's name and address Gemillo Profenno Co., 25 Free Street Telephone 3-0311  
 Architect \_\_\_\_\_ Plans filed yes No. of sheets 1  
 Proposed use of building dwelling house No. families 2  
 Other buildings on same lot 2 car garage  
 Estimated cost 1,500. Fee \$ 1.75

Description of Present Building to be Altered

Material wood No. stories 2 Heat steam Style of roof hip Roofing asphalt  
 Last use dwelling house No. families 1

General Description of New Work

To Change Use of Building from one to two family dwelling (one on each floor 5 rooms and bath)  
 To cut in new front entrance door and partition off stairs to provide separate entrance to second floor, removing existing one story open front porch 4' x 24'  
 To use present pantry on first floor for new bath room, existing window at least three square feet in area for ventilation of same  
 To ~~enlarge~~ enlarge existing front window to double window  
 To partition off new bath room, 2d floor, cutting in new window at least three square feet in area for ventilation of same  
 To set 15' outside westerly wall of two story rear shed over 3'6" and build new two story addition as shown in red with one story entrance porch 36'x7' - roof over this entire rear portion to be an extension of sides of existing hip roof (making gable end)  
 To provide concrete foundation with brick underpinning under entire all in place of wood posts  
 To remove two existing inside brick chimney and build new chimney in different location

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor.

Details of New Work

Is any plumbing work involved in this work? yes  
 Is any electrical work involved in this work? yes Height average grade to top of plate \_\_\_\_\_  
 Size, front \_\_\_\_\_ depth \_\_\_\_\_ No. stories \_\_\_\_\_ Height average grade to highest point of roof 30'  
 To be erected on solid or filled land? old earth or rock? earth  
 Material of foundation concrete Thickness, top 10" bottom 12" cellar \_\_\_\_\_ yes  
 Material of underpinning brick Height 3' Thickness 8"  
 Kind of Roof pitch Rise per foot 7" Roof covering Asphalt roofing Glass C Und. Lab.  
 No. of chimneys 1 Material of chimneys brick of lining tile  
 Kind of heat steam (separate permit) Type of fuel \_\_\_\_\_ Is gas fitting involved? \_\_\_\_\_  
 Framing Lumber—Kind hemlock or fir Dressed or Full Size? dressed  
 Corner posts 2x6 Sills 2x6 Girt or ledger board? girt Size 2-2x4  
 Material columns under girders iron posts Size 4" Max. on centers 8'  
 Studs (outside walls and carrying partitions) 2x4-16" O. C. Girders 6x8 or larger. Bridging in every floor and flat roof span over 8 feet. Sills and corner posts all one piece in cross section.  
 Joists and rafters: 1st floor 2x8, 2nd 2x8, 3rd 2x6 ~~inf.~~, roof 2x6  
 On centers: 1st floor 16", 2nd 16", 3rd 16", roof 24"  
 Maximum span: 1st floor 12', 2nd 12', 3rd 12', roof \_\_\_\_\_  
 If one story building with masonry walls, thickness of walls? \_\_\_\_\_ height? \_\_\_\_\_

If a Garage

No. cars now accommodated on same lot \_\_\_\_\_, to be accommodated \_\_\_\_\_

Total number commercial cars to be accommodated \_\_\_\_\_



RECORD OF BUILDINGS

9/12-1-1977-440-Place up 1st door fair. other change

FOUNDATION		FLOOR CONST.		PLUMBING	
CONCRETE		WOOD JOIST	✓	BATHROOM	2
CONCRETE BLOCK		STEEL JOIST		TOILET ROOM	
BRICK OR STONE	✓	MILL TYPE		WATER CLOSET	
PIERS		REIN. CONCRETE		LAVATORY	
CELLAR AREA FULL	✓	FLOOR FINISH	B 1 2 3	KITCHEN SINK	2
1/4 3/4		CEMENT	✓	STD. WAT. HEAT	
NO. CELLAR		EARTH		AUTO. WAT. HEAT	2
EXTERIOR WALLS		PINE	✓	ELECT. WAT. SYST.	
CLAPBOARDS	1/2	HARDWOOD	✓	LAUNDRY TUBS	2
WIDE SIDING		TERRAZZO		NO PLUMBING	
DROP SIDING		TILE		TILING	
NO SHEATHING		ATTIC FLR. & STAIRS	✓	BATH FL. & WCOT.	
WOOD SHINGLES	1/2	INTERIOR FINISH	B 1 2 3	TOILET FL. & WCOT.	
ASBS. SHINGLES		PINE	✓	ELECTRIC	
STUCCO ON FRAME		HARDWOOD	✓	NO LIGHTING	
STUCCO ON TILE		PLASTER	✓	NO. OF ROOMS	
BRICK VENEER		UNFINISHED	✓	BSMT.	2ND 6
BRICK ON TILE		METAL CLG.		1ST 5	3RD
SOLID BRICK		RECREAT. ROOM		OCCUPANCY	
STONE VENEER		FINISHED ATTIC		SINGLE FAMILY	
CONG. OR CIND. BL.		FIREPLACE		TWO FAMILY	
TERRA COTTA		HEATING		APARTMENT	
VITROLITE		PIPELESS FURNACE		STORE	
PLATE GLASS		HOT AIR FURNACE		THEATRE	
INSULATION		FORCED AIR FURN.		HOTEL	
WEATHERSTRIP		STEAM	✓	OFFICES	
ROOFING		HOT WAT. OR VAPOR		WAREHOUSE	
ASPH. SHINGLES	✓	NO HEATING		COMM. GARAGE	
WOOD SHINGLES		2 Railers	✓	GAS STATION	
ASBS. SHINGLES		GAS BURNER		ECONOMIC CLASS	
SLATE TILE		OIL BURNER		OVER BUILT	
METAL		STOKER		UNDER BUILT	
COMPOSITION				DY 7-3-51 AR. BA.	
ROLL ROOFING				LD. 15 PD. 11	
INSULATION				MS. 15 SK. 50	

SUMMARY OF BUILDINGS												
OCCY	TYPE	GR.	AGE	REMOD.	COND.	REP. VAL.	F. D.	PHY. VAL.	F. D.	SOUND VAL.	TAX VAL.	YR.
APT.	A 25/ER.	C	56	F	F	8670	457	4770	A	1110	2800	1
GARB.	B 2C/ER 18X20	C	40	F	F	370	50%	1300	B	750	1000	0
	C	CX		1928		440	40	260	C	260	150	50
	D								D			
	E								E			
	F								F			
	G								G			
YEAR	1951									4920	2950	
TAX VAL.	2450											
OLD VAL.												
CHANGE												
1951-TOTAL BLDGS.										19	19	19

7	12	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50
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**City of Portland, Maine - Building or Use Permit Application**

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

Permit No: 01-1336	Issue Date: NOV 20 2001	CBL: 35 C020001
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Location of Construction: 177 Clinton St	Owner Name: Pizzo Nancy J	Owner Address: 177 Clinton St	Phone: 773-5787
Business Name: n/a	Contractor Name: D.L. George & Son	Contractor Address: 45 Moody Road Limington	Phone: 329-6231 2077938102
Lessee/Buyer's Name: n/a	Phone: n/a	Permit Type: Additions - Dwellings	Zone: R-5

Past Use: Single Family	Proposed Use: Single Family / Add two Bedrooms & Bath	Permit Fee: \$492.00	Cost of Work: \$77,850.00	CEO District: 3
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Proposed Project Description: Add Two Bedrooms & Bath	FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied INSPECTION: Use Group: Type: Signature: Signature:
PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: Date:	

Permit Taken By: gg	Date Applied For: 11/05/2001	<b>Zoning Approval</b>	
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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..	Special Zone or Reviews <input type="checkbox"/> Shoreland <i>NA</i> <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>11/0/01</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:
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**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 \_\_\_\_\_

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

Permit No: 02-0259	Issue Date:	CBL: 135 C020001
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Location of Construction: 177 Clinton St	Owner Name: Pizzo Nancy J	Owner Address: 177 Clinton St	Phone: 207-773-5787
Business Name: n/a	Contractor Name: D.L. George & Son	Contractor Address: 45 Moody Road Limington	Phone: 2077938102
Lessee/Buyer's Name n/a	Phone: n/a	Permit Type: Amendment to Single Family	Zone: R-5

Past Use: Single Family	Proposed Use: Single Family / Amendment to Permit # 011356; added Match window to other window.	Permit Fee:	Cost of Work: \$0.00	CEO District: 3
Proposed Project Description: Amendment to permit # 011356 to add Match window.		FIRE DEPT: <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied <i>N/A</i>	INSPECTION: Use Group: <i>R-3</i> Type: <i>SB</i> <i>BOCA 1999</i>	
		Signature:	Signature: <i>[Signature]</i>	

PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)

Action:  Approved  Approved w/Conditions  Denied

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Permit Taken By: gg	Date Applied For: 03/26/2002	<b>Zoning Approval</b>
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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..

Special Zone or Reviews	Zoning Appeal	Historic Preservation
<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>OK 3/29/02</i>	<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: _____	<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: <i>9</i>

*to remain single family*  
*All previous conditions apply*

**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

02.0259

# All Purpose 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>177 Clinton</u>		
Total Square Footage of Proposed Structure	Square Footage of Lot	
Tax Assessor's Chart, Block & Lot Chart# <u>135</u> Block# <u>C</u> Lot# <u>020</u>	Owner: <u>NANCY J. PIZZO</u>	Telephone: <u>773-5787</u>
Lessee/Buyer's Name (if Applicable)	Applicant name, address & telephone: <u>D.L. GEORGE &amp; SON</u> <u>793-8102 / 329-6231</u>	Cost Of Work: \$ <del>778.50</del> Fee: \$ <del>492</del> <u>30.00</u>
Current use: <u>RESIDENTIAL</u>		
If the location is currently vacant, what was prior use: _____		
Approximately how long has it been vacant: _____		
Proposed use: _____		
Project description: <u>Amend. permit # 01356</u> <u>CHANGE DOORS 345 FROM 3068 TO 2868</u> <span style="float: right;"><u>ADDED WINDOW</u> <u>TO OTHER WINDOW</u></span>		
Contractor's name, address & telephone: _____		
Who should we contact when the permit is ready: <u>JOEL E. GEORGE</u> <span style="float: right;"><u>CALL</u> <u>329-6231</u></span>		
Mailing address: <u>45 MOODY RD. LUMBERTON MS, 39049</u> <span style="float: right;"><u>PHONE: 793 8102</u></span>		
We will contact you by phone when the permit is ready. You must come in and pick up the permit and review the requirements before starting any work, with a Plan Reviewer. A stop work order will be issued and a \$100.00 fee if any work starts before the permit is picked up. <b>PHONE:</b>		

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: <u>Joel E. George</u>	Date: <u>3.26.02</u>
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This is NOT a permit, you may not commence ANY work until the permit is issued. If you are in a Historic District you may be subject to additional permitting and fees with the Planning Department on the 4th floor of City Hall

DEPT. OF BUILDING PERMITTING

MAR 26 2002

December 26, 2012

Portland City Hall  
Zoning Dept.  
ATTN: Ann  
Room #315  
389 Congress Street  
Portland, ME 04101

Dear Ann:

Per our conversation last week, I have located income tax filings back further than I thought I had kept. These filings indicate that I was renting the 175 Clinton Street apartment dwelling at the times dated by the filings.

On the ones dated earlier starting with 2001, my last name was Pizzo, I since changed it back to my maiden name in 2006.

As you can see my house has been a two family dwelling all these years. I have been the owner of the two family house since 1970; a home that has been in my family since the 1950's.

Please make the necessary changes to reflect the error that Joel George, contractor, who filed for a permit with the City of Portland stating my home was a one family home to the original two family home status.

Thank you for your time and consideration.

Sincerely,



Nancy Jo Polito  
177 Clinton Street  
Portland, ME 04103  
207-773-5787

RECEIVED

DEC 28 2012

Dept. of Building Inspections  
City of Portland Maine