

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 06-1665	Issue Date:	CBL: 181 D018001
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Location of Construction: 76 COLUMBIA RD	Owner Name: LENNON CRAIG G & CYNTHIA	Owner Address: 172 BRADLEY ST	Phone:
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Legalization of Non-Conforming Units	Zone: RS

Past Use: 2 unit Residential Plus 1 non-conforming unit	Proposed Use: 3 Unit Residential - Legalization of 1 nonconforming dwelling unit for a total of 3 Legal units	Permit Fee: \$375.00	Cost of Work: \$300.00	CEO District: 5
Proposed Project Description: Legalization of 1 nonconforming dwelling unit for a total of 3 Legal units		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: Idobson	Date Applied For: 11/14/2006	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 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 <i>ARM</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
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RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE	DATE	PHONE
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Proposed Use: 3 Unit Residential - Legalization of 1 nonconforming dwelling unit for a total of 3 Legal units		Proposed Project Description: Legalization of 1 nonconforming dwelling unit for a total of 3 Legal units	

Dept: Zoning Status: Reviewer: Ann Machado Approval Date: Note: Ok to Issue:

Dept: Building Status: Pending Reviewer: Approval Date: Note: Ok to Issue:

Comments:

11/20/2006-amachado: Left message for Cynthia Lennon. Application is incomplete. Need a better plot plan that shows the location of the buildings on the lot, how far they are from the property lines and the dimensions of the driveway for parking purposes. We need a complete copy of the deed that has the signatures on it. We need the dimensions of the rooms in the third, back unit.

3/21/2007-amachado: Spoke to Cynthia Lennon. House is for sale as two unit. Decided not to legalize the illegal unit in the back building. She wanted to remove the kitchen equipment so the property was legally conforming as a two unit, but has been unable to. The new buyers are closing on the house any day.

3/21/2007-amachado: Left a voicemail for Cynthia Lennon. I wanted to know if the new owners know about the illegal unit in the back building. They will need to remove the kitchen equipment or apply to legalize it. I asked Cynthia to call me back and let me know or give me the name of the buyers.

1/30/2007-amachado: Cynthia Lennon called to say that she was withdrawing the application to legalize the third unit. I told her that she needed to remove the kitchen equipment in the back unit and we would need to inspect the property to confirm that it was no longer a dwelling unit.

12/4/2006-amachado: Craig Lennon came in. He said he would bring in a revised plot plan and dimension of the unit.

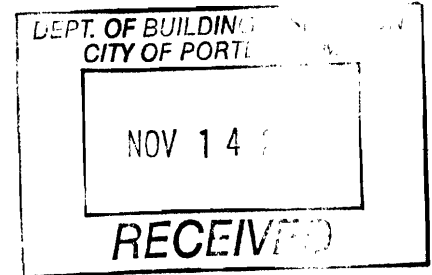
Zoning Division
Marge Schmuckal
Zoning Administrator



Department of Planning & Development
Lee Urban, Director

WITHDRAW

CITY OF PORTLAND



APPLICATION FOR
LEGALIZATION OF NONCONFORMING DWELLING UNITS
Section 14-391 – In effect March 24, 2004

Location/Address of Legalization: <u>76-80 Columbia Rd Portland, Me. 04103</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>181</u> Block# <u>D</u> Lot# <u>18</u>	Owner: <u>Cynthia & Craig Lemen</u> Telephone: <u>(311) 214-4090</u> Address: <u>430 Los Altos Way # 104</u> <u>Hammer Springs, A. 32714</u>
Contact name, address & telephone if different than above: <u>Sarah Sockbein</u> <u>PO Columbia Rd</u> <u>766-8041</u>	Cost of Work: \$ _____ Fee: \$ <u>300</u> \$300 per legalized unit & \$75 per C of O
Current # of legal D.U. <u>12</u>	Requested # of units To be legalized: <u>1</u> Total bldg. units: <u>3</u>
Attach evidence that each requested unit to be legalized existed as of 4/1/95: List evidence that you are submitting: <u>* Copy of Real Estate info Sheet dated 12/9/97 stating that</u> <u>Property has additional illegal unit.</u> <u>* Copy of letter from City stating zoning was aware of unit in 1991</u>	
Attach evidence that the current owner/applicant neither constructed nor established the non-conforming dwelling units to be legalized: List evidence that you are submitting: <u>Copy of Warranty deed showing we purchased</u> <u>property on June 19th 1998</u>	
<i>I hereby certify that I am the Owner of record of the above 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.</i>	
Signature of applicant: <u>Cynthia Lemen</u>	Date: <u>11/2/06</u>
This is NOT a permit, you may not commence ANY work until the permit is issued.	



PORTLAND MAINE

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

Urban- Director of Planning and Development
Ge Schmuckal, Zoning Administrator

September 1, 2006

Craig & Cynthia Lennon
172 Bradley Street
Portland, ME 04102

RE: 76 Columbia Road – 181 D018 – R5 – illegal dwelling unit

Dear Mr. & Mrs. Lennon,

It has come to our attention that you have an illegal dwelling unit at your property at 76 Columbia Road. Our records show that the principal structure, constructed in 1922, was built as a dwelling for two families and that it has remained a dwelling for two families since then. On September 4, 1991, William Giroux, the zoning administrator, wrote a letter to the owner of the property, Randall Sevigny, informing him that he had an illegal dwelling unit in a building located behind the principal structure that “was proposed to be a garage”. Consequently, Mr. Sevigny filed a variance appeal application on September 18, 1991. The Zoning Board of Appeals met on October 10, 1991 and voted 4-0 to deny Mr. Sevigny the appeal to use the addition to the garage as a dwelling unit. As a result of this decision, the dwelling unit is illegal and you have no legal right to it.

Section 14 – 1179(a)(2)(a) of the ordinance states that the land area required for three or more dwelling units in the R5 zone is 6,000 square feet per dwelling unit. Your property only has 5500 square feet, so you are not able to apply for a change of use permit to add a third dwelling unit. Section 14-391 of the ordinance outlines a process where properties with existing illegal dwelling units may be recognized as a legal nonconforming use. I have enclosed a copy of the application for Legalization of Nonconforming Dwelling Units that explains what you need to do to apply. It also includes a copy of section 14-391 of the ordinance. If the zoning administration cannot approve the application based on the evidence submitted or if an owner of any property within 300’ of the structure objects, then the applicant can file a Conditional Use Appeal to the Zoning Board of Appeals. If the application is denied, then you will be required to remove the illegal dwelling unit.

You have thirty days from the date of this letter to either file an application for the Legalization of Nonconforming Dwelling Units or remove the illegal unit. Please feel free to call me if you have any questions.



CITY OF PORTLAND, MAINE

389 CONGRESS STREET
PORTLAND, MAINE 04101
(207)874-8300

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

P. SAMUEL HOFFSES, CHIEF
INSPECTION SERVICES DIVISION

September 4, 1991

RE: 80 Columbia Road


Randall J. Sevigny
80 Columbia Road
Portland, Maine 04103

Dear Mr. Sevigny,

As a result of my visit to your property at 80 Columbia Road on July 25, 1991, it is clear to me that you have added a separate dwelling unit in what was proposed to be a garage. This is a clear violation of section 14-120(1) of the Land Use Code. It was also apparent that the addition does not meet the setback requirements of section 14-120(4) b and c.

You have until September 23rd at noon, 1991 to apply for a variance to the Board of Appeals. Failure to do so will result in this matter being referred to the City's Corporation Counsel for consideration of legal action.

Sincerely,


William D. Giroux
Zoning Administrator

/el

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
P. Samuel Hoffses, Chief of Inspection Services
Kevin Carroll, Code Enforcement Officer
Rick Blackburn, Tax Assessor

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



THOMAS F. JEWELL
Chairman

RAY M. JOHNSON
JOHN C. KNOX
DEWEY A. MARTIN, JR.
MERRILL S. SELTZER
MICHAEL E. WESTORT

October 17, 1991

RE: 80 Columbia Road


Mr. Ronald Sevigny
80 Columbia Road
Portland, Maine 04103

Dear Mr. Sevigny:

As you know, at its meeting of October 10, 1991, the Board of Appeals voted 4 to 0 to grant your variance regarding the setbacks for your recently constructed addition. The Board of Appeals also voted 4-0 to deny your appeal that requested the addition be used as a dwelling unit.

A copy of the Board's decision is enclosed for your records.

Sincerely,


William D. Giroux
Zoning Administrator

/el
enclosure

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development
Samuel P. Hoffses, Chief of Inspection Services
Kevin Carroll, Code Enforcement Officer

MULKERIN ASSOCIATES
 426 FOREST AVENUE
 PORTLAND ME 04101
 Phone: 207 772-2127 Fax: 207-871-8695

Reduced to
 \$149,900!

80 COLUMBIA ROAD

PORTLAND

\$153,000

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**MULKERIN ASSOCIATES
 REAL ESTATE**

Jeff T. Davis
 Broker

Office: (207) 772-2127
 Voice Mail: (207) 791-0156
 Fax: (207) 871-8695
 E-Mail: jtdavis@ime.net

426 Forest Avenue
 Portland, ME 04101

DIRECTIONS: BRIGHTON AVE TO COLUMBIA RD, PROPERTY ON LEFT

REMARKS:

HUGE ROSEMONT 2 FAMILY. EACH UNIT HAS 3 BRS, LR,
 DR, HW FLOORS. UPDATED WINDOWS, SIDING, ROOF,
 ELECTRIC, ETC. PROPERTY ALSO HAS LARGE DETACHED
 STUDIO/WORKSHOP (CURRENTLY ILLEGALLY RENTED @\$450/
 MO. AS AN APARTMENT).

FEATURES:

Parking : Onsite
 Exterior : Vinyl
 Basement : Full
 Roof : Shngl
 Water : Pub
 Wtr Heater : Gas
 Heat Sys : HW,Bd
 Utilities : NatGs
 Misc. :
 Amenities : Attic,Porch

Driveway : Pv
 Foundation : Stone,Brick
 Roads : Pub
 Sewerage : Pub
 Fuel : NatGas
 Electric : Comb
 Financing :
 Lot Size +/- : 0.12 Acres

2-Story

#ofUnits : 2	YearBuilt : 1911
#1Bdrm/Eff. : 0	OwnerOcc : Y
#2Bdrm : 0	#Parking : 4
#3Bdrm : 2	Garage : 3
#Baths : 3	#Ranges : 3
#HtgUnit : 3	#Refrig : 3
#WtrHtr : 3	Taxes : \$2,790
FloodZone : U	TaxYear : 97-98
Seasonal : N	TaxReduction : N
Surveyed : U	SchoolDistrict : PORTLN
Color : GREEN	Glaag +/- : 2640

UTILITIES PER UNIT

Heat/Unit : N,N,_,_,_
 Water/Unit : Y,Y,_,_,_
 Electric/Unit : N,N,_,_,_
 Sewer/Unit : Y,Y,_,_,_

LISTING INFORMATION

Broker# : 1351
 ListerInitials: JTD
 Zoning : R5
 WaterBody :
 WaterFrftg +/- :
 Map : 181
 Block: D
 Lot : 18
 Book : 999
 Page : 999

Today : 12/9/97
 MLS# : 227392
 Status : C
 SoldDate :
 SoldPrice :

RENTAL INCOME PER UNIT:

Unit 1 :
 Unit 2 : \$575
 Unit 3 :
 Unit 4 :
 Unit 5 :
 Unit 6 :
 Gross Annual Income:

Subject to errors, omissions, prior sale, change or withdrawal without notice.

The agency whose name appears at the top of this page may or may not be the listing agency for this property.

WARRANTY DEED

Know All Men By These Presents That I, Ronald J. Sevigny

of 80 Columbia Road, Portland,
County of Cumberland and State of Maine,

for consideration paid, grant to Janet A. Lennon and Cynthia M. Read

of 23 Morse Street, Portland,
County of Cumberland and State of Maine
as Joint Tenants
with **WARRANTY COVENANTS:**

A certain lot or parcel of land together with any buildings thereon situated in
Portland County of Cumberland
and State of Maine, more particularly described in Exhibit A attached hereto and
incorporated herein by reference.

In Witness Whereof, I have hereunto set my hand(s) this 19th day of
June, 1998.

Witness

Ronald J. Sevigny

State of Maine
County of Cumberland ss.

On this 19th day of June, 1998, personally appeared before me the
above named Ronald J. Sevigny

and acknowledged the foregoing to be his/her/their free act and deed.

Notary Public, Attorney at Law

Return to: NORTHEAST LAND TITLE INC.
4 Canal Plaza
Portland, ME 04101

QUITCLAIM DEED
Maine Statutory Short Form

KNOW ALL MEN BY THESE PRESENTS, That Craig G. Lennon and Cynthia M. Read now known as Cynthia M. Lennon of Portland, County of Cumberland and State of Maine, ~~for consideration paid~~, grants to **Craig G. Lennon and Cynthia M. Lennon** whose mailing address is 172 Bradley, Portland, Maine 04102, as joint tenants with **QUITCLAIM COVENANTS**, the real property situated in Portland, County of Cumberland and State of Maine more particularly described in Exhibit A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, I/we have hereunto set my/our hands(s) and seal(s) this 3rd day of June, 2003

Witness

[Signature]

Craig G. Lennon

[Signature]

Cynthia M. Read now known as
Cynthia M. Lennon

State of Maine
County of Cumberland

June 3, 2003

Personally appeared before me the above named Craig G. Lennon and Cynthia M. Read now known as Cynthia M. Lennon and acknowledged the foregoing instrument to be his/her/their free act and deed.

[Signature]

Notary Public/Attorney at Law

SUSAN C. HASSON
ATTORNEY AT LAW

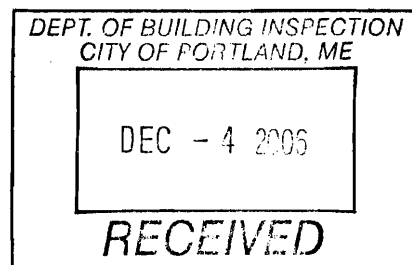
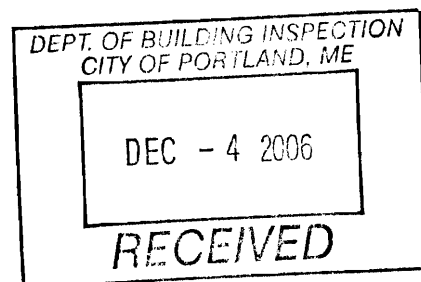


EXHIBIT A
(DEED)

A certain lot or parcel of land, with the buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, and being a part of a tract of land known as Rosemont, so-called, and the part hereby conveyed being designated as lot numbered twenty-eight (28) on said tract, according to a plan of the same made by E.C. Jordan and Co., Civil Engineers and recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 123, to which Plan reference is hereby made for a more particular description.

Meaning and intending to convey and hereby conveying the same premises described in a deed from Ronald J. Seigny to Janet A. Lennon and Cynthia M. Read now known as Cynthia M. Lennon dated June 19, 1998 and recorded in the Cumberland County Registry of Deeds in Book 13917, Page 287. Reference is also made to a deed from Janet A. Lennon to Craig G. Lennon of even date to be recorded herewith.

Received
Recorded Register of Deeds
Jun 05 2003 11:11:13A
Cumberland County
John B. O'Brien



BK 13917PG287

181-D-18

6-22-98

039055

WARRANTY DEED

Know All Men By These Presents That I, Ronald J. Sevigny

of 80 Columbia Road, Portland,
County of Cumberland and State of Maine,

for consideration paid, grant to Janet A. Lennon and Cynthia M. Read

of 23 Morse Street, Portland,
County of Cumberland and State of Maine

as Joint Tenants

with **WARRANTY COVENANTS:**

A certain lot or parcel of land together with any buildings thereon situated in
Portland County of Cumberland
and State of Maine, more particularly described in Exhibit A attached hereto and
incorporated herein by reference.

In Witness Whereof, I have hereunto set my hand(s) this 19th day of
June, 1998.

Witness

Ronald J. Sevigny

MAINE REAL ESTATE TAX PAID

State of Maine
County of Cumberland ss.

On this 19th day of June, 1998, personally appeared before me the
above named Ronald J. Sevigny

and acknowledged the foregoing to be his/her/their free act and deed.

Notary Public, Attorney at Law

Return to: NORTHEAST LAND TITLE INC
4 Canal Plaza
Portland, ME 04101

WENDY L. SWAN
Notary Public, Maine
My Commission Expires October 13, 2004

181-D-18

17440

181-D-18

File No: 98031201

Exhibit A - Deed

A certain lot or parcel of land, with the buildings thereon, situated in said Portland, being a part of a tract of land known as Rosemont, so called, and the part hereby conveyed being designated as lot numbered twenty-eight (28) on said tract, according to a plan of the same made by E. C. Jordan and Co., Civil Engineers and recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 123, to which Plan reference is hereby made for a more particular description.

Meaning and intending to convey and hereby conveying the same premises described in a deed from Sandra J. Nayer dated September 10, 1984 to Ronald J. Sevigny and recorded in the Cumberland County Registry of Deeds in Book 6557, Page 204.

RECEIVED
RECORDED REGISTRY OF DEEDS
1998 JUN 22 PM 12:55
CUMBERLAND COUNTY

D. D. 12

QUITCLAIM DEED
Maine Statutory Short Form

6-5-2003

MJD

KNOW ALL MEN BY THESE PRESENTS, That Craig G. Lennon and Cynthia M. Read now known as Cynthia M. Lennon of Portland, County of Cumberland and State of Maine, ~~for consideration paid~~; grants to **Craig G. Lennon and Cynthia M. Lennon** whose mailing address is 172 Bradley, Portland, Maine 04102, as joint tenants with **QUITCLAIM COVENANTS**, the real property situated in Portland, County of Cumberland and State of Maine more particularly described in Exhibit A attached hereto and incorporated herein by reference.

IN WITNESS WHEREOF, I/we have hereunto set my/our hands(s) and seal(s) this 3rd day of June, 2003

Witness

[Signature of Craig G. Lennon]

Craig G. Lennon

[Signature of Cynthia M. Lennon]

Cynthia M. Read now known as
Cynthia M. Lennon

State of Maine
County of Cumberland

June 3, 2003

Personally appeared before me the above named Craig G. Lennon and Cynthia M. Read now known as Cynthia M. Lennon and acknowledged the foregoing instrument to be his/her/their free act and deed.

[Signature of Notary Public/Attorney at Law]

Notary Public/Attorney at Law

SUSAN C. HASSON
ATTORNEY AT LAW

~~177-I-28~~

181-D-18

[Handwritten marks: checkmark, 12, 26, 11]

EXHIBIT A
(DEED)

18

A certain lot or parcel of land, with the buildings thereon, situated in the City of Portland, County of Cumberland and State of Maine, and being a part of a tract of land known as Rosemont, so-called, and the part hereby conveyed being designated as lot numbered twenty-eight (28) on said tract, according to a plan of the same made by E.C. Jordan and Co., Civil Engineers and recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 123, to which Plan reference is hereby made for a more particular description.

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181-D-18

Received
Recorded Register of Deeds
Jun 05 2003 11:11:13A
Cumberland County
John B. O'Brien

