

Zoning Division  
Marge Schmuckal  
Zoning Administrator



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

## CITY OF PORTLAND

Kevin Tardiff  
138 Bradley Street  
Portland, ME 04102

December 22, 1999

RE: 138 Bradley Street - 178-F-011 - R-3 Zone

Dear Mr Tardiff,

I am in receipt of your permit application to make alterations including new door and stairs in the rear. The plot plan that you submitted was not very clear as to specifically how much the stairs and/or deck extended into the rear yard. You show that you have 25 feet to the rear property line **before** any additional deck or stairs. I need an accurate plot plan showing the exact size of what you are proposing and how far you will then be to your rear property line.

Please note that in the R-3 zone, 25 feet is required to the rear lot line. So basically anything you build will be encroaching on the rear setback and I will have to deny your permit. However there is a section of the ordinance that allows me to reduce the rear setback requirement if you can show me good reason that this addition is required and you can't in some other manner meet the requirements (by redesign or relocation) of the ordinance.

Your permit can not be issued, nor can work continue until this situation is resolved. The sooner you can submit the required plot plan information, the sooner I can make a final zoning determination. Please also note that there is question as to the given cost of the work. You stated that the **estimated contractual cost** is \$50.00. That does not seem realistic for the work you outlined. We will require verification of that cost to be submitted.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

CC: Tom Markley, Code Enforcement Officer  
Mike Nugent, Housing & Neighborhood Services  
Mark Adelson, Housing & Neighborhood Service  
Charlie Lane, Corporation Counsel  
Tom Kane, City Councilor  
P. Samuel Hoffses, Chief Building Inspector  
✓ File

Department of Planning & Development  
Lee D. Urban, Director



**CITY OF PORTLAND**

Division Directors  
Mark B. Adelson  
Housing & Neighborhood Services

Alexander Q. Jaegerman, AICP  
Planning

John N. Lufkin  
Economic Development

June 3, 2003

178 FO 11

Mr. Kevin Tardiff  
138 Bradley Street  
Portland, ME 04102

RE: Exemption for Four-Car Driveway  
138 Bradley Street

Dear Mr. Tardiff:

After review of your exemption request, the Portland Planning Authority is denying your application for exemption from site plan review. It has been determined that a minor site plan review will be required for this application for the following reasons:

1. Based on the area of the proposed driveway, some difficult grading will be required or 2-3 ft. retaining wall would be needed in some areas. City staff will need additional grading plans prepared by a registered engineer for the proposed driveway.
2. Plans should show us the spaces in relation to the property line and front setback. Sec. 14-336(b) states: "Parking shall be prohibited in the front yard of lots containing two (2) or more dwelling units, except within one (1) driveway on the lot. "Driveway," as used in this paragraph, shall not include any turnaround area."
3. Chapter 25 of the City of Portland Ordinance states that "Where a nonresidential, or two-family or multi-family development requiring site plan approval abuts any accepted street and a sidewalk with granite curbing satisfactory to the Public Works Authority has not already been provided, a sidewalk constructed of bituminous concrete, brick or other paving material and granite curbing shall be provided along the entire frontage of the lot. The applicant may request a waiver of the sidewalk and granite curb requirement from the Planning Authority.
4. An existing street tree would need to be removed based on the proposed driveway. This tree would need to be relocated or replaced in kind.

178-F-011

STATE OF MAINE  
Cumberland, ss.

Ninth District Court  
Division of So. Cumberland  
Civil Action  
Docket No. POR-CV-00-28

CITY OF PORTLAND, a body )  
politic and corporate, located in the )  
county of Cumberland and the )  
State of Maine, )  
 )  
Plaintiff )  
 )  
v. )  
 )  
KEVIN TARDIFF, d/b/a )  
TARDIFF TOWING )  
 )  
Defendant )  
 )

FEB 08 2000

**CONSENT DECREE**

Description of Property.

This Consent Decree relates to property owned by the Defendant and situated at 138 Bradley Street in Portland.

Code Violations.

The City of Portland charged the Defendant with violations of its Land Use Code for operating a towing service in the R-3 Zone where it is not a permitted use.

Admission of Violations.

The Defendant admits the violations. Accordingly, pursuant to 30-A M.R.S.A. §4452, the Defendant agrees to pay the City Nine Hundred (\$900.00) Dollars as follows:

Filing Fee:	\$60.00
Civil Penalty	\$600.00
<u>Attorney's Fees</u>	<u>\$240.00</u>
total	\$900.00

Cure of Violations.

In addition, the Defendant agrees to cease and desist from the proscribed activity (all as more fully set forth in the Land Use Citation and Complaint which forms the basis of this action and more particularly in the Decision and Order of the City Clerk, dated January 14, 2000, a copy of which is attached hereto as Exhibit A) on or before January 28, 2000 (the "deadline").

Violations Existing After Deadline.

For each and every violation which may occur after the deadline, the Defendant will be required to pay a civil penalty in the amount of Two Hundred (\$200.00) Dollars per day, for each day each such violations exists.

Contempt.

In addition to the imposition of civil penalties referred to above, the Defendant may be found in contempt for any violation of this Order.

Attorney's Fees and Costs.

The Defendant will also be liable to pay attorney's fees and costs, pursuant to 30-A M.R.S.A. §4452(3)(D), relating to any action taken by the City of Portland to enforce this Order.

Access to Property.

The Defendant will provide City inspectors with full and free access to the properties from which it conducts its towing operations, so that they may verify continuing compliance with the terms and conditions of this Consent Decree.

Expiration.

If there should be no further violations of a similar nature for a period of thirty six (36) months, from and after the date of this Order, then this Consent Decree will be deemed to be dissolved, otherwise it will remain in full force and effect.

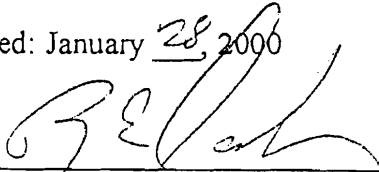
Verification.

From and after January 1, 2000, and during the period this Consent Decree remains in effect, it will serve as authorization from the Defendant to the City to enable it to obtain information regarding his towing operation from entities which provide either services or support in connection with those activities, including, but not limited to, Bell Atlantic, Desmond & Payne Insurance, Inc., John Gleason and The American Automobile Association, and authorize such entities to provide information to the City.

Submission to Court.

This Consent Decree is submitted to the Court by counsel for the parties jointly so that the Court may adopt it as its own Order.

Dated: January 28, 2000



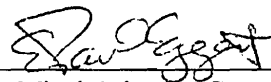
Robert E. Danielson, Esq. Bar #7186  
Attorney for the Defendant



Charles A. Lane, Esq. Bar #1040  
Associate Corporation Counsel  
Attorney for the Plaintiff

The foregoing Consent Decree is hereby adopted as the Order of the Court this <sup>2<sup>nd</sup></sup> day of ~~January~~ <sup>February</sup>, 2000; and the Clerk is directed to enter it upon the docket pursuant to M.R. Civ. P.

79(a).

  
\_\_\_\_\_  
Judge, Ninth District Court

REC'D FEB 07 2000

Inspection Services  
Michael J. Nugent  
Manager

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



## CITY OF PORTLAND

March 19, 2002

KEVIN W TARDIFF  
138 BRADLEY ST  
PORTLAND, ME 04102

RE: 138 Bradley St  
CBL: 178-F-01100101

### **Certified Mail Receipt # 7099 3400 0019 5716 4319**

Dear KEVIN W TARDIFF:

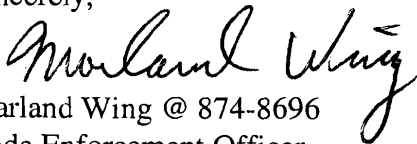
An evaluation of your property at 138 Bradley St on Mar-07-2002 revealed that the structure fails to comply with Chapter 6, Article V. of the Code of Ordinances of the City of Portland, The Housing Code. Attached is a list of the violations.

This is a notice of violation pursuant to Section 6-118 of the Code. Item #3 violation shall be corrected within 10 days of the date of this notice. Item #6 violation shall be corrected within 24 hours of the date of this notice. All other referenced violations shall be corrected within 30 days of the date of this notice. A re-inspection of the premises will occur on Apr-19-2002 at which time compliance will be required. 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 6-127 of the Code. Please feel free to contact Marland Wing @ 874-8696, if you wish to discuss the matter or have any questions.

Please be advised that the Portland City Council has amended the Building regulations to include a \$75.00 re-inspection fee. This violation will automatically cause a re-inspection at no charge. If there are any subsequent inspections, however, the \$75.00 fee will be assessed for each inspection.

Sincerely,

  
Marland Wing @ 874-8696  
Code Enforcement Officer  
gg

**138 Bradley St**

# City of Portland Housing - Inspection

		Compliance ?	Code	Int/Ext	Floor	Unit No	Area	Repair Code	
<b>Owner / Manager:</b> <b>TARDIFF KEVIN W</b> <b>Parcel Id:</b> <b>178- F-01100101</b> <b># of Units:</b> <b>Inspector:</b> <b>Marland Wing @ 874-8696</b> <b>Status:</b> <b>Yellow 5-9 Violations</b> <b>Date &amp; Time Requested:</b> <b>Mar 7, 2002 at</b> <b>Date of Inspection:</b> <b>Thursday, March 07, 2002</b> <b>Reinspect By:</b> <b>Saturday, April 06, 2002</b> <b>Reason For Inspection:</b> <b>Non Compliance</b>  <b>Notes:</b>	1.	<input type="checkbox"/>	<b>6-113.5</b>	Interior			Front Hall		
	Violation: Maintenance of lighting fixtures								
	Notes: Walls missing switch covers								
	2.	<input type="checkbox"/>	<b>6-108.1</b>	Exterior				rear wall	
	Violation: Exterior Walls								
Notes: Peeling Paint									
3.	<input type="checkbox"/>	<b>6-111.4</b>	Interior	2	2		Bathroom		
Violation: Maintenance of plumbing fixtures.									
Notes: Broken toilet handle									
4.	<input type="checkbox"/>	<b>6-108.2</b>	Interior	2	2		Bathroom		
Violation: Interior floors, walls, ceilings and doors									
Notes: Floor broken tile									
5.	<input type="checkbox"/>	<b>6-108.3</b>	Interior	2	2		Kitchen		
Violation: Exterior windows, doors and skylights									
Notes: Window Missing (storm)									

**138 Bradley St**

6.

6-113.5	Interior	2	overall
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Violation: Maintenance of lighting fixtures

Notes: Apartments hard wired battery back up smoke detectors are required in each unit





Inspection Services  
Michael J. Nugent  
Manager

Housing & Neighborhood Services  
Mark Adelson  
Director



## CITY OF PORTLAND

May 7, 2002

KEVIN W TARDIFF  
138 BRADLEY ST  
PORTLAND, ME 04102

RE: 138 Bradley St  
CBL: 178 F01100101

Dear Mr. Tardiff:

A re-inspection at the above noted property was made on May-01-2002.

This is to certify that you have complied with our request to correct the violation(s) of the Municipal Code relating to housing conditions noted on our letter dated Mar-07-2002.

This notice is intended to document that you have corrected the specific violations as previously noted. It is not intended to indicate compliance with other City regulations, it also does not imply that the structure or premises is violation free.

Thank you for your cooperation. If you have any questions, feel free to contact me at this office  
Jeanie Bourke @ 874-8715.

Sincerely,

A handwritten signature in cursive script that reads "Jeanie Bourke".

Jeanie Bourke @ 874-8715  
Code Enforcement Officer

Kevin Tariff 780-0355

Scheduled 5/1/02 Noon

138 Bradley St

JB Folsom - electrician 4/30  
scheduled that day  
will pull permit

COJL

APT. 1

Folsom's (JB) - Permit OK

### City of Portland Housing - Inspection

Compliance ?	Code	Int/Ext	Floor	Unit No	Area	Repair Code
1. <input checked="" type="checkbox"/>	6-113.5	Interior			Front Hall	
	Violation: Maintenance of lighting fixtures					
	Notes: Walls missing switch covers					
2. <input checked="" type="checkbox"/>	6-108.1	Exterior			rear wall	
	Violation: Exterior Walls					
	Notes: Peeling Paint Vinyl Siding					
3. <input checked="" type="checkbox"/>	6-111.4	Interior	2	2	Bathroom	
	Violation: Maintenance of plumbing fixtures.					
	Notes: Broken toilet handle					
4. <input checked="" type="checkbox"/>	6-108.2	Interior	2	2	Bathroom	
	Violation: Interior floors, walls, ceilings and doors					
	Notes: Floor broken tile					
5. <input checked="" type="checkbox"/>	6-108.3	Interior	2	2	Kitchen	
	Violation: Exterior windows, doors and skylights					
	Notes: Window Missing (storm)					

Owner / Manager:  
**TARDIFF KEVIN W**

Parcel Id: **178- F-01100101** # of Units:

Inspector:  
**Marland Wing @ 874-8696**

Status:  
**Yellow 5-9 Violations**

Date & Time Requested:  
**Mar 7, 2002 at**

Date of Inspection:  
**Thursday, March 07, 2002**

Reinspect By:  
**Friday, April 19, 2002**

Reason For Inspection:  
**Non Compliance**

Notes:

**138 Bradley St**

6.



6-113.5	Interior	2	overall
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Violation: Maintenance of lighting fixtures

Notes: Apartments hard wired battery back up smoke detectors are required in each unit