

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

Location of Construction: 26 Malily Road		Owner: Wayn and Concetta Richards		Phone: 761-1945		Permit No: 9 51333	
Owner Address:		Leasee/Buyer's Name:		Phone:		BusinessName:	
Contractor Name: Mike Russo		Address: 29 Hale St, Portland 04103		Phone: 774-7443		Permit Issued: DEC 26 1995	
Past Use: Single family dwelling		Proposed Use: single family dwelling w/attached garage		COST OF WORK: \$30,000.00		PERMIT FEE: \$170.00	
Proposed Project Description: construct a 575 sq ft attached garage with dormer		FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied		INSPECTION: Use Group: <i>03</i> Type: <i>5B</i>		CITY OF PORTLAND	
		Signature:		Signature: <i>[Signature]</i>		Zone: <i>03</i> CBL: 171-A-23	
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)		Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied		Zoning Approval: <i>[Signature]</i>	
Permit Taken By: Victoria A. Dover		Date Applied For: December 22, 1995		Signature:		Date:	

1. This permit application doesn't 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

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 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

SIGNATURE OF APPLICANT: *Michael Russo* ADDRESS: 29 Hale St., Portland 04103 DATE: 12/22/95 PHONE: 774-7443

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE PHONE:

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

PERMIT ISSUED
DEC 26 1995
CITY OF PORTLAND

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

Zoning Appeal
 Variance
 Miscellaneous
 Conditional Use
 Interpretation
 Approved
 Denied

Historic Preservation
 Not in District or Landmark
 Does Not Require Review
 Requires Review

Action:
 Approved
 Approved with Conditions
 Denied

Date: *[Signature]*

CEO DISTRICT *[Signature]*

COMMENTS

- 1-19-96- Foundation poured no notification / Set backs unsure covered by snow
any I.P markers or stakes / left green tag w/info
- 2-24-96 No framing yet / 3-9-96 no Framing / 5-8-96 no Examining yet) Setbacks appear OK
- 6-11-96 - no Framing yet / no floor pour yet
- 7-25-96 - no Framing / no floor / 8-26-96 no Framing yet.
- 10-14-97 - still no activity - no framing started @
- 12/15/97 - Framing Started - Rechecked Setbacks & discovered 8' Side Yard
w/ Marge - all Setbacks ok - (D) door, not shown, has been cut
into 2nd fl Rear of New addition - Spoke w/ No Rechecks (owner) 12/16 7 AM - They will file
an amendment @ - Not Ready for Rough in yet @
- 1/20/97 Door in 2nd Rear (D) above) has been eliminated & converted back to window
as per plans - Rough framing not to plan - additional partition walls have
been installed - Also Kitchen (over?) sink not shown on plan has
been Roughed in. - Elec - Kitchen area wired for Disposal & microwave etc -
discussed w/ M. Nyeat - Issue Stop Work order -
- 2/2/98 - Kitchen hookups removed - letter from owner agreeing to Compliance @
Rough framing ok - Rough plumbing ok - ok to Close in @
- 4/22/98 - for final - all ok (incl plumbing) except garage
doors (automatics) don't work safely - will require
re-inspection @

Inspection Record		Date
Type		
Foundation:	CFD	
Framing:		
Plumbing:		
Final:	OK Above	4/26/01
Other:		



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 26 Malily Road CBL: 171-A-023

Issued to Wayne Richards

Date of Issue April 27, 2001

This is to certify that the building, premises, or part thereof, at the above location, built — altered — changed as to use under Building Permit No. 951333, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Entire

APPROVED OCCUPANCY

Garage
Use Group R3
Type 5B
Boca 1993

Limiting Conditions:

This certificate supersedes
certificate issued

Approved:

27 April 2001

(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

Applicant: Richards
Address: 26 Malibu Rd.
Assessors No.: 171-A-23

Date: 26/Dec/95

CHECK LIST AGAINST ZONING ORDINANCE

Date - 26/Dec/95
Zone Location - R-3
Interior or corner lot - N/A
Use - Single Family
Sewage Disposal - public
Rear Yards - 25' on plan - 25' required
Side Yards - 11' on plan - 8' required
Front Yards - 25' on plan 25' required.
Projections - none
Height - 1 1/2
Lot Area - 7449.4
Building Area - 1428
Area per Family -
Width of Lot - 85'
Lot Frontage - 87.0
Off-street Parking - N/A
Loading Bays - N/A

804 #
624 #

1428 #

7449.4 #

1/9 of Lot only
covered

Site Plan - N/A
Shoreland Zoning - N/A
Flood Plains - N/A

BUILDING PERMIT REPORT

DATE: 26/Dec/95 ADDRESS: 26 Mahly Rd.

REASON FOR PERMIT: To Construct Attached garage.

BUILDING OWNER: Richards

CONTRACTOR: Mike Russo APPROVED: *1*2*9*10*11

PERMIT APPLICANT: _____ DENIED: *13*14*15*16

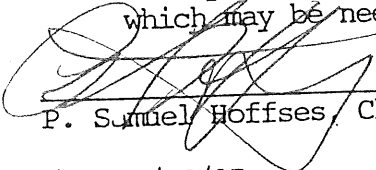
CONDITION OF APPROVAL OR DENIAL

- X 1. 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)
- X 2. Precaution must be taken to protect concrete from freezing.
3. 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.
4. All vertical openings shall be enclosed with construction having a fire rating of at least one(1) hour, including fire doors with selfclosers.
5. 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.
6. The boiler shall be protected by enclosing with one(1) hour fire-rated construction including fire doors and ceiling, or by providing automatic extinguishment. Sprinkler piping serving not more than six sprinklers may be connected to a domestic water supply having a capacity sufficient to provide 0.15 gallons per minute, per square foot of floor throughout the entire area. An INDICATING shut-off valve shall be installed in an accessible location between the sprinkler and the connection to the domestic water supply. Minimum pipe size shall be 3/4 inch copper or 1 inch steel. Maximum coverage area of a residential sprinkler is 144 sq. feet per sprinkler.
7. 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 (508 mm), and a minimum net clear opening of 5.7 sq. feet.
8. 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.
- X 9. 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 19, 919.3.2(BOCA National Building Code/1993), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):

1. In the immediate vicinity of bedrooms
2. In all bedrooms
3. 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.

- *10. 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 side. (Chapter 4 section 407.0 of the BOCA/1993)
- *11. Guardrail & 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.
12. All exit signs, lights, and means of egress lighting shall be done in accordance with Chapter 10, section & subsections 1023. & 1024. of the City's building code. (The BOCA National Building Code/1993)
- *13. Stair construction in Use Group R-3 & R-4 is a minimum of 9" tread and 8-1/4" maximum rise. All other Use Group minimum 11" tread, 7" maximum rise.
- *14. Headroom in habitable space is a minimum of 7'6".
- *15. The minimum headroom in all parts of a stairway shall not be less than 80 inches.
- *16. All construction and demolition debris must be disposed at the City's authorized reclamation site. The fee rate is attached. Proof of such disposal must be furnished to the office of Inspection Services before final Certificate of Occupancy is issued or demolition permit is granted.
17. 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".
18. 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 of the facility meet the standards of construction required by this section. Prior to commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.
19. This permit does not excuse the applicant from obtaining any license which may be needed from the City Clerk's Office.

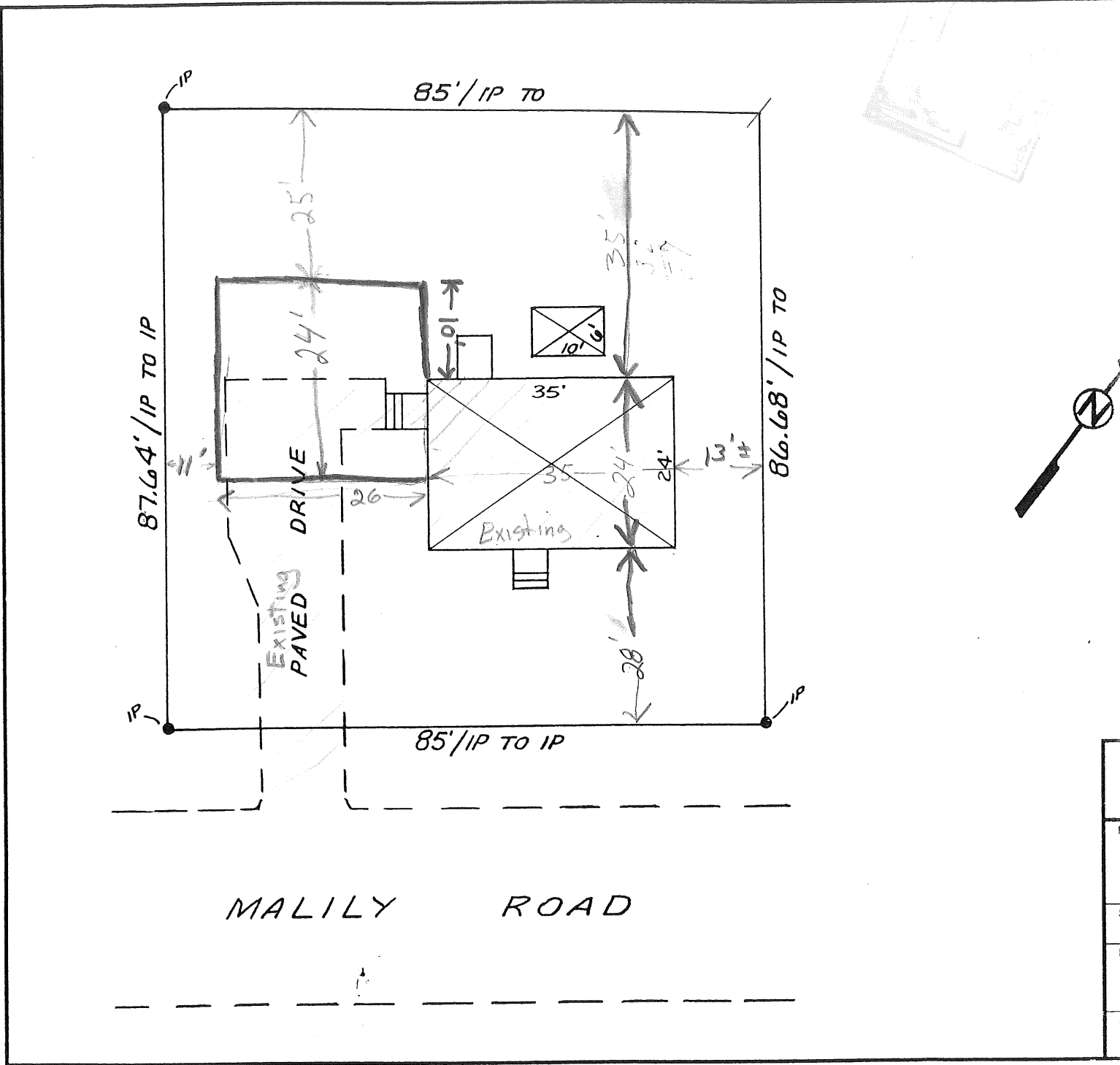

 P. Samuel Hoffses, Chief of Inspection Services

/el 3/16/95

5461-196

M. Russo
1 of 4

Assessor's Map 171 Block and/or Lot A-23



MALILY ROAD

#26 Malily Rd
Wayn & Concetta Richards
Portland 04103

R-3 ?

M Russo
5.



GAME ROOM

DN

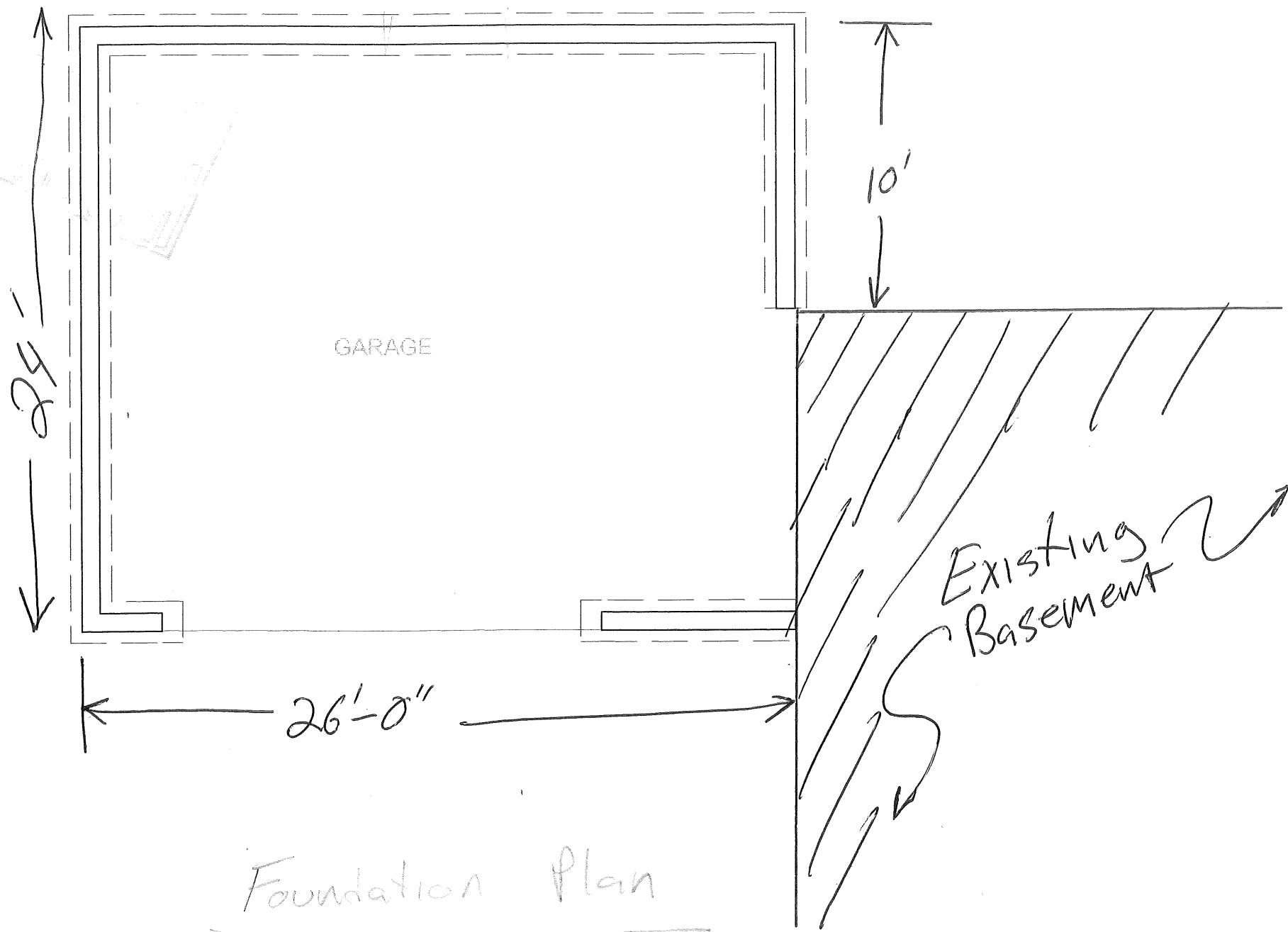
BATH ROOM

Knee wall

2nd Floor plan
N.T.S

LIVING AREA
572 sq ft

M Russo
3/14

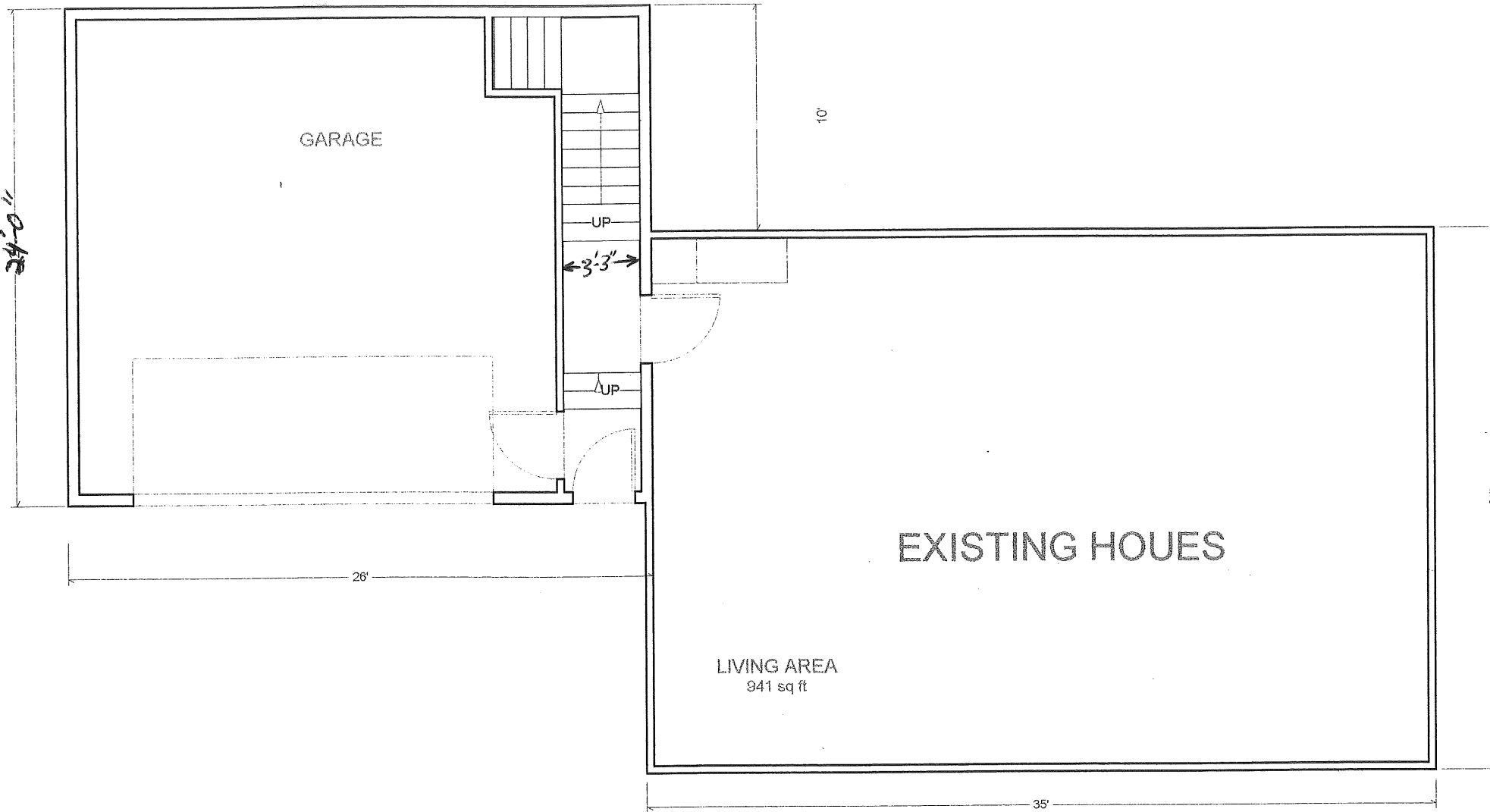


Foundation Plan

LIVING AREA
933 sq ft

M. Russo
2.044

108 31
170 114
110



GARAGE

10'

UP

3'-3"

UP

EXISTING HOUSES

LIVING AREA
941 sq ft

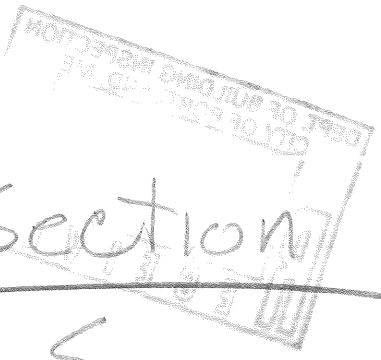
26'

35'

24'

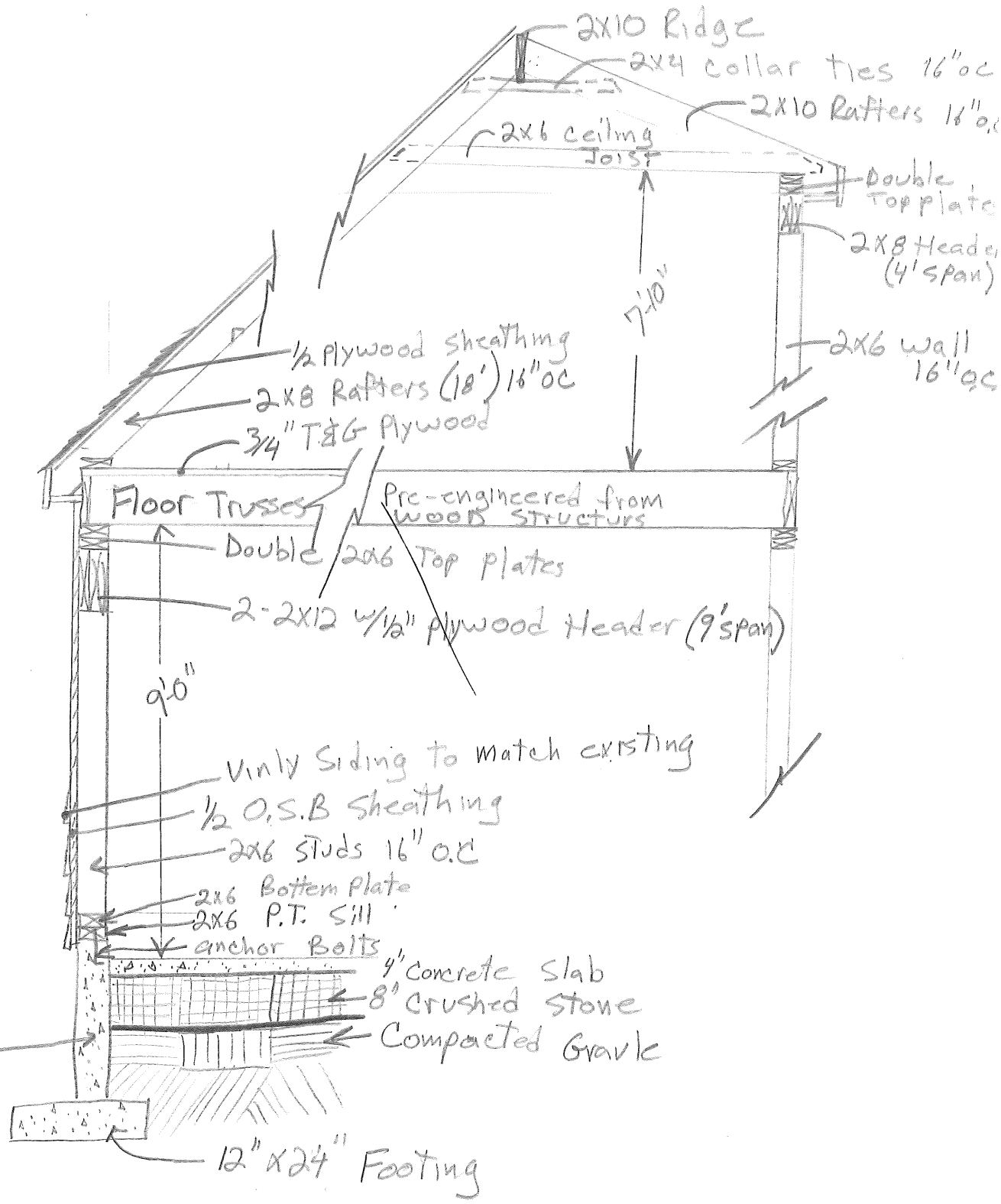
24'-0"

M Russo
4 of 4



X-Section

N.T.S.



8" Concrete Wall

12" x 24" Footing

2x10 Ridge

2x4 collar ties 16" o.c.

2x10 Rafters 16" o.c.

2x6 ceiling Joist

Double Top plate

2x8 Header (4' span)

2x6 wall 16" o.c.

1/2 Plywood sheathing

2x8 Rafters (18') 16" o.c.

3/4" T&G Plywood

Floor Trusses

Pre-engineered from WOOD STRUCTURES

Double 2x6 Top plates

2-2x12 1/2" Plywood Header (9' span)

9'-0"

Vinyl Siding to match existing

1/2 O.S.B Sheathing

2x6 Studs 16" o.c.

2x6 Bottom Plate

2x6 P.T. Sill

Anchor Bolts

4" Concrete Slab

8" Crushed Stone

Compacted Gravel

LEGAL NOTICE

Date 1/2/98

WHEREAS violations of Article _____ Section _____ of the Zoning Ordinance
Article 7 Section 11 of the Building Code have been found
Article _____ Section _____ of the _____ Code

on these premises, IT IS HEREBY ORDERED in accordance with the above Code that all persons cease
construction and

STOP WORK

all work pertaining to construction, alterations or repairs on these premises

is now as W. M. City, R. C. Patten, Inc.

ALL PERSONS ACTING CONTRARY TO THIS ORDER OR REMOVING OR MUTILATING THIS NOTICE ARE LIABLE TO ARREST
UNLESS SUCH ACTION IS AUTHORIZED BY THE CITY OF PORTLAND DIVISION OF INSPECTION SERVICES.

[Signature]
CODE ENFORCEMENT OFFICER



Inspection Services
Michael J. Nugent
Manager

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

NOTICE OF VIOLATION

1/22/98

Wayne & Concetta Richards
26 Malily Rd.
Portland, ME 04013

RE: 26 Malily Rd. (171-A-23)

Certified Mail Receipt #P 792 457 448

Dear Mr. & Mrs. Richards ,

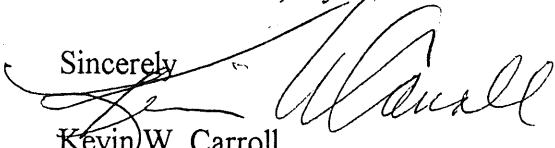
An evaluation of your property at 26 Malily Rd. on 1/20/98 at 10:30am revealed that the structure fails to comply with Chapter 6 Article II Section 111.3 of the Code of Ordinances of the City of Portland, The Building Code (1996 BOCA) and the Zoning Ordinance of the City.

The inspection revealed that there are the facilities for a full dwelling unit roughed in and the submissions depict a game room and bath. the building code requires that "**all work shall conform to the approved application and the approved construction documents...**" The work within the garage must immediately **STOP** as no permit has been issued for the work. This is a **STOP WORK ORDER** pursuant to Section 117.1 the work shall not continue until a lawful permit is obtained.

This is a notice of violation pursuant to Section 116.2 of the Code. Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code.

This constitutes an appealable decision pursuant to Section 125.4 of the Code. Please feel free to contact me at 874- 8708 , if you wish to discuss the matter or have any questions.

Sincerely


Kevin W. Carroll
Code Enforcement Officer

cc/Central File
Joseph Gray
Sam Hoffses
Gary Wood

108.4 Signature to permit: The code official's signature shall be attached to every permit, or the code official shall authorize a subordinate to affix such signature thereto.

108.5 Approved construction documents: The code official shall stamp or endorse in *writing* both sets of *construction documents* "Approved," and one set of the approved *construction documents* shall be retained by the code official and the other set shall be kept at the building site, open to inspection of the code official or an authorized representative at all reasonable times.

108.6 Revocation of permit: The code official shall revoke a permit or approval issued under the provisions of this code in case of any false statement or misrepresentation of fact in the application or on the plans on which the permit or approval was based.

108.7 Approval of part: The code official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the *construction documents* for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with all of the pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

108.8 Posting of permit: A true copy of the building permit shall be kept on the site of operations, open to public inspection during the entire time of prosecution of the work and until the completion of the same.

108.9 Notice of start: At least 24-hour notice of start of work under a building permit shall be given to the code official.

SECTION 109.0 TEMPORARY STRUCTURES

109.1 General: Pursuant to a variance granted by the board of appeals under the provisions of Section 121.0, the code official shall issue a permit for temporary construction as approved by the board of appeals. Such permits shall be limited as to time of service, but such temporary construction shall not be permitted for more than one year.

109.2 Special approval: All temporary construction shall conform to the structural strength, fire safety, *means of egress*, light, *ventilation* and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

109.3 Termination of approval: The code official is hereby authorized to terminate such special approval and to order the demolition of any such construction at his discretion, or as directed by a decision of the board of appeals.

SECTION 110.0 DEMOLITION OF STRUCTURES

110.1 Service connections: Before a structure is demolished or removed, the *owner* or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other connections. A permit to demolish or remove a structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections

and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

110.2 Notice to adjoining owners: Only when *written* notice has been given by the applicant to the *owners* of adjoining *lots* and to the *owners* of wired or other facilities, of which the temporary removal is necessitated by the proposed work, shall a permit be granted for the removal of a building or structure.

110.3 Lot regulation: Whenever a structure is demolished or removed, the premises shall be maintained free from all unsafe or hazardous conditions by the proper regulation of the *lot*, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of Chapter 33.

SECTION 111.0 CONDITIONS OF PERMIT

111.1 Payment of fees: A permit shall not be issued until the fees prescribed in Section 112.0 have been paid.

111.2 Compliance with code: The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of this code, except as specifically stipulated by modification or legally granted variation as described in the application.

111.3 Compliance with permit: All work shall conform to the approved application and the approved *construction documents* for which the permit has been issued and any approved amendments to the approved application or the approved *construction documents*.

111.4 Compliance with site plan: All new work shall be located strictly in accordance with the approved site plan.

SECTION 112.0 FEES

112.1 General: A permit to begin work for new construction, *alteration*, removal, demolition or other building operation shall not be issued until the fees prescribed in this section shall have been paid to the department of building inspection or other authorized agency of the jurisdiction, nor shall an amendment to a permit necessitating an additional fee be approved until the additional fee has been paid.

112.2 Special fees: The payment of the fee for the construction, *alteration*, removal or demolition for all work done in connection with or concurrently with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law or ordinance for water taps, sewer connections, electrical permits, erection of *signs* and display structures, marquees or other *appurtenant structures*, or fees of inspections, certificates of occupancy or other privileges or requirements, both within and without the jurisdiction of the department of building inspection.

112.3 New construction and alterations: The fees for plan examination, building permit and inspections shall be as prescribed in Section 112.3.1 and the code official is authorized to establish by *approved rules* a schedule of unit rates for buildings and structures of all use groups and types of construction as classified and defined in Chapters 1, 3 and 6.

January 24, 1998

Dear Michael Nugent,

My name is Wayne Richards. I am the property owner at Malilly Road. We originally started this project back in December of 1995. We ran into some financial problems that needed to be taken care of which put the garage project at a standstill with only the foundation work completed at that time.

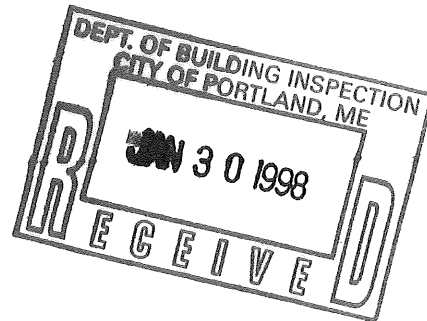
Three years have passed and we're now at a point where we can proceed with the project. Many things have changed since originally starting the project, most being the growing of my son who is 10 years old this year and wanting his own space. That's why we thought we would divide the oversized playroom into a separate room off of it, allowing him his own area to enjoy with his friends while we can still be present on the other side. We also considered a wet bar for us adults to enjoy. We fully want to stay within city codes in this project and are willing to make changes if necessary to comply, but we are trying to build a fully usable building the whole family can enjoy and still be together. Please take this all into consideration when making your decisions.

Thank you for your time.

Sincerely,

Wayne E. Richards

Wayne E. Richards



KEVIN W. Carroll C.M.C.A.
I would like to meet with
you in your office on Monday
2/2/98. I can meet any
time that fit into your day.
Please call me @ 756-5181
This phone number is my voice
mail & leave the time you
can meet with me. I will
be out of town until Sunday
2/1/98
Thank you Michael
RUSSO

Wayne & Concetta Richards
26 Malilly Street
Portland, Maine 04103

February 2, 1998

Mr. Kevin Carol
City of Portland
Code Enforcement Dept.
389 Congress St.
Portland, ME 04101

Re: Garage Addition - 26 Malilly Street

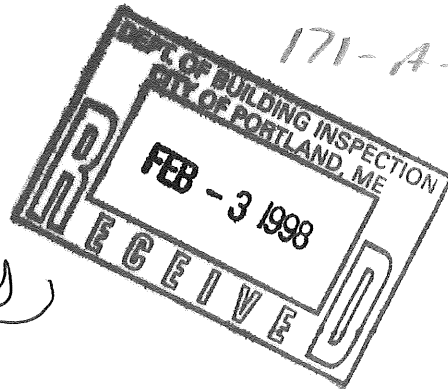
Dear Mr. Carol:

It is our intention to use our new addition in compliance with the use stated on the building permit dated 12/23/95 . The ground level will be used as a two car garage, and the 2nd floor will be used as a game room and a bathroom.

Thank you,

Concetta Richards

Concetta Richards



Michael A. Russo
Project Manager



Consultant Services

Consulting and Client Representation:

Development • Construction Management • Dispute Resolution
P.O. Box 15201 • One City Center • Portland, Maine 04112-8201

Mike
Tel. (207) 773-4125

Pager

*Cellular Phone
756-5181*

Ron
Tel. (207) 773-4125
Fax. (207) 775-4039