

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND

BUILDING DEPARTMENT

PERMIT

Permit Number: 090161

Please Read Application And Notes, If Any, Attached

This is to certify that SHIR SADRI
has permission to Change of Use, 1st Floor Place of Worship Construction
AT 978 WASHINGTON AVE CB 161 E003001

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the Ordinances of the City of Portland regulating 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 written permission procured before this building or part thereof is lath or other work is put in. 24 HOURS 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

DENIED

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: 09-0161	Issue Date:	CBL: 161 E003001
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Location of Construction: 978 WASHINGTON AVE	Owner Name: SHIR SADRI	Owner Address: 41 OCEAN HOUSE RD	Phone: 207-228-5040
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	Zone: R-5

Past Use: Commercial- Television Repair Shop(1st Floor), 2nd Floor Residential Apartment	Proposed Use: Commercial- Change of Use, 1st Floor Place of Worship no Construction	Permit Fee: \$155.00	Cost of Work: \$0.00	CEO District: 4
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Proposed Project Description: Change of Use, 1st Floor Place of Worship no Construction	FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied INSPECTION: Use Group: Type:
	DENIED
	Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied Signature: _____ Date: _____

Permit Taken By: lmd	Date Applied For: 03/03/2009	Zoning Approval		
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 <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:	Zoning Appeal <input checked="" type="checkbox"/> Variance <i>Practical Difficulty</i> <input type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input checked="" type="checkbox"/> Denied S-O Date: June 4, 2009	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 <i>ASB</i> 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

City of Portland, Maine - Building or Use Permit

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

Permit No: 09-0161	Date Applied For: 03/03/2009	CBL: 161 E003001
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Location of Construction: 978 WASHINGTON AVE	Owner Name: SHIR SADRI	Owner Address: 41 OCEAN HOUSE RD	Phone: 207-228-5040
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Commercial	

Proposed Use: Commercial- Change of Use, 1st Floor - Place of Worship - no Construction	Proposed Project Description: Change of Use, 1st Floor - Place of Worship - no Construction
--	--

Dept: Zoning	Status: Denied	Reviewer: Ann Machado	Approval Date:	Ok to Issue: <input type="checkbox"/>
Note:				
Dept: Building	Status: Pending	Reviewer:	Approval Date:	Ok to Issue: <input type="checkbox"/>
Note:				

Comments:

3/6/2009-jmb: Contacted Richard Jordan(831-8102) who is assisting the owner on the application process. He will submit the site plan showing parking. He also confirmed it is for a place of worship/community

3/9/2009-amachado: A place of worship is a conditional use [14-118(b)(3)] that needs to be reviewed by the Planning Board. Minimum lot size for place of worship is one acre(43,560 sf), [14-14-120(a)]. The lot is 14,400 sf so will need practical difficulty variance. Required parking is one space for each 25 sf [14-332(k)]. First floor is 1155 sf, so need 46 parking spaces. Dimensions of parking area shown on plot plan would not allow for 46 spaces.

3/10/2009-amachado: Richard Jordan submitted a parking plan & floor plan that showed the dimensions of the first floor. With this floor plan the area of the first floor is 984.26 sf so 39 parking spaces are required. The parking plan shows a total of 20 spaces.

7/21/2009-amachado: On June 4, 2009, the ZBA heard the Practical Difficulty appeal asking for a variance on the size of the lot. The ZBA denied the appeal (5-0). On June 18, 2009 the ZBA voted (6-0) to accept the findings of fact for the practical difficulty appeal. On June 4, 2009 the ZBA accepted the withdrawal of the variance appeal for the off street parking requirement to be waived.

DENIED



General 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: 978 Washington Avenue		
Total Square Footage of Proposed Structure/Area N/A	Square Footage of Lot 14418.3 sqft (or) 0.331 ACRES	Number of Stories 2
Tax Assessor's Chart, Block & Lot Chart# 161 Block# E Lot# 3 Book/Page 23454/156 Parcel ID # 161-E003001	Applicant *must be owner, Lessee or Buyer* Name Sadri Shir Address 41 Ocean House Road ME. City, State & Zip Cape Elizabeth 04107	Telephone: (207) 228-5040
Lessee/DBA (If Applicable) N/A	Owner (if different from Applicant) Name Address N/A City, State & Zip	Cost Of Work: \$ 0 process 30.00 C of O Fee: \$ 75.00 Total Fee: \$ 105.00
DENIED		
Current legal use (i.e. single family) 2nd floor rental unit	Number of Residential Units 1	
If vacant, what was the previous use? Television Repair Shop	1st floor	
Proposed Specific use: Assembly Hall - Place of Gathering	- place of worship per Janie's conversation w/ Richard Jordan	
Is property part of a subdivision? No	If yes, please name N/A	
Project description: Change of Use/ No other work or renovations. *separate site plan application for parking pavement*		
Contractor's name: N/A		
Address: N/A	with assistance by Richard Jordan Telephone: 831-8102	
City, State & Zip: N/A	Telephone: N/A	
Who should we contact when the permit is ready: Applicant	Telephone: 228-5040	
Mailing address: 41 Ocean House Road Cape Elizabeth ME 04107		

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

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: Sadri Shir Date: 2-27-09

This is not a permit; you may not commence ANY work until the permit is issue



Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

*Penny St. Louis Littell - Director of Planning and Urban Development
Marge Schmuckal, Zoning Administrator*

April 13, 2009

Sadri Shir
41 Ocean House Road
Cape Elizabeth, ME 04107

COPY

*Variance appeal: practical difficulty appeal
4/6/09*

Re: 978 Washington Avenue – 161 E003 – R-5 – Change of use to place of worship –
Permit #09-0161

Dear Sadri Shir,

I am in receipt of your application to change the use of the first floor of 978 Washington Avenue from a television repair shop to a religious use/place of worship. At this point I cannot approve your permit because it does not meet all the zoning requirements for the R-5 zone.

One requirement is that you need to meet the minimum lot size. Your lot is 14,400 square feet, and the required minimum lot size for a place of worship or religious use under section 14-120(1)(a)(5) is one acre (43,560 square feet). You need to apply for a Practical Difficulty Variance with the Zoning Board of Appeals since you do not meet the minimum lot size.

The second requirement is that when there is a change of use, you need to meet the minimum parking requirements for the use of the building. Your parking plan shows that you have twenty off street parking spaces. You need a total of forty off-street parking spaces, thirty-nine parking spaces for a place of worship/religious use [section 14-332(k)] and one parking space for the existing dwelling unit on the second floor [section 14-332(a)(2)]. You need to apply for a variance with the Zoning Board of Appeals since you do not have the required number of parking spaces.

If you are granted these two variances, your next step is to apply for a conditional use under section 14-118(b)(3) and your submitted site plan for the expanded parking lot must be revised and completed for review. The Planning Board is the reviewing authority for the conditional use appeal and the site plan. A copy of the site plan ordinance is attached. The submittal requirements for a complete application are found in section 14-525.

Your permit cannot be approved by zoning until you have successfully completed these three steps. I have enclosed the applications for the two variances and a sheet which

outlines the application process for the Zoning Board of Appeals. The contact person in the Planning Division for the conditional use appeal and the site plan for the expanded parking lot is Barbara Barhydt at 874-8699. Remember, you will also need to meet the requirements of the building and life safety codes.

You have the right to appeal my decision concerning use. If you wish to exercise your right to appeal, you have thirty (30) days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeal. Please contact this office for the necessary paperwork that is required to file an appeal.

Please feel free to call me at 874-8695 if you have any questions.

Yours truly,

A handwritten signature in cursive script that reads "Marge Schmuckal".

Marge Schmuckal
Zoning Administrator

Cc. Penny St. Louis Littell, Director of Planning and Urban Development
Gary Wood, Corporation Counsel
Barbara Barhydt, Development Review Services Manager
Tammy Munson, Inspections Division Director
Jeanie Bourke, Code Enforcement Officer
Richard Jordan
File

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-chair
Deborah Rutter
Jill E. Hunter
Gordan Smith-secretary
William Getz
Sara Moppin

June 9, 2009

Shukria Wiar
420 Mitchell Road
Cape Elizabeth, ME 04107

RE: 978 Washington Avenue
CBL: 161 E003
ZONE: R5

Dear Mrs. Wiar:

As you know, at the June 4, 2009 meeting, the Board accepted the withdrawal of your Variance Appeal with no prejudice for the off street parking requirement to be waived.

Since there were changes to the parking lot it is necessary to follow through on a site plan application to the Planning Division.

Enclosed please find the billing for the Zoning Board Appeals legal ad and abutter's notification and also a copy of the Zoning Board Appeal decision from the agenda.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin
Office Assistant

CC: Sadri Shir, owner
file

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-chair
Deborah Rutter
Jill E. Hunter
Gordan Smith-secretary
William Getz
Sara Moppin

June 9, 2009

Shukria Wiar
420 Mitchell Road
Cape Elizabeth, ME 04107

RE: 978 Washington Avenue
CBL: 161 E003
ZONE: R5

Dear Mrs. Wiar:

As you know, at the June 4, 2009 meeting, the Board voted 5-0 to deny your Practical Difficulty Variance Appeal for the change of use from a commercial use to a place of worship on the first floor. The Board will be voting on the findings of facts at the next Zoning Board of Appeals meeting on Thursday, June 18, 2009.

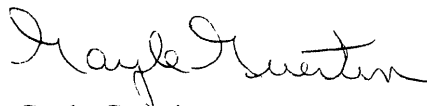
The City of Portland will be pleased to work with you concerning an allowable use now that there is no approved use of the first floor of your building.

Enclosed please find the billing for the Zoning Board Appeals legal ad and abutter's notification and also a copy of the Zoning Board Appeal decision from the agenda.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin
Office Assistant

CC: Sadri Shir, owner
file

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-chair
Deborah Rutter
Jill E. Hunter
Gordan Smith-secretary
William Getz
Sara Moppin

June 23, 2009

Shukria Wiar
420 Mitchell Road
Cape Elizabeth, ME 04107

RE: 978 Washington Avenue
CBL: 161 E003
ZONE: R5

Dear Mrs. Wiar:

As you know, at the Board of Appeals meeting held on Thursday, June 4, 2009, the Board voted 5-0 to deny your request for the change of use from a commercial use to a place of worship on the first floor. The last meeting held on Thursday, June 18, 2009 the Board voted 6-0 to accept the findings of facts for your Practical Difficulty Variance Appeal.

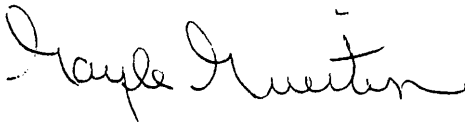
The City of Portland will be pleased to work with you concerning an allowable use now that there is no approved use of the first floor of your building.

Enclosed is the decision letter for the findings of facts, also a copy of the Zoning Board Appeal decision from the agenda.

Appeals from decisions of the Board may be filed in Superior Court, pursuant to 30-A M.R.S.A. section 2691 (2) (G).

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin
Office Assistant

CC: Sadri Shir, owner
file



Planning & Urban Development Department
Penny St. Louis Littell, Director

June 12, 2009

Ms. Sadri Shir
41 Ocean House Road
Cape Elizabeth, Maine 04107

Re: CBL 161-E- 03/ 978 Washington Avenue, Portland, Maine

Dear Ms. Shir:

The City imposed a stop work order on your property at 978 Washington Avenue when it came to our attention that you expanded and paved a parking lot at this property without obtaining site plan review. Your neighbors have complained about flooding as a result of this activity. On June 4, 2009 the Portland Zoning Board of Appeals denied your request for a variance from lot size and parking requirements for a place of worship at this location.

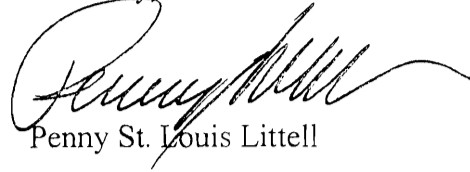
Please be advised the after-the-fact site plan application for the parking lot, that you filed with the City on March 5, 2009, is incomplete. You are required to either 1) remove the parking lot pavement and return the site to its pre-existing condition (with appropriate site stabilization controls in place) or 2) immediately submit the additional information required to complete your site plan application (see attached list). If you choose to follow the latter action, I would strongly advise you to hire an engineer to assist you, as the main issue involved is drainage which needs to be appropriately engineered. I would also direct your attention to the new stormwater regulations contained within Chapter 500 of the Maine Department of Environmental Protection Rules which will require you to address stormwater quality and runoff in this Fall Brook area. The City does not allow a parking lot simply to drain onto another's property, causing the alteration of a preexisting drainage course or swale, or the creation of a flooding scenario.

Finally, based on the discussion at the Zoning Board of Appeals meeting last week, the City will be considering zoning amendments vis a vis dimensional requirements for places of worship. Such a process typically will take several months. In the meantime, use of 978 Washington Avenue, as a place of worship, is not allowed. I understand Rachel Talbot Ross is working with you to find a temporary location for you and your congregation members to conduct weekly prayer.

Please advise this office of your intentions regarding this parking lot issue no later than June 30.

Thank you in advance for your cooperation and prompt reply.

Sincerely,



Penny St. Louis Littell

cc: Joseph Gray
Barbara Barhydt
Alex Jaegerman
Danielle West-Chuta
Gary Wood
Philip DiPierro
Marge Schmuckal

978 Washington Avenue City of Portland, Maine

Application for Change of Use ONLY

No building changes: Walls or permanent partitions, plumbing or electrical, renovations, windows, doors, insulation or other changes other than the proposed use of the building are planned at this time.

Should they be needed in the future, separate permit application(s) will be submitted when required.

Prior use: First Floor:

**Consumer Electronic Repair Shop
“Dick Waterhouse TV Repair”**

Second Floor:

Rental Single Unit

Proposed Use: First Floor:

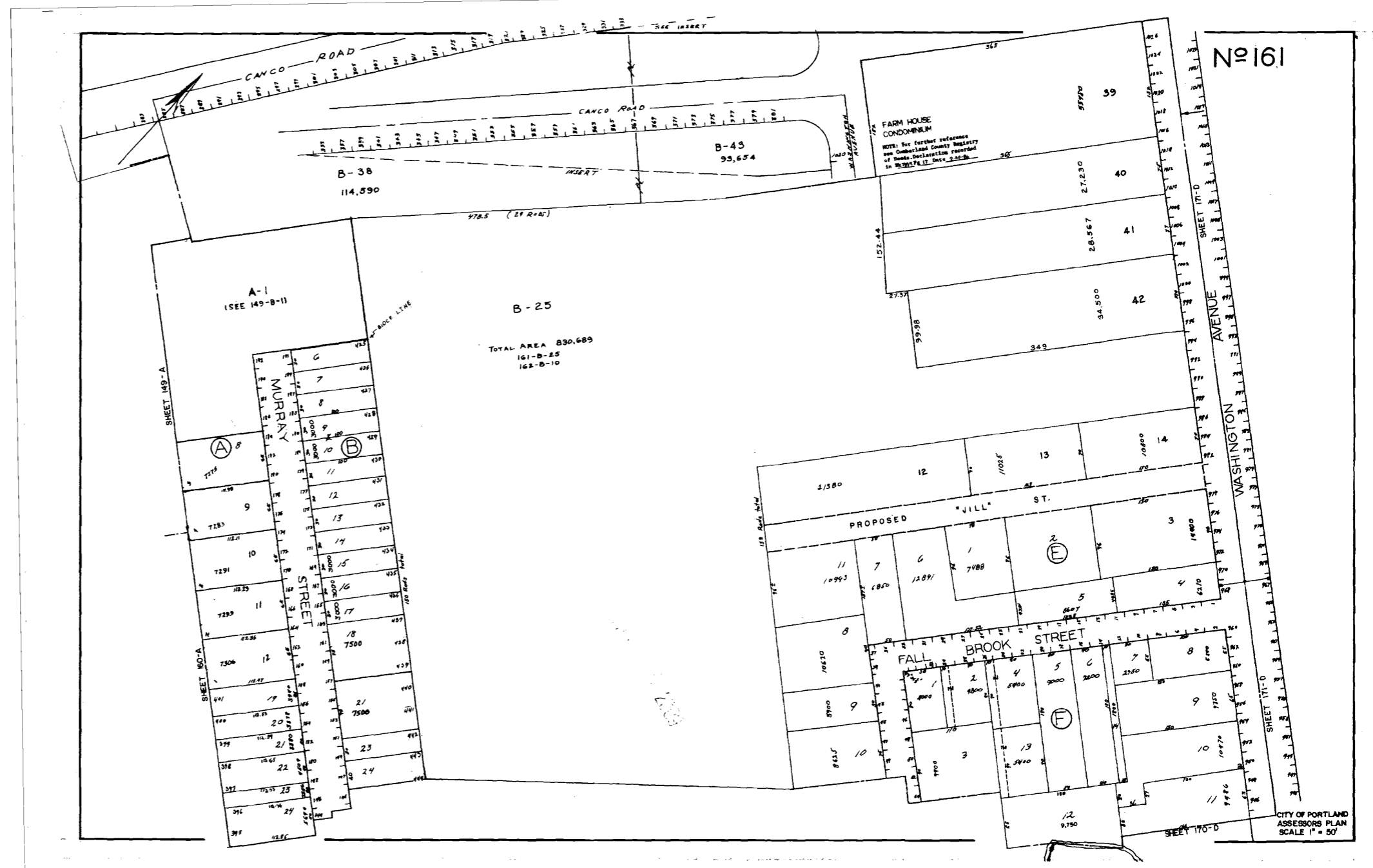
Assembly Hall

Second Floor:

No Change

**Attached: Lot and building drawing. Interior first floor layout.
Change of use applications.**

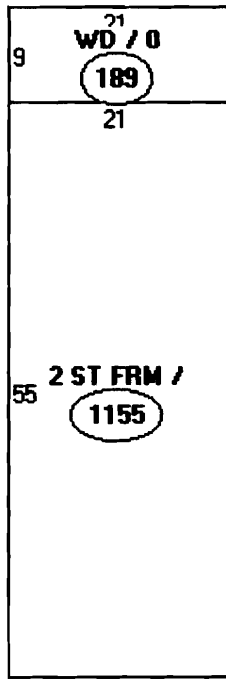
Sabrina Shir



No 161

CITY OF PORTLAND
ASSESSORS PLAN
SCALE 1" = 50'

1 of 3

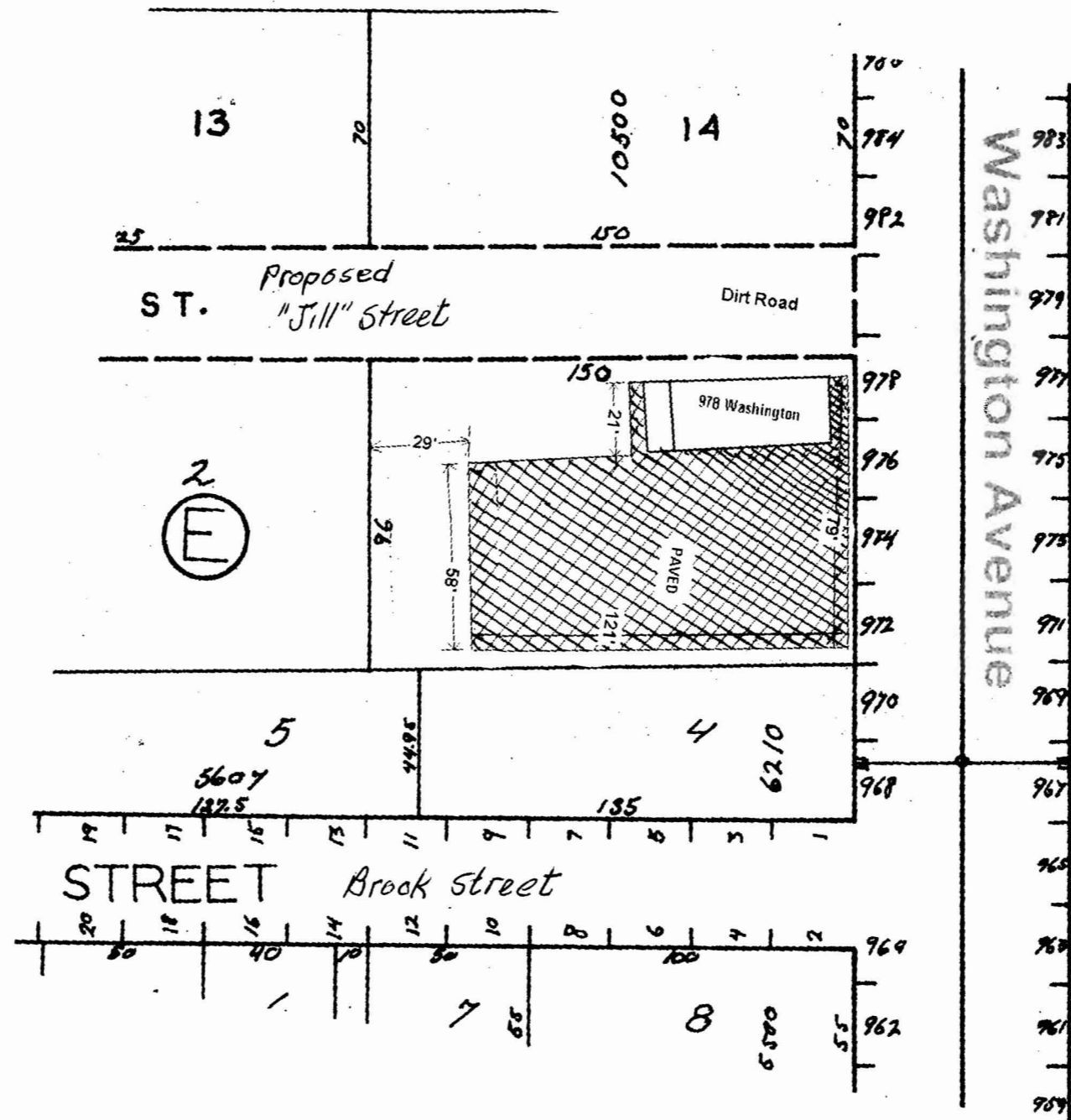


Descriptor
 A: 2 ST FRM
 1155 sqft
 B: WD / 0
 189 sqft

1155

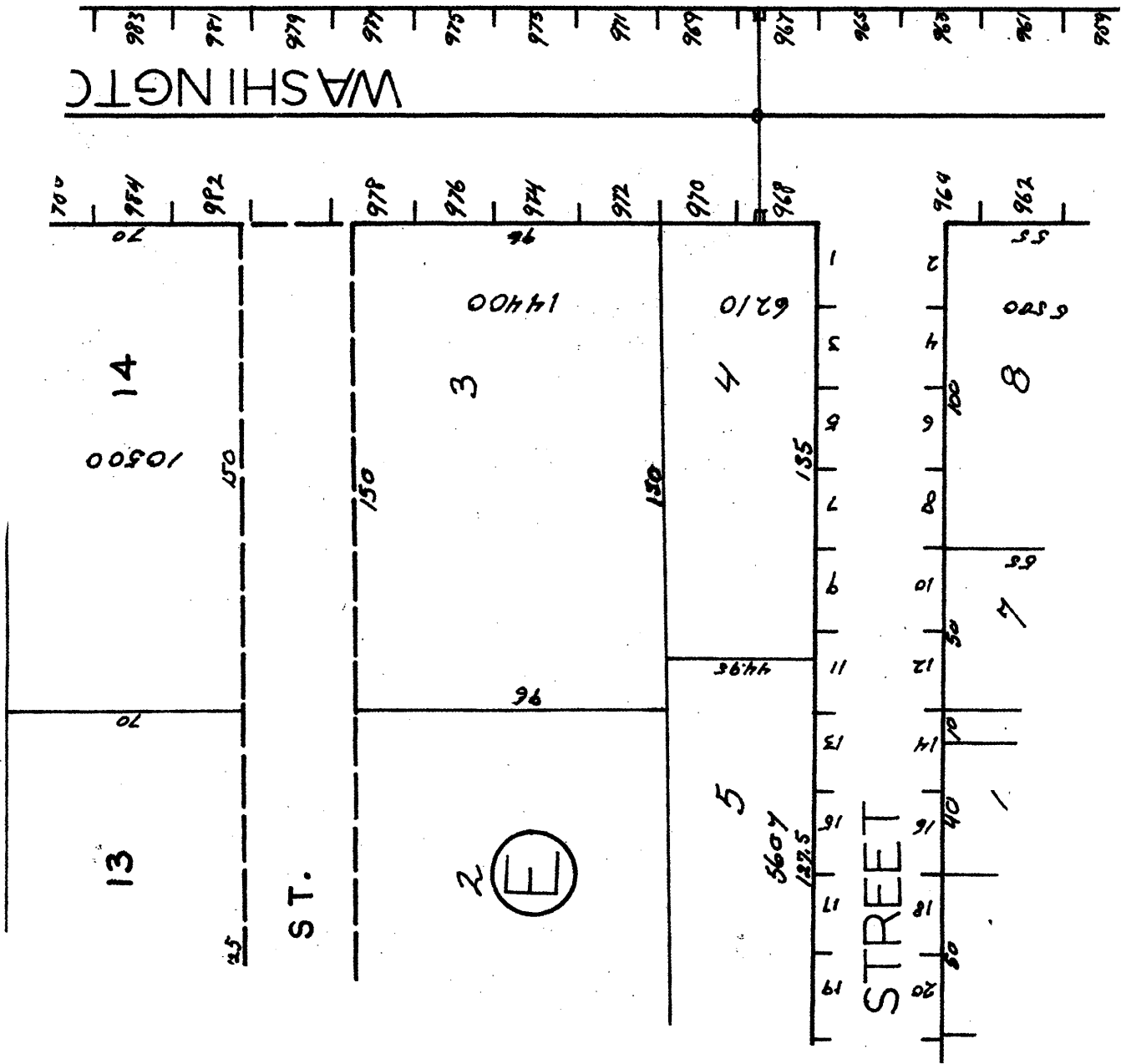
Q-1 -FILE-
3/6/09 C.K.Hall

293



MAR 8 2009

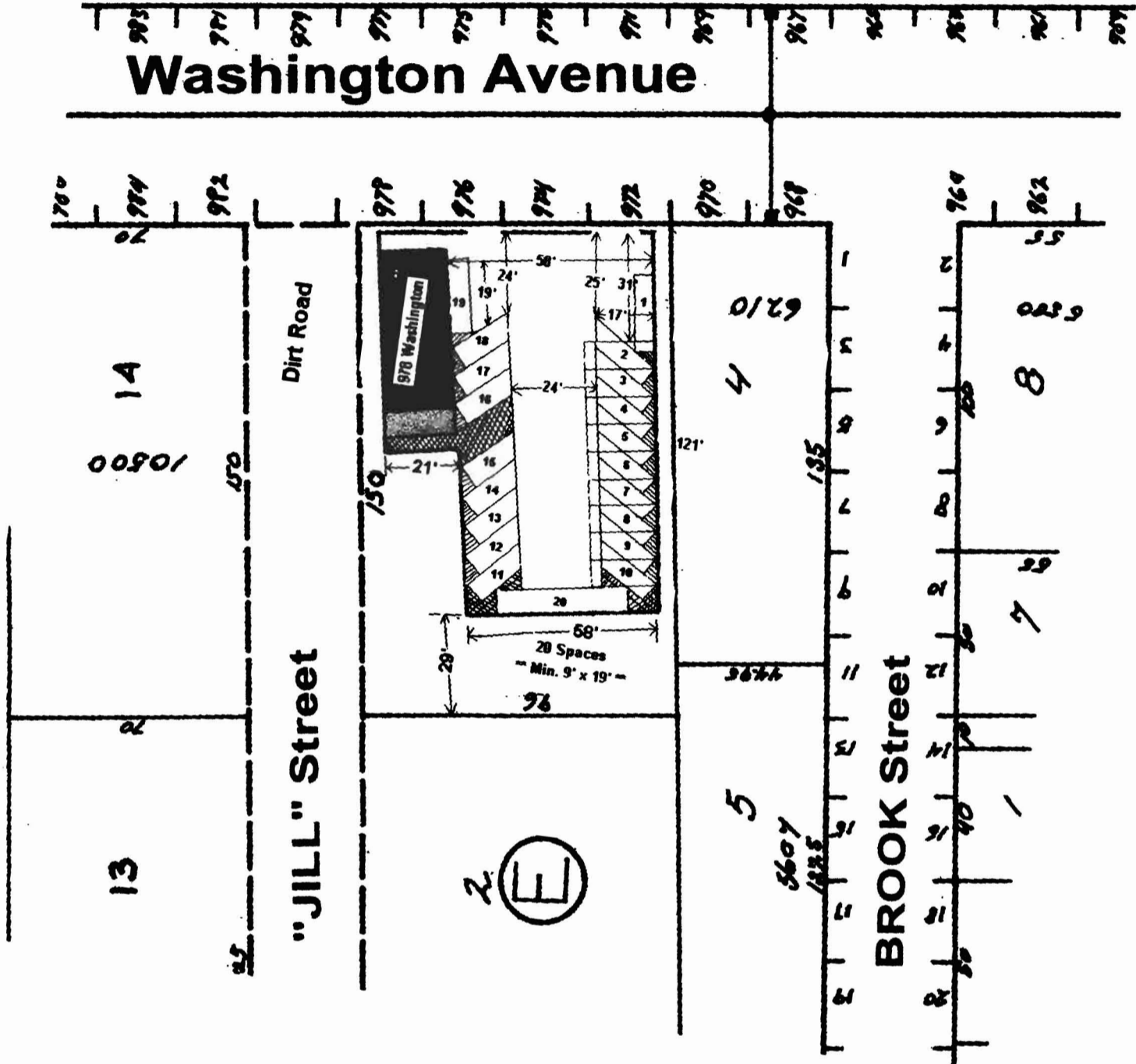
343



Sadri Shir
978 Washington Avenue

20 Spaces / 9' x 19' Minimum

24' Minimum Aisle and Entrance

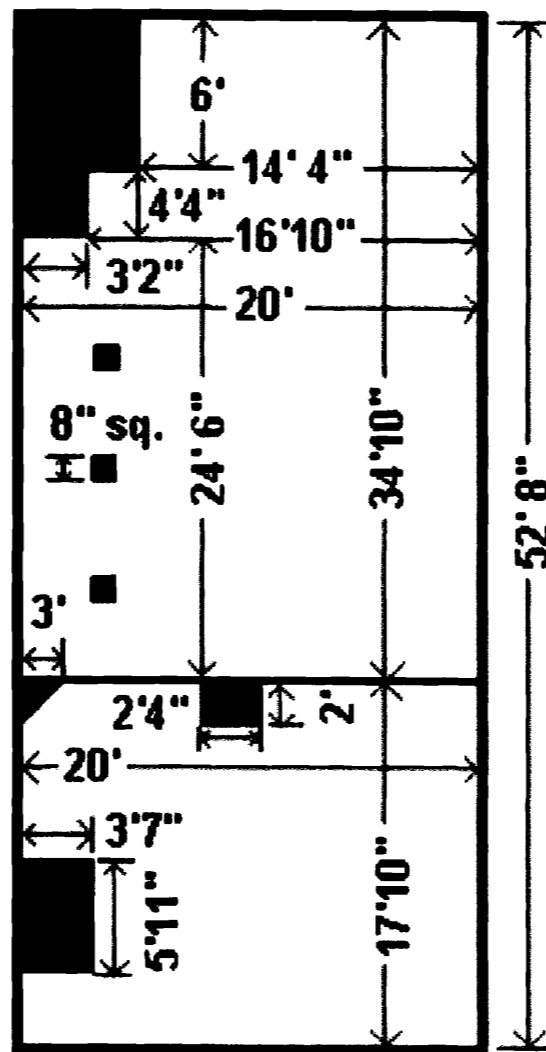


MAR 10 2009

Q-1
3/9/2009

**Sadri Shir
978 Washington Avenue
First Floor Layout**

MAR 10 2009



Total Floor Area = 1053.34 sq.ft.

Less:

Backroom:

- Chimney = 4.67 sq.ft.
- Stairway = 21.2 sq.ft.
- Wire way = 4.5 sq.ft.

Frontroom:

- Stairway = 47.73 sq.ft.
- Support Posts = 1.5 sq.ft.
- (8" square 0.5 sq.ft. X 3)

$$\begin{array}{r}
 20 \times 17.83 = 356.6 \text{ } \phi \\
 3.58 \times 5.92 = \quad 21.19 \\
 \hline
 335.41 \\
 24.5 \times 20 = \quad 490 \\
 16.83 \times 4.33 = \quad 72.87 \\
 6 \times 14.33 = \quad 85.98 \\
 \hline
 984.26 \text{ sf}
 \end{array}$$

Total Obstruction to Floor Space = 79.6 sq.ft.

First Floor Area = 973.74 sq.ft.

÷ 25

39.37 spaces

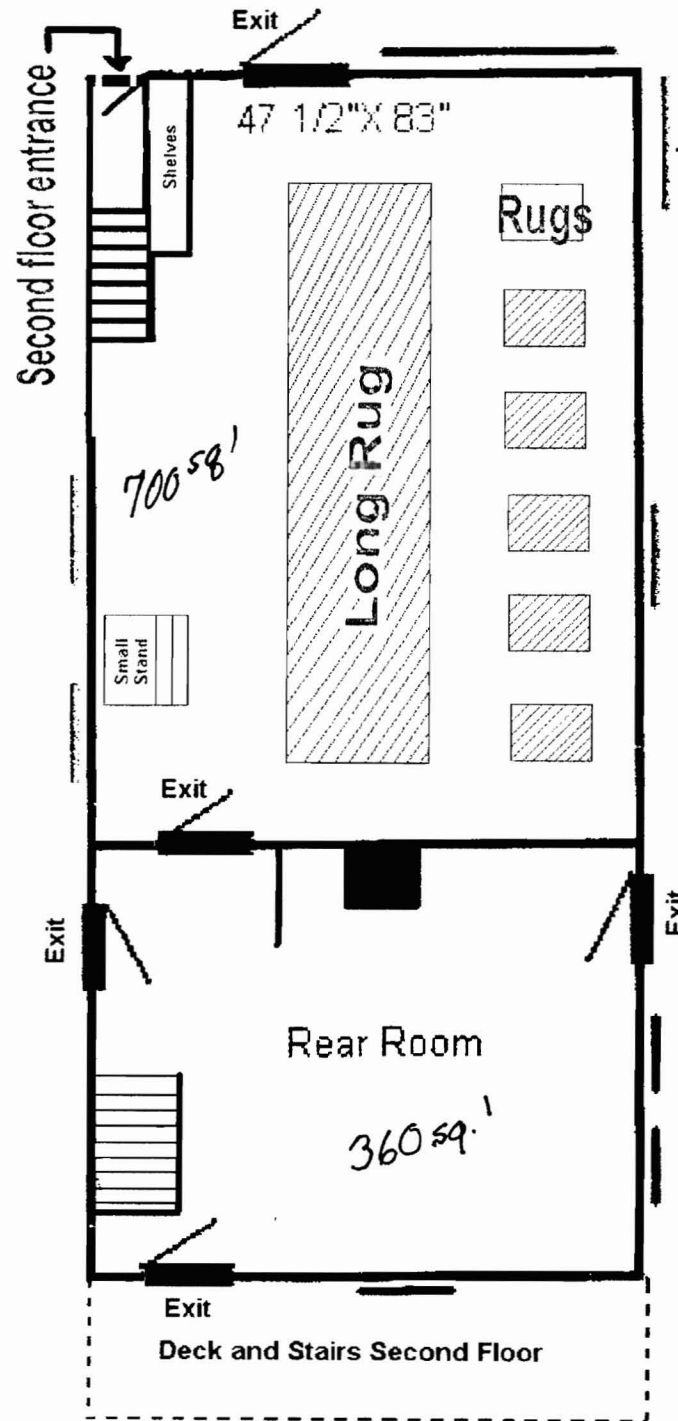
39 parking spaces

Washington Avenue Apartments

Interior Furnishings

Proposed OCCUPANCY LOAD
MAXIMUM 4.5 people

Refer to pictures
for furnishings
take 3/1/09

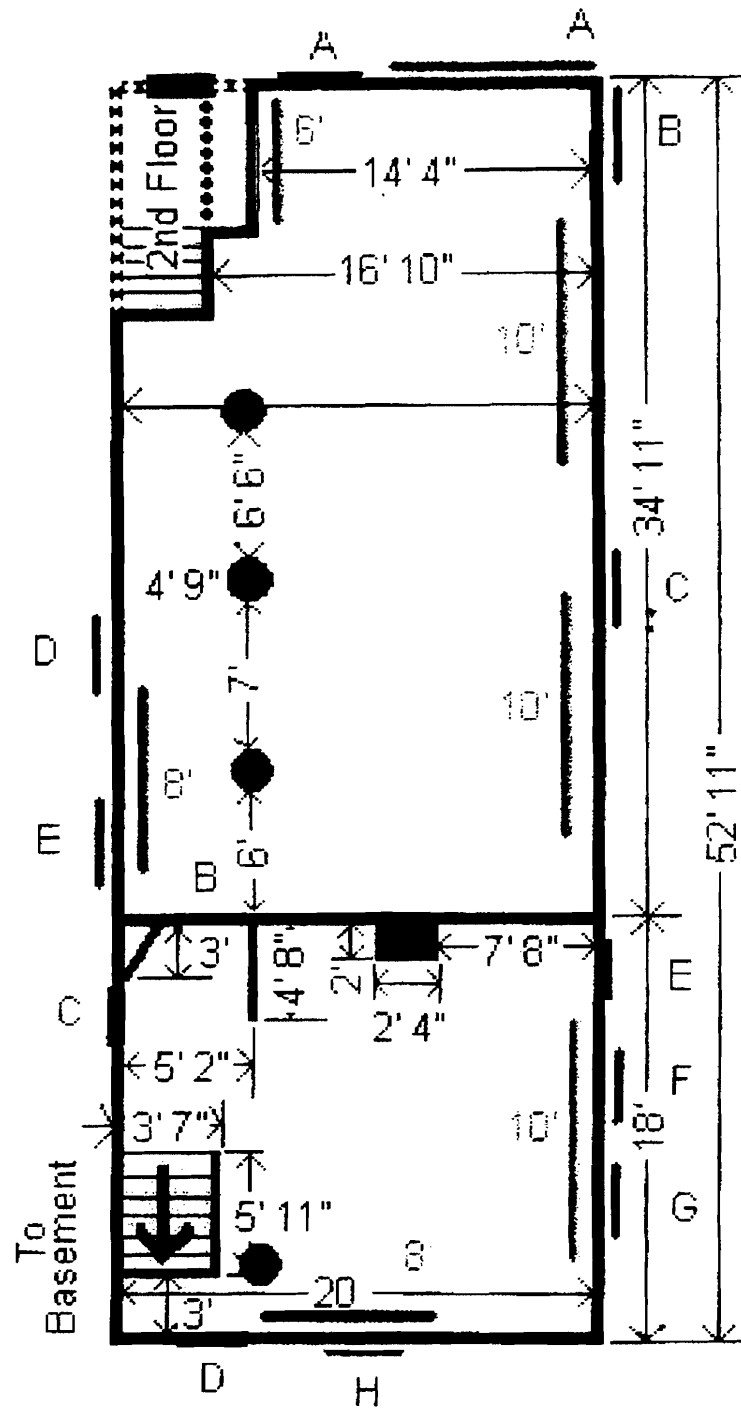





Sadri Shir
Owner

Quality-One
2/27/2009

Washington Avenue Apartments
Washington Avenue Front

Basic Floor Layout



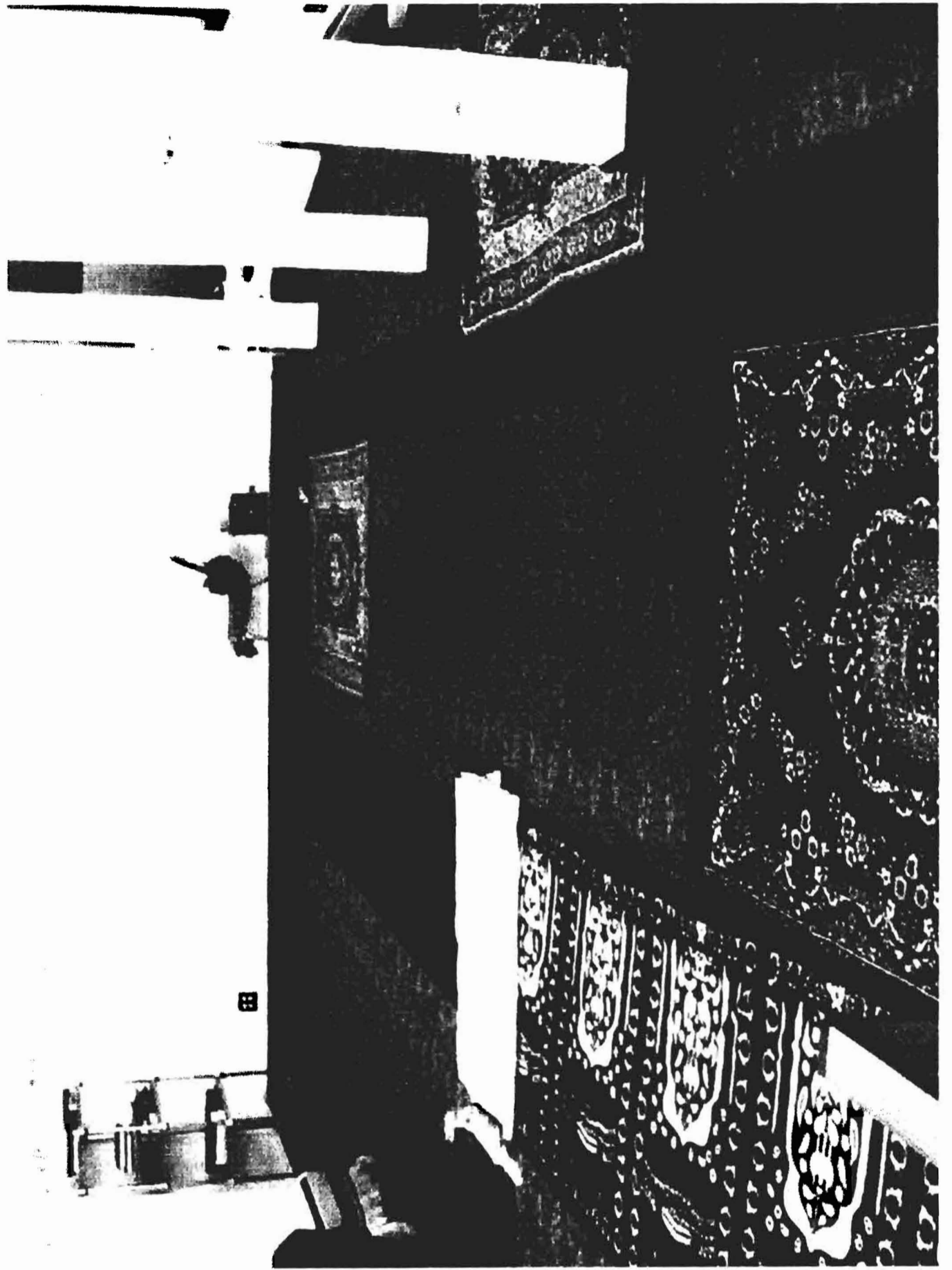
-  Base Board Heaters
-  Chimney
-  Support Poles

RO Windows	
A	8' 10" X 5' 5" H
B	3' 9" X 5' 6" H
C	32" X 61" H
D	30" X 58" H
E	31" X 59" H
F	29" X 56" H
G	29" X 56" H
H	36" X 56" H

41 spaces
 $10.24 \times 38 = 389.12$
 $26.92 \times 22 = 592.24$
 $16.83 \times$
 $20 \times$
 $14.33 \times 6 = 85.98$
 $20 \times 15 = 300$

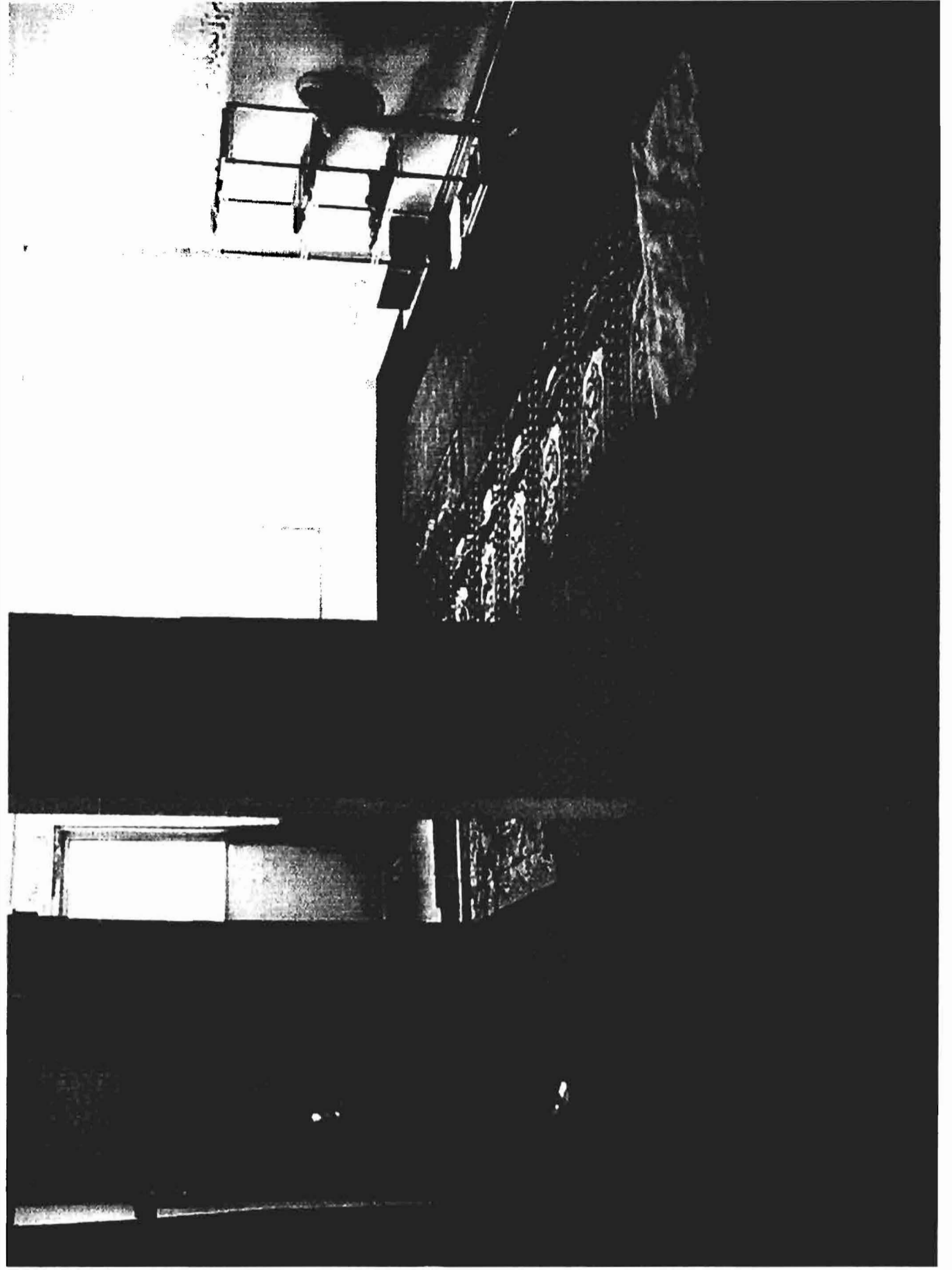
Doors	
A	47 1/2" X 83"
B	32" X 79"
C	31" X 79"
D	32" X 79"
E	31" X 79"

Sadr Shir Misc. Details
 First Floor Ceiling 8' 3"
 Stair Case Slope at Right of Entry
 36" to 6' 10" on 4' Span / 3' 2" Width
 Back Room Ceiling 7' 9"



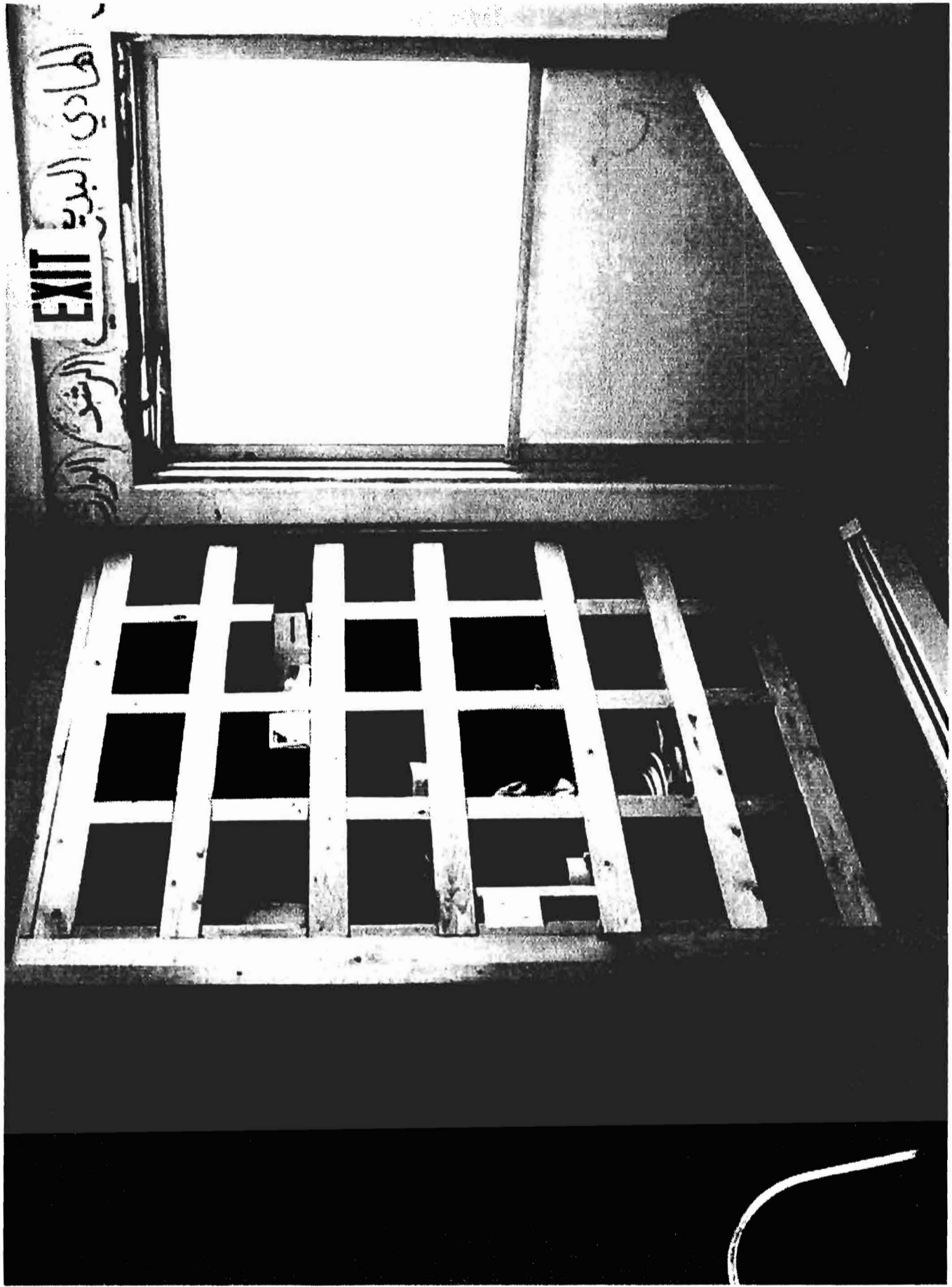
3/1/09

FRONT ROOM



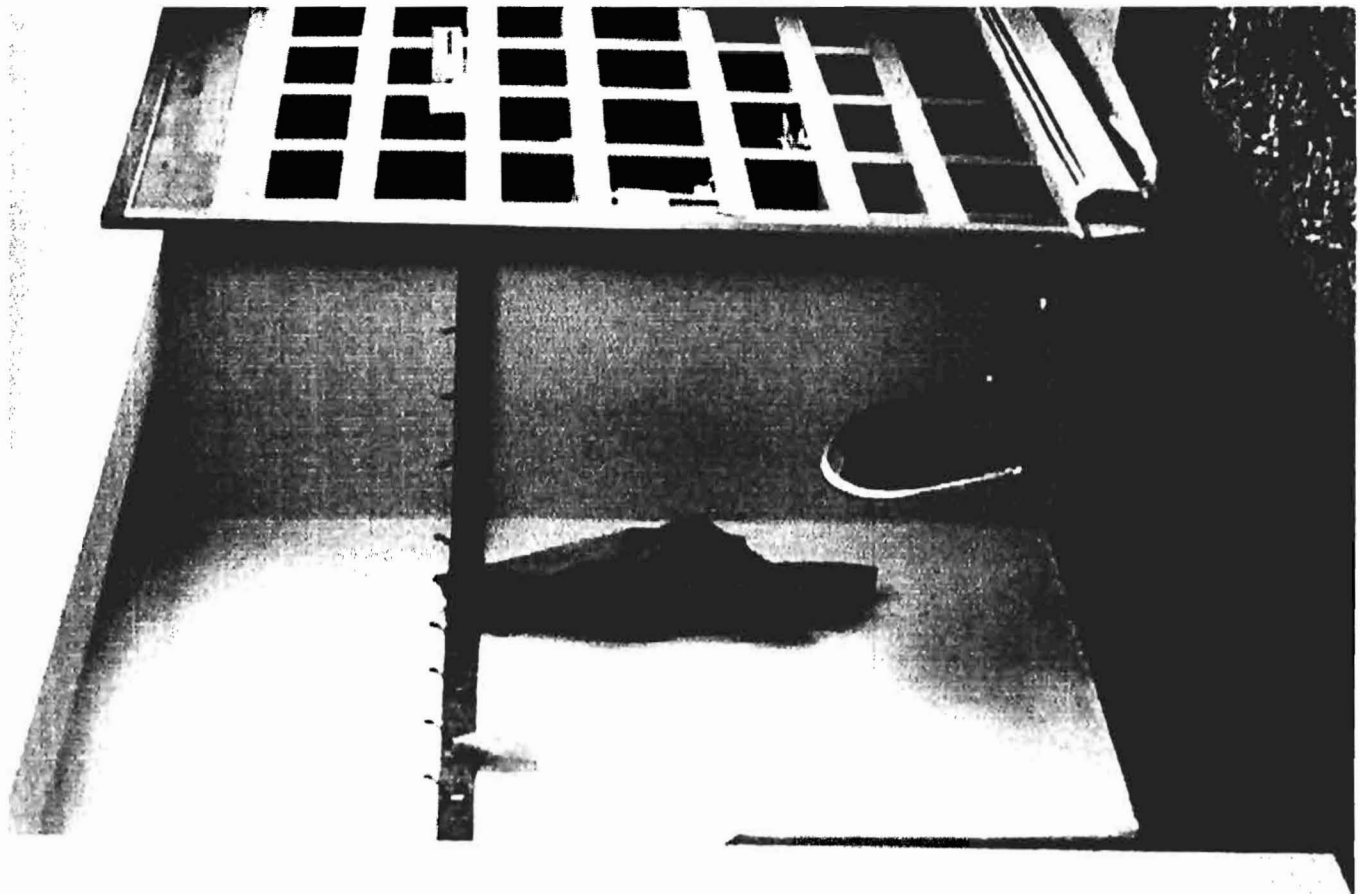
FRONT ROOM

3/1/09

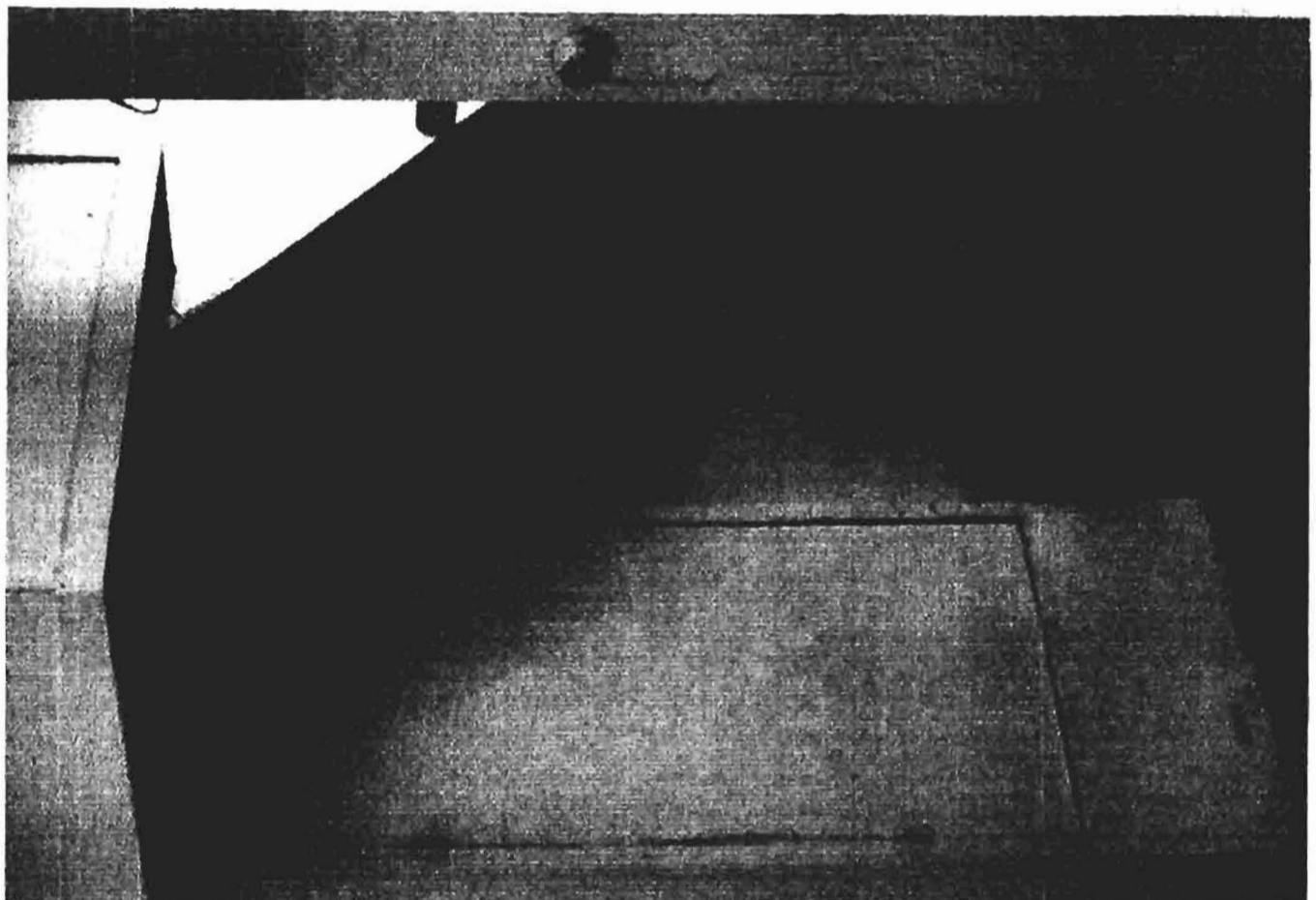


FRONT ROOM

3/1/09



50/1/13

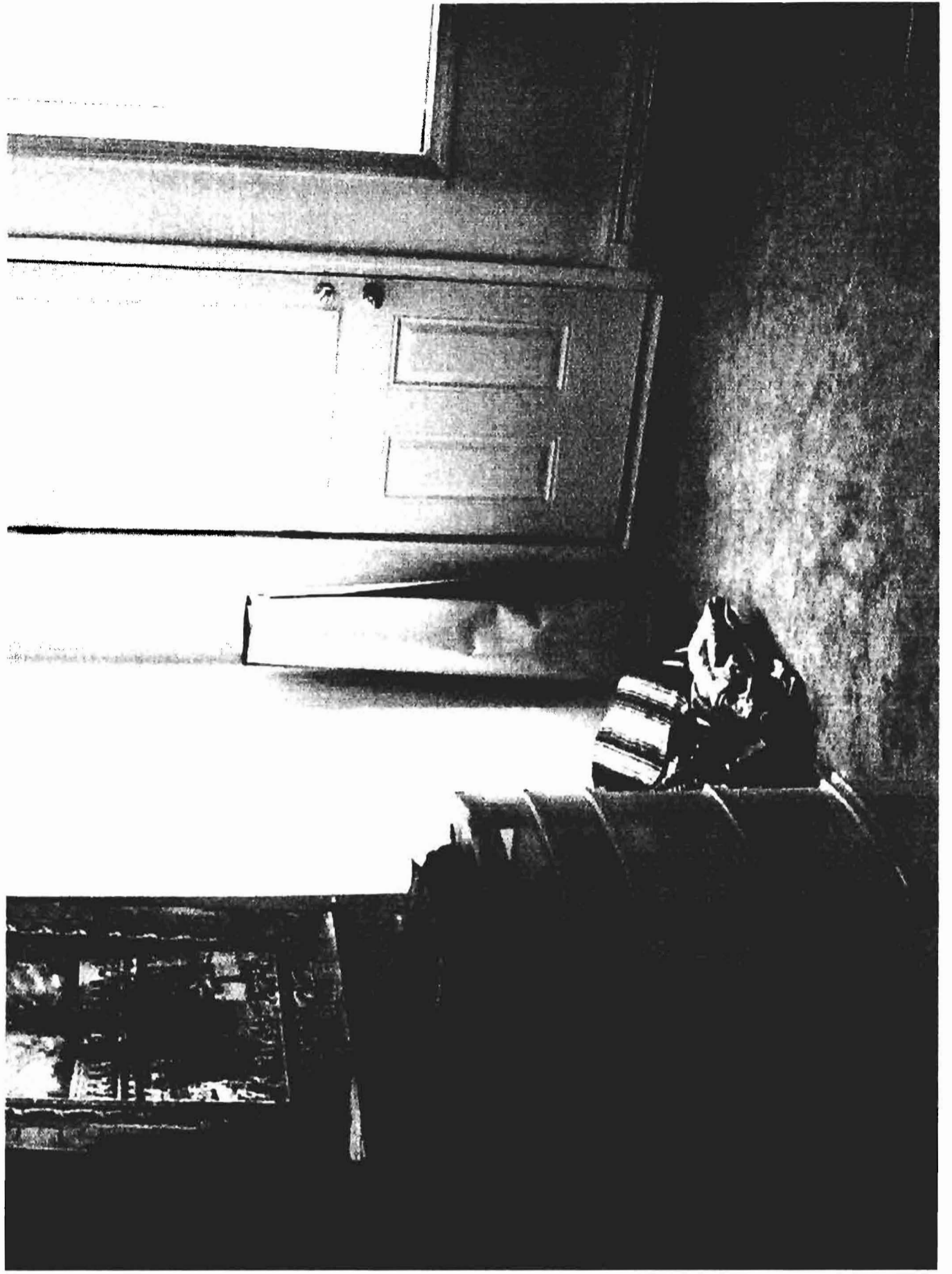


FRONT ROOM



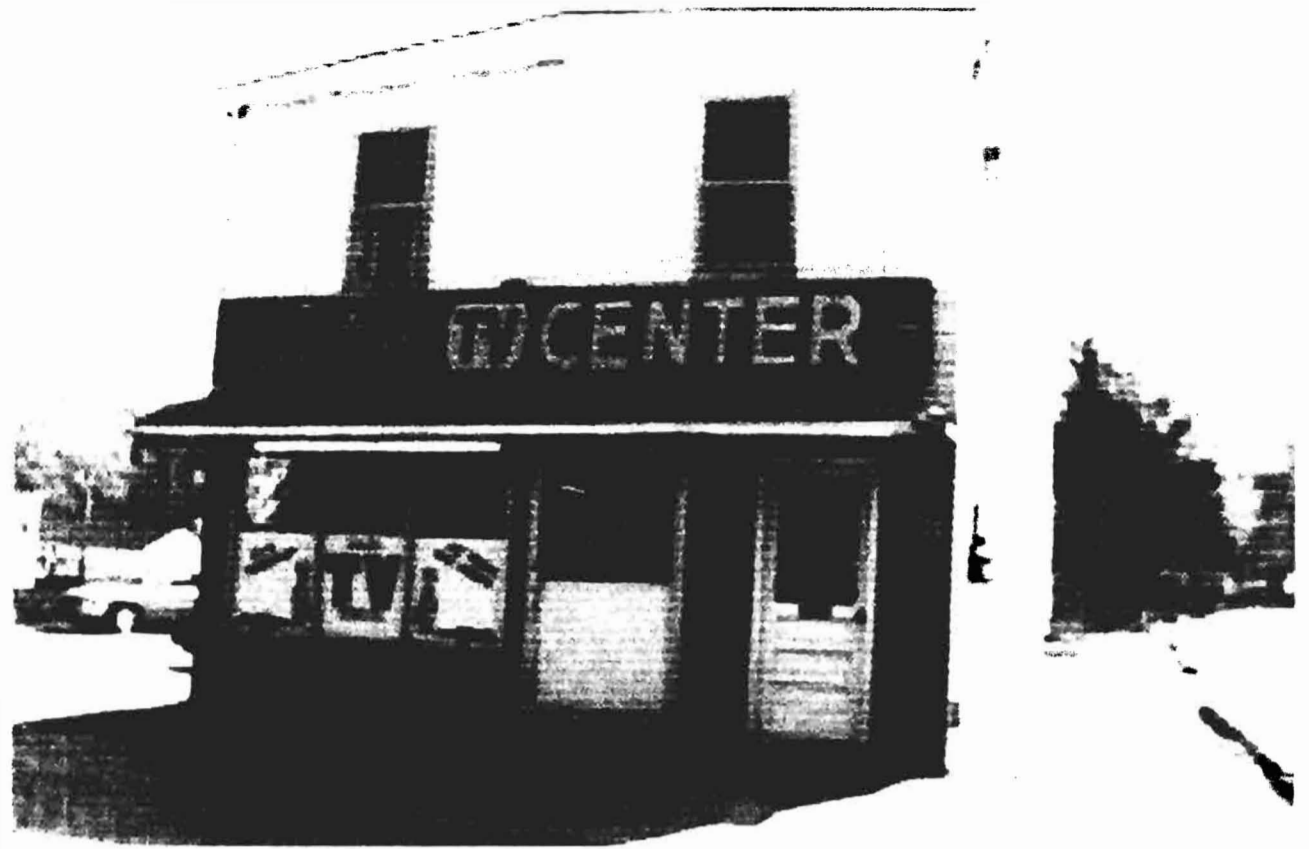
BACK ROOM

3/4/09



BACK ROOM

Boyle



**PORTLAND CITY HALL
FILE PHOTO**



60/22/2



6/28/09



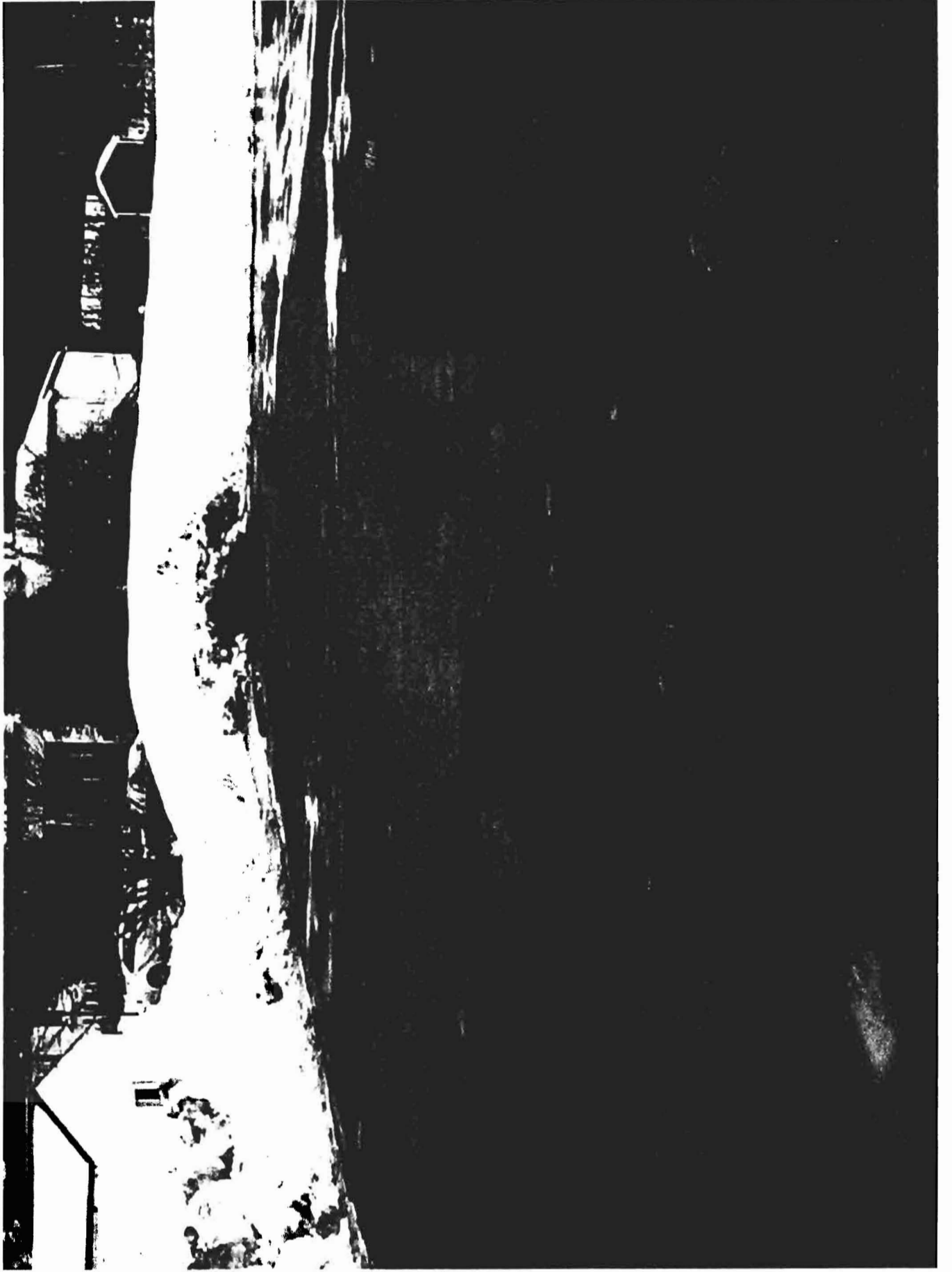
**Proposed
"Jim" Street**

Washington Avenue

2/28/09

6/27/09





60/12/12



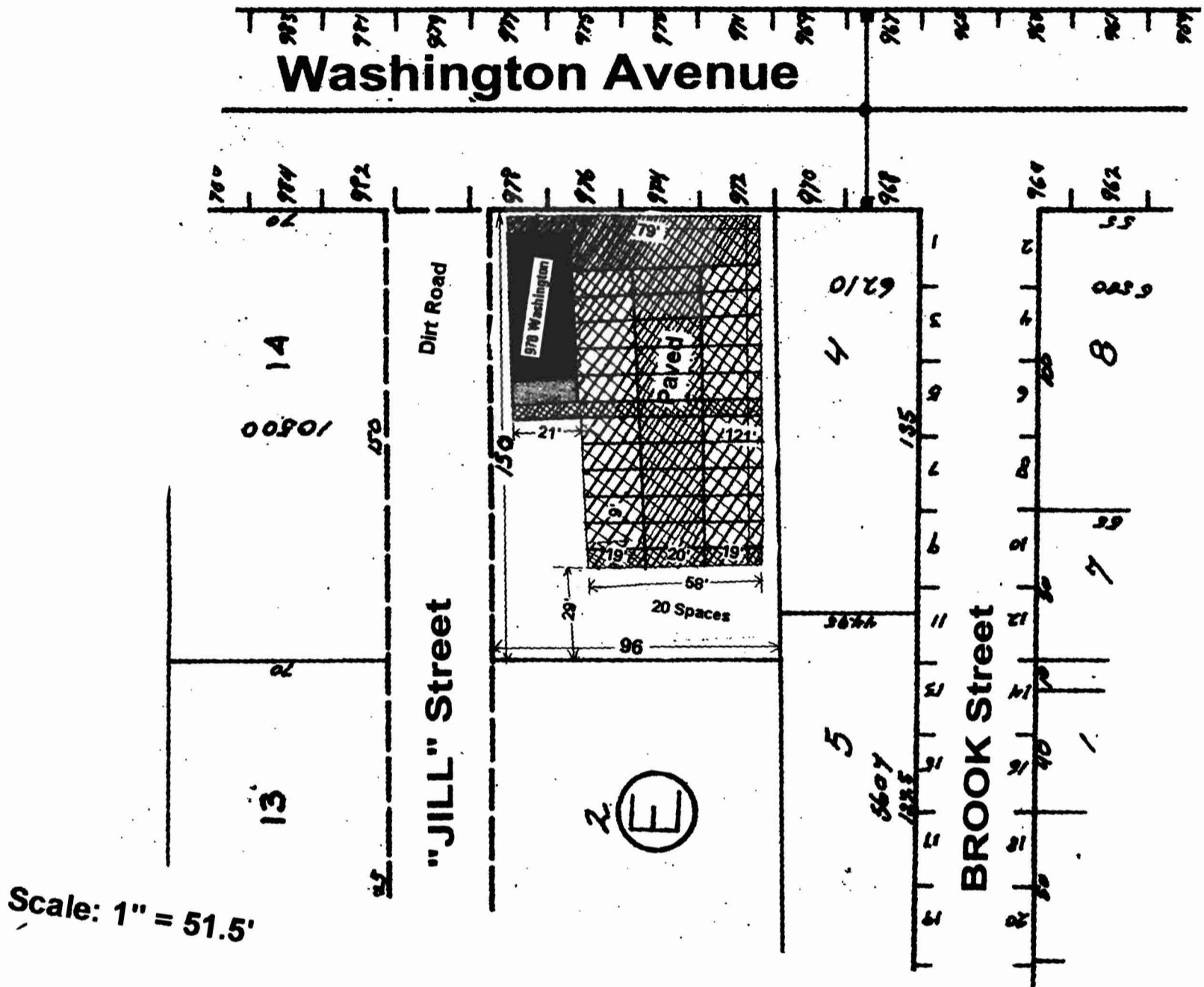
2/27/09



Moxie

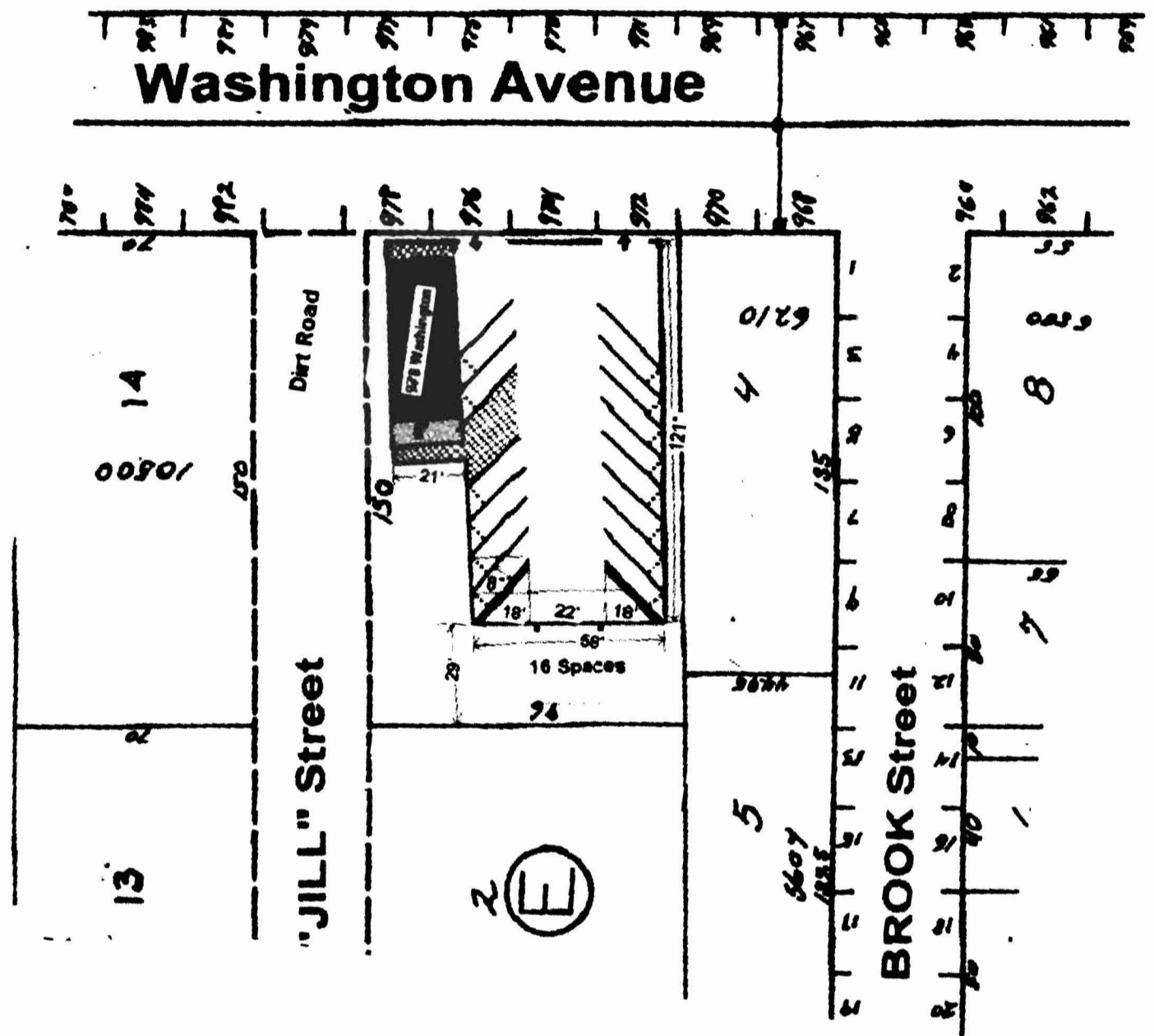
2/27/09

Note: There are presently no lines painted on the parking lot.
 No line painting is proposed unless required.



Q-1 3/6/2009

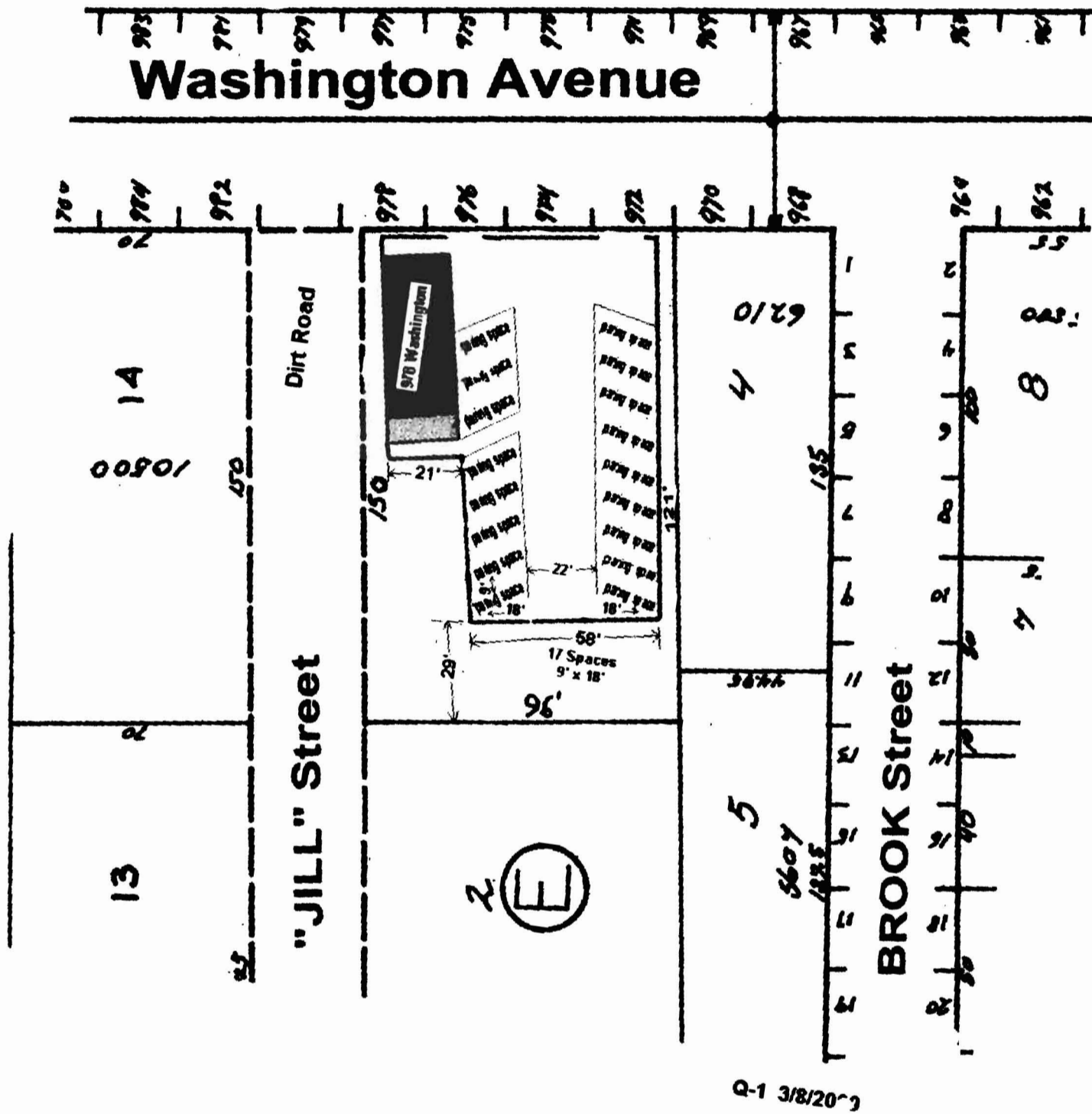
Note: There are presently no lines on the parking lot.
No lines are proposed unless required.



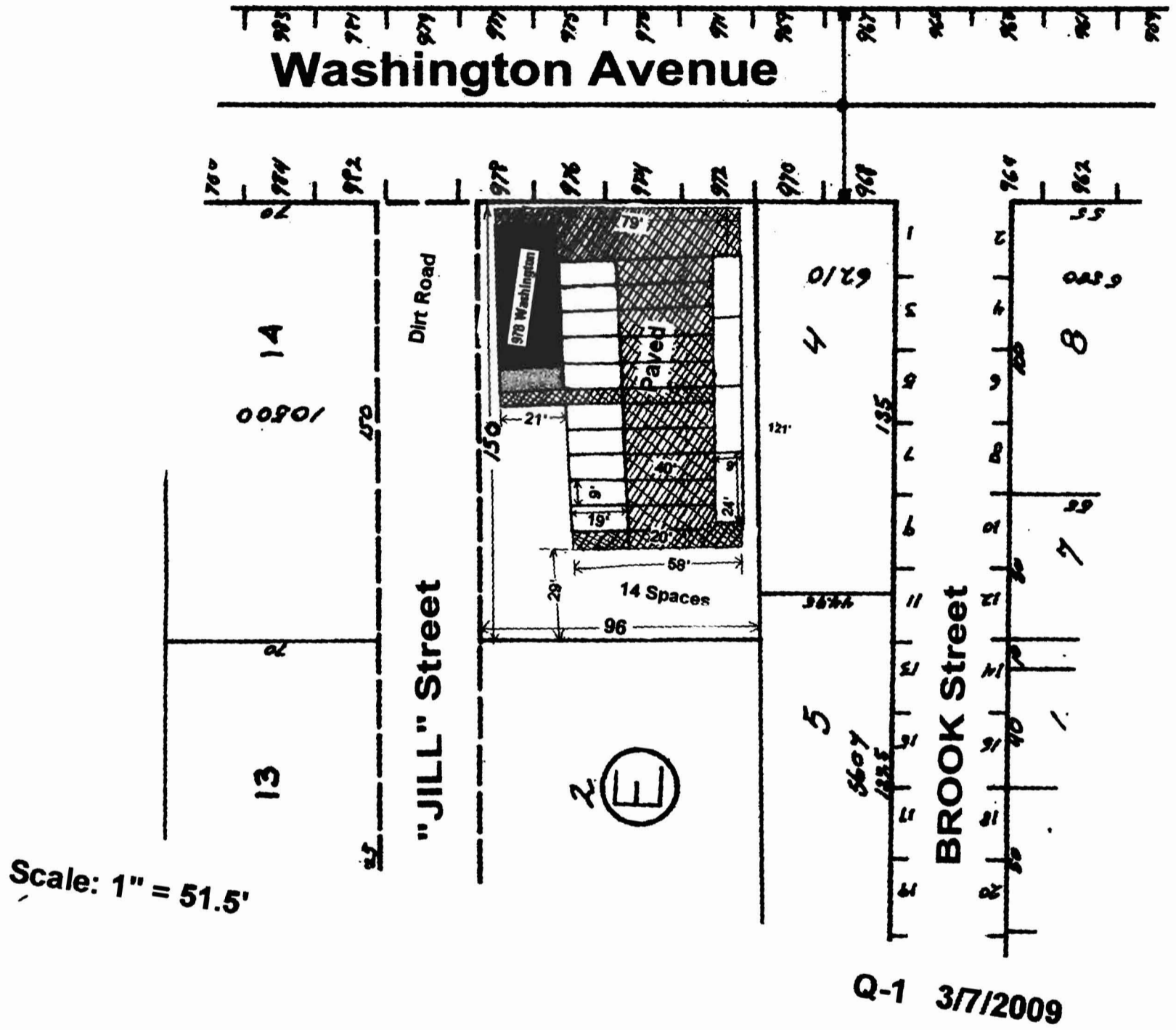
Scale: 1" = 51.5'

Q-1 3/8/2007

Note: There are presently no lines on the parking lot.
 No line painting is proposed unless required.



Note: There are presently no lines painted on the parking lot.
 No line painting is proposed unless required.



This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number	1 of 1
Parcel ID	161 E003001
Location	978 WASHINGTON AVE
Land Use	MULTI-USE COMMERCIAL
Owner Address	SHIR SADRI 41 OCEAN HOUSE RD CAPE ELIZABETH ME 04107
Book/Page	23454/156
Legal	161-E-3 WASHINGTON AVE 972-978 JILL ST 14400 SF

Current Assessed Valuation

Land	Building	Total
\$170,800	\$59,200	\$230,000

Building Information

Bldg #	Year Built	# Units	Bldg Sq. Ft.	Identical Units
1	1920	1	3465	1
Total Acres	Total Buildings Sq. Ft.	Structure Type	Building Name	
0.331	3465	MIXED RES/COMM	WATERHOUSE TV CENTER	

Exterior/Interior Information

Section	Levels	Size	Use
1	B1/B1	1155	SUPPORT AREA
1	01/01	1155	MULTI-USE SALES
1	02/02	1155	APARTMENT
Height	Walls	Heating	A/C
6		NONE	NONE
10	FRAME	HW/STEAM	NONE
8	FRAME	HW/STEAM	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE
		NONE	NONE

Building Other Features

Line	Structure Type	Identical Units
3	PORCH - OPEN UPPER	1
2	STORE FRONT - WD	1

Yard Improvements

Year Built	Structure Type	Length or Sq. Ft.	# Units
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