

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

BUILDING INSPECTION

PERMIT

Permit Number: 061637

Please Read Application And Notes, If Any, Attached

This is to certify that LOWE BOBBY SUE /n/ a

has permission to Change of use, home occupation/ day

AT 165 WOODLAWN AVE

151 B022001

PERMIT ISSUED

DEC 26 2006

provided that the person or persons who apply for or obtain a permit accepting this permit shall comply with all of the provisions of the Statutes of this State and of the Ordinances of the City of Portland, Oregon, relating to the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and when permission procured before this building or part thereof is loaded or enclosed-in. 4 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. _____

Health Dept. _____

Appeal Board _____

Other _____

Department Name

James M. Markley 12/18/06
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 06-1637	Issue Date:	CBL: 151 B022001
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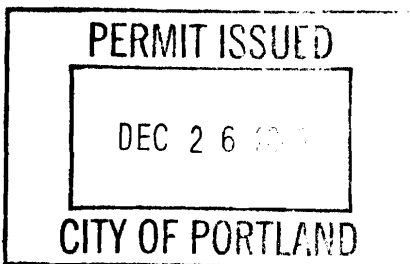
Location of Construction: 165 WOODLAWN AVE	Owner Name: LOWE BOBBY SUE	Owner Address: 165 WOODLAWN AVE	Phone:
Business Name:	Contractor Name: n/ a	Contractor Address: Portland	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use Home Occupation	Zone: R5

Past Use: Single Family	Proposed Use: Single Family Change of use, home occupation / daycare	Permit Fee: \$225.00	Cost of Work: \$225.00	CEO District: 4
Proposed Project Description: Change of use, home occupation/ daycare		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: L3 Type: 5B IRC 2003	
		Signature:	Signature: Jm 12/18/06	
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: dmartin	Date Applied For: 11/07/2006	Zoning Approval		
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- This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.
- Building permits do not include plumbing, septic or electrical work.
- 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 <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: 12/15/06 ABU	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: ABU
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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

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>165 Woodlawn Ave</u>		
Total Square Footage of Proposed Structure <u>275 sq ft Child Care</u>	Square Footage of Lot <u>See building permit</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>151</u> Block# <u>022</u> Lot# <u>R5</u>	Owner: <u>Bobby Sue Louise</u>	Telephone: <u>878-5386</u>
Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone: <u>165 Woodlawn Ave Portland Me 04103</u>	Cost Of Work: \$ _____ Fee: \$ <u>225.00</u>
Current use: <u>Resident - single family</u>		
If the location is currently vacant, what was prior use: _____		
Approximately how long has it been vacant: _____		
Proposed use: <u>single family - w/ home occupation (day care)</u>		
Project description: <u>change of use for a home occupation, to add;</u>		
Contractor's name, address & telephone:		
Who should we contact when the permit is ready: <u>Bobby Sue Louise</u>		
Mailing address:		
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. PHONE:		

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>Bobby Sue Louise</u>	Date: <u>Nov. 7, 2006</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**

City of Portland, Maine - Building or Use Permit

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

Permit No: 06-1637	Date Applied For: 11/07/2006	CBL: 151 B022001
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Location of Construction: 165 WOODLAWN AVE	Owner Name: LOWE BOBBY SUE	Owner Address: 165 WOODLAWN AVE	Phone:
Business Name:	Contractor Name: n/ a	Contractor Address: Portland	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use Home Occupation	

Proposed Use: Single Family Change of use, home occupation / daycare	Proposed Project Description: Change of use, home occupation/ daycare
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Ann Machado **Approval Date:** 12/15/2006**Note:** Needed to check number of children that day care was licensed for. Received a copy of expired license on 12/13/06. Confirmed (12/15/06) with Child Care Licensing that Bobby Sue Lowe is licensed for six children. **Ok to Issue:**

- 1) During its existence, all aspects of the Home Occupations criteria, Section 14-410, shall be maintained.
- 2) Separate permits shall be required for any new signage.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Tom Markley **Approval Date:** 12/18/2006**Note:** **Ok to Issue:**

- 1) This is a Change of Use ONLY permit. It does NOT authorize any construction activities.
- 2) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.

Comments:

11/9/2006-amachado: Left message for Bobby Sue Lowe. Need a copy of her daycare license.

Bobby Sue Lowe
165 Woodlawn Ave
Portland Me 04103
878-5386
151-B-022-RS-Daycare Business

Zoning Administrator
Department of Urban Development
City of Portland
389 Congress Street
Portland Me 04101

To whom it may concern:

I am requesting a 14-410 permit to allow me to use my residence at 165 Woodlawn Ave for a home occupation. I intend to operate a family Child Care facility licensed for 6 children and 2 after school children. The following is an explanation of how my home occupation meets the Criteria listed under item (1) of the same.

- A. My home occupation will occupy approximately 275 sq ft. (see building permit)
- B. Toys + Equipment will be stored in back fenced play area
- C. Storage of materials are minimal and included in the 275 sq ft.
- D. There will be no external signage related to my home occupation
- E. See Building permit - (06-0905) issued 8/22/06
- F. Child Care parents will be permitted to park in driveway
- G. No objectionable effects will result from my home occupation
- H. I will not require the services of employees
- I. Traffic will be minimal - most parents live on Woodlawn Ave and walk to drop-off + pick up
- J. No vehicles even nearing a gross weight of 6,000 pounds are necessary.

I have been involved in child care for more than 16 years in Portland. Four of out of six families are neighbors. As a result of my child care our neighborhood have become a very tight community.

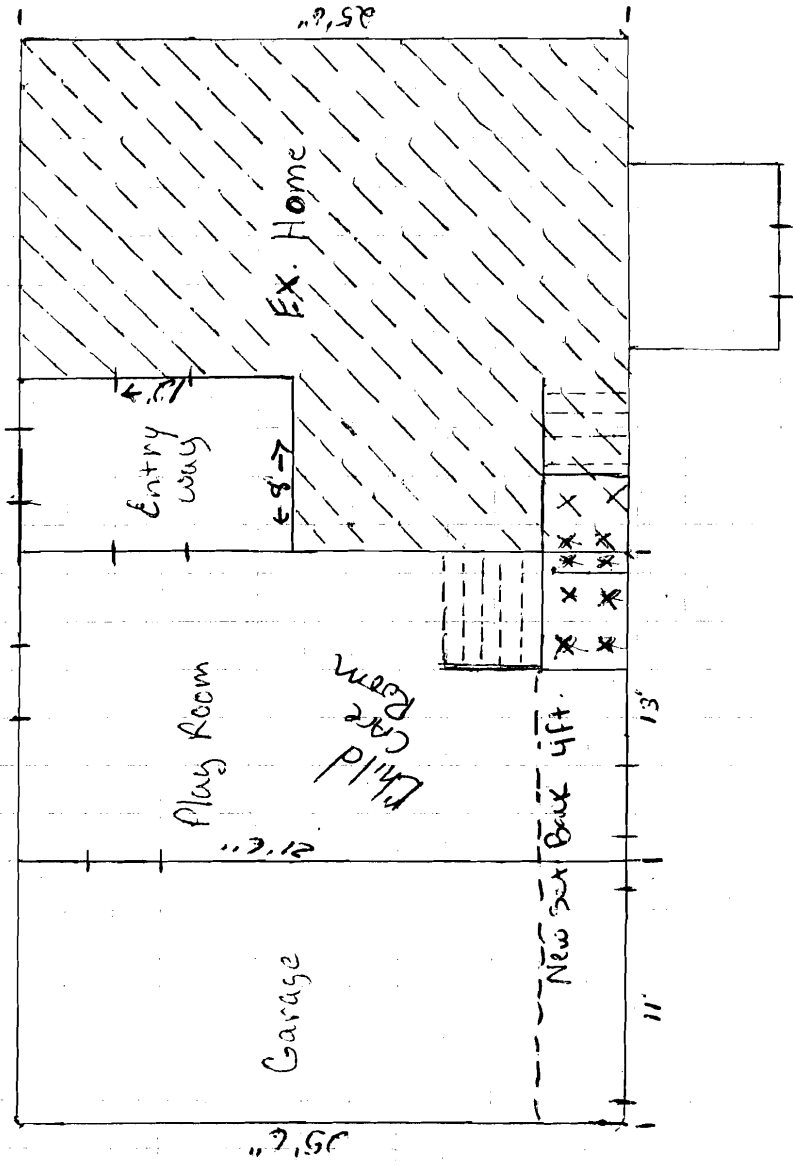
Woodlawn Ave is a wonderful area to have a child care facility. I live very close to the end of the street, therefore there is not a lot of traffic. It is a safe and enriching environment.

Thank-you for your assistance.

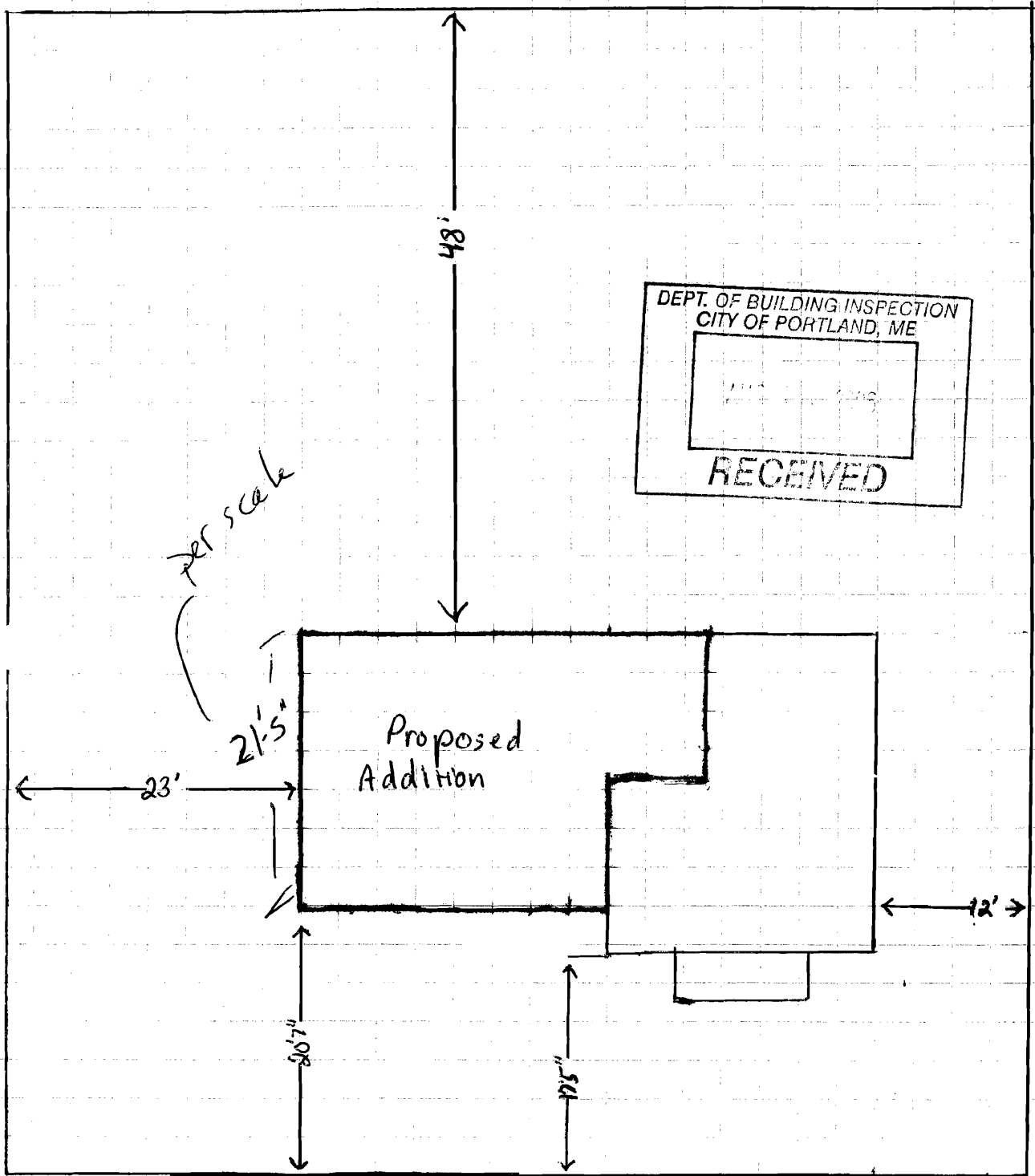
Sincerely,
Bobby Sue Love

6/2 Family Child Care

Floor Plan 1st Floor



Bobby Sue Lowe
165 Woodlawn Avenue
Portland, Me 04103



81 78 75 72 69 66 63 60 57 54 51 48 45 42 39 36 33 30 27 24 21 18 15 12 9 6 3 0

Plot Plan

650-5681
Curtis

license expired 10/7/06

10/15/06

-Called Child Care Licensing
in Augusta & left message

-Louise Atkinson left voicemail. (207-5038)

Bobby Sue Lowe applied
to renew license Oct 6, 2006. License
is in renewal status & so valid.
Application for 2006-2007 is
for 6 children

Issued To:

BSL

Bobby Sue Lowe
165 Woodlawn Avenue
Portland, ME 04103
Non-transferable

Effective: **October 7, 2005**

Expires: **October 7, 2006**

ID: **395768**

State of Maine

Department of Human Services

Full Certificate to Operate a Day Care Home for 6 children



John P. Pihl
Commissioner, Department of Human Services

NOTICE

If you have any questions about the care of children (or attending this or any other child care program) and cannot resolve your concerns with the provider, please call Child Care Licensing at (207)287-5060 to report your concerns. We work in partnership with providers and parents to keep children safe and to promote a healthy learning environment. State Licensing Rules require that this License/Certificate be conspicuously posted.

September 20, 2006

To: Gary Wood, Corporation Counsel

From: Ann Machado, Zoning Specialist

A complaint was filed in July 2006 that Bobby Sue Lowe, at 165 Woodlawn Avenue was running an illegal child daycare out of her house. I checked our files and the only permits we had listed for the use of the property was as a single family. There were no permits to have a daycare. I wrote Ms. Lowe a letter on July 28, 2006 telling her that the child daycare was illegal and that she needed to legalize it by filing a conditional use appeal with the Zoning Board of Appeals under section 14-118(c)(3). She was given thirty days to apply for the conditional use.

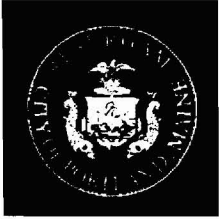
Ms. Lowe did not file the conditional use appeal within thirty days, so I sent her another letter August 29, 2006 giving her ten more days to file the appeal or we would turn the matter over to corporation counsel. Ms. Lowe also missed this deadline of September 8. She did come in September 12 with the conditional use application for the Zoning Board of Appeals, but it was incomplete.

I spoke to her on September 13, and during our conversation she told me that the daycare only had six children, not the twelve that I was led to believe earlier on with a conversation that I had with her daughter. I told Ms. Lowe that she might meet the criteria for a home occupation application. She picked up the application later that day. I told her that she needed to get it in as soon as possible. It is now a week later, and we have not received the application.

I spoke to Marge and she said at this point, that we needed to turn this matter over to your office.

Cc. Marge Schmuckal

gave copies to Penny & Mary 10/25/06



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*Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

July 28, 2006

Bobby Sue Lowe
165 Woodlawn Avenue
Portland, ME 04103

RE: 165 Woodlawn Avenue – 151-B-022 – R5 – daycare business

Dear Ms. Lowe,

It has come to the attention of our office that you are running a child daycare out of your home at 165 Woodlawn Avenue. Our records show that you have never applied to have a daycare use in your home. The only use that we have permitted for your property is as a single family home. Since you never applied for a permit to have the daycare use, it is an illegal use and you must take immediate steps to try to legalize it, or remove it.

Section 14-118 of the ordinance lists the conditional uses that are allowed in the R5 zone and section 14-118(c)(3) states that a day care facility is a conditional use, which is allowed if it meets a set of conditions. To obtain a conditional use permit, you must file a conditional use appeal to appear before the Zoning Board of Appeals. I have enclosed a copy of section 14-118 of the ordinance so you can see exactly what conditions you must meet to obtain a conditional use permit. I have also enclosed the application process for the Zoning Board of Appeals and the Conditional Use Appeal Application.

You have thirty days from the date of this letter to apply for a conditional use. If we do not receive an application within thirty days, then we will turn this matter over to our corporation counsel, and they may begin legal proceedings to bring the use of your property into compliance.

If you have any questions regarding this matter, please feel free to call my office at 874-8709.

Sincerely,

Ann B. Machado
Zoning Specialist
(207) 874-8709



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*Lee Urban- Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

August 29, 2006

Bobby Sue Lowe
165 Woodlawn Avenue
Portland, ME 04103

RE: 165 Woodlawn Avenue – 151-B-022 – R5 – daycare business

Dear Ms. Lowe,

I sent you a letter dated July 28, 2006 stating the fact that you are running an illegal child daycare out of your home at 165 Woodlawn Avenue because you never applied for a permit to have a child daycare at your home. I also told you that you had thirty days from the date of the letter to bring in a Conditional Use Appeal Application to go before the Zoning Board of Appeals to get a conditional use for your child daycare. The thirty day period to get your appeal application in was up yesterday, August 28. We must receive your Conditional Use Appeal Application within ten days from the date of this letter. If we do not receive an application within ten days, then we will turn this matter over to our corporation counsel, and they may begin legal proceedings to bring the use of your property into compliance.

I have enclosed a copy of the original letter that I sent you, and I have enclosed another copy of both the Conditional Use Appeal Application and the application process for the Zoning Board of Appeals. If you have any questions regarding this matter, please feel free to call me at 874-8709.

Sincerely,

Ann B. Machado
Zoning Specialist
(207) 874-8709



PORTLAND MAINE

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Corporation Counsel
Gary C. Wood

Associate Counsel
James R. Adolf
Elizabeth L. Boynton
Donna M. Katsiaficas
Penny Littell

October 25, 2006

Bobby Sue Lowe
165 Woodlawn Avenue
Portland, ME 04103

RE: 165 Woodlawn Avenue – 151-B-022-R5 – Daycare Business

Dear Ms. Lowe,

I am writing in regard to the illegal child daycare operation that you run out of your home. This matter has been referred to our office by Zoning Specialist Ann Machado because you have failed to take any action in response to the attached letters. As set forth in Ms. Machado's letters, the only permitted use of your home is as a single family home. You have never applied to have a daycare use in your home and therefore, the current use of your home as a daycare is in violation of the zoning ordinance and thus illegal.

In order to legalize your operation, you must take one of two actions, depending on the size of your operation. If your daycare accommodates no more than six children, plus two children after school and you have no nonresidential employees, then you must apply for a change of use for home occupation. If your operation does not fall within the parameters of a home occupation, you must obtain a conditional use permit by applying for a conditional use appeal to appear before the Zoning Board of Appeals. I have enclosed both applications, as well as the applicable section of the ordinance.

You have two weeks from the date of this letter to submit an application. If you fail to do so, I will begin legal proceedings.

Please feel free to contact me or Ann Machado if you have any questions.

Sincerely,


Mary E. Costigan
Associate Corporation Counsel

cc: Ann Machado

From: Ann Machado
To: Mary Costigan
Date: 11/8/2006 11:45:10 AM
Subject: Re: Lowe

Mary -

Bobby Sue Lowe brought in a home occupation application yesterday afternoon. The front staff is entering it into the system and I will take a look at it. Hopefully it will meet the zoning requirements and we can get this use legalized. I'll let you know if there are any problems.

Thanks. Ann

>>> Mary Costigan 11/8/2006 9:10:40 AM >>>
Ann -

Today is Bobby Sue Lowe's deadline for submitting an application for her daycare on Woodlawn Ave. Have you heard from her?

Mary