

City of Portland, Maine - Building or Use Permit Application

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

Permit No:	Issue Date:	CBL:
2012-65565		184 B003001

Location of Construction: 6 COLUMBIA RD (595 Bighorn Ave)	Owner Name: KAL LLC (Donald Theriault)	Owner Address: 8 HUNTS PT	Phone: (207) 774-1471
Business Name:	Contractor Name: Burr Signs	Contractor Address: 40A Manson Libby Road Scarborough	Phone: (207) 846-7622
Lessee/Buyer's Name	Phone:	Permit Type: Signs - Permanent	Zone: <input checked="" type="checkbox"/> RP
Past Use: Optometrist	Proposed Use: Same - Optometrist	Permit Fee: \$76.20	Cost of Work: \$0.00
Proposed Project Description: Add bulding sign - 27.83" x 10'.		CE0 District: 7	
		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> N/A	
		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:	

DENIED

Permit Taken By: bjs	Date Applied For: 12/10/2012	Zoning Approval		
<ol style="list-style-type: none">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	Zoning Appeal	Historic Preservation
		<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: <i>2-21-13</i>	<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:	<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: <i>ABN</i>

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:	Date Applied For:	CBL:
2012-65565	12/10/2012	184 B003001

Location of Construction: 6 COLUMBIA RD (595 Brighton A	Owner Name: KAL LLC (Donald Theriault)	Owner Address: 8 HUNTS PT	Phone: (207) 774-1471
Business Name:	Contractor Name: Burr Signs	Contractor Address: 40A Manson Libby Road Scarborough	Phone (207) 846-7622
Lessee/Buyer's Name	Phone:	Permit Type: Signs - Permanent	

Proposed Use: Same - Optometrist	Proposed Project Description: Add bulding sign - 27.83" x 10'.
-------------------------------------	---

DENIED

Dept: Zoning **Status:** Pending Approval **Reviewer:** Ann Machado **Approval Date:**
Note: R-P Zone does not allow for bulding signs. Mason Legendre has requested an appeal to the planning division under section 14-368.5(g). Sent application to planning 1/8/13. **Ok to Issue:** ☐

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

Dept: Planning **Status:** Denied **Reviewer:** **Approval Date:**
Note: Submitted on 02.21.2013 **Ok to Issue:** ☐

The applicant has submitted an application for a sign appeal to have a building sign at 595 Brighton Ave (6 Columbia Road). The property is located in the R-P zone and building sign are prohibited in this zone. I did a site visit of this parcel and the vicinity. The site has a free standing site next to the building on Brighton Avenue. The neighboring businesses in the R-P zone also have free standing signs but no building signs. Based on the waiver criteria, the sign does not meet standard b and c, see below for explanation, and therefore denied:

1.(b) The size, scale, proportions, design, materials, placement, quantity and source and intensity of illumination of any approved signage shall be designed to complement and enhance the architectural attributes of the building(s) to which they are attached or to which they are visually related. In addition, such signs shall be appropriate to the scale and character of the neighborhood in which it is located and shall be designed to suit the conditions from which it will be viewed, especially in relation to the distance, travel speed, and mode of travel of the viewing public.

Staff Comment: This standard states the sign "shall be appropriate to the scale and character of the neighborhood in which it is located and shall be designed to suit the conditions from which it will be viewed". As mentioned before, there are no existing building signs on any of the businesses in the vicinity of this property and are in the R-P zone. There is a free standing sign near the exact location where of the proposed building sign. This is a high traffic area and the free standing sign is more visible than the proposed building sign.

2.© The signage shall either be of special design merit or shall respond to unique circumstances or characteristics associated with the subject property

3.Staff Comment: There are no unique circumstances or characteristics that are associated with the property. The property does have an existing free standing sign that is visible from the main street.

CBL: 184 B00300 Permit ID: 2012-65565

Additional Comments:

12/12/2012-AMACHADO/Zoning:

Called Burr Signs. Spoke to Mason. Property is in R-P zone which deos not allow Building Signs (section 14-369.5, Table 2.3). Can appeal to planning authority under section 14-368.5(g). Mason said that he would submit the appeal request in the next few days.

12/19/2012-AMACHADO/Zoning:

Received written request for appeal to the Planning Authority. I called Mason Legendre and told him that the appeal costs \$75. He will send a check.

1/8/2013-AMACHADO/Zoning:

Application sent to Planning Authority under section 14-368.5(g).

DENIED

Location of Construction: 6 COLUMBIA RD (595 Brighton A	Owner Name: KAL LLC (Donald Theriault)	Owner Address: 8 HUNTS PT	Phone: (207) 774-1471
Business Name:	Contractor Name: Burr Signs	Contractor Address: 40A Manson Libby Road Scarborough	Phone (207) 846-7622
Lessee/Buyer's Name	Phone:	Permit Type: Signs - Permanent	

DENIED



PORTLAND MAINE

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

Planning & Urban Development Department
Jeff Levine, AICP, Director

Planning Division
Alexander Jaegerman, FAICP, Director

February 21, 2013

Burr Signs
Attention: Mason Legendre
40 A Manson Libby Road
Scarborough, ME 04074

Re: 6 Columbia Road (595 Brighton Ave) – 184- B003001 – Sign Permit for Eyes on Rosemont- Permit #2012-65565

Dear Mr. Legendre:

I am in receipt of your application for a sign exception to have a building sign at 6 Columbia Road (595 Brighton Ave). The property is located in the R-P zone and building sign are prohibited in this zone. Section 14- 526 (b)(8)(a)(iv) of the ordinance states the sign waiver criteria:

An applicant for site plan review that was either denied for failure to comply with the requirements of or is seeking a waiver as part of their site plan application from Section 14-369.5 shall meet the following standards for approval:

- (a) Signs shall meet the requirements of Section 14-526 (e) 2. - Signage and Wayfinding;
- (b) The size, scale, proportions, design, materials, placement, quantity and source and intensity of illumination of any approved signage shall be designed to complement and enhance the architectural attributes of the building(s) to which they are attached or to which they are visually related. In addition, such signs shall be appropriate to the scale and character of the neighborhood in which it is located and shall be designed to suit the conditions from which it will be viewed, especially in relation to the distance, travel speed, and mode of travel of the viewing public;
- (c) The signage shall either be of special design merit or shall respond to unique circumstances or characteristics associated with the subject property;
- (d) The provisions of this subsection shall be limited to commercial uses in business or industrial zones, industrial uses or institutional uses.

I conducted a site visit of the parcel and the vicinity. The site has a free standing sign next to the building on Brighton Avenue. The neighboring businesses in the R-P zone also have free standing signs but no building signs. Based on the waiver criteria, the sign does not meet standard b and c, see below for explanation:

1. (b) The size, scale, proportions, design, materials, placement, quantity and source and intensity of illumination of any approved signage shall be designed to complement and enhance the architectural attributes of the building(s) to which they are attached or to which they are visually related. In addition,

such signs shall be appropriate to the scale and character of the neighborhood in which it is located and shall be designed to suit the conditions from which it will be viewed, especially in relation to the distance, travel speed, and mode of travel of the viewing public.

Staff Comment: This standard states the sign “shall be appropriate to the scale and character of the neighborhood in which it is located and shall be designed to suit the conditions from which it will be viewed”. As mentioned before, there are no existing building signs on any of the businesses in the vicinity of this property and are in the R-P zone. There is a free standing sign near the exact location where of the proposed building sign. This is a high traffic area and the free standing sign is more visible than the proposed building sign.


2. (c) The signage shall either be of special design merit or shall respond to unique circumstances or characteristics associated with the subject property
3. Staff Comment: There are no unique circumstances or characteristics that are associated with the property. The property does have an existing free standing sign that is visible from the main street.

Thus, the request for a sign exception at 6 Columbia Road is denied.

You have the right to appeal this decision to the Planning Board. Section 14- 529 (a) of the ordinance states that “any person aggrieved may appeal the decision to the planning board within thirty (30) calendar days of the date of the written decision of the planning authority”.

Please feel free to call me at 756-8083 or shukriaw@portlandmaine.gov if you have any questions.

Sincerely,



Shukria Wiar
Planner

Electronic Distribution:

Barbara Barhydt, Development Review Services Manager
Marge Schmuckal, Zoning Administrator
Ann Machado, Zoning Specialist

Table 2.3 RESIDENCE-PROFESSIONAL ZONE (R-P)

Free Standing Signs

City of Portland
Code of Ordinances
Sec. 14-369

Land Use
Chapter 14
Rev. 10-5-12

Area	30 sq. ft.
Height	8 feet
Setback	5 feet
Number permitted per lot	1 (a)

- (a) Lots fronting on two (2) or more streets are allowed one (1) freestanding sign of equivalent size for each street frontage with vehicular entry, provided such signs are not readily concurrently visible.

Building Signs

None allowed, other than incidental and/or directory signs.

TABLE 2.4 ROS & RPZ OPEN SPACE ZONES AND SIGNS IN ALL MUNICIPAL PARKS

These regulations shall not apply to municipal stadiums with a seating capacity of greater than six thousand (6,000) seats.

See also section 14-370.7 (special sign types) for regulation of signs associated with seasonal sales/markets, special events, fairs/festivals, etc. Signs in designated historic landscape districts shall also be subject to the provisions of article IX of this chapter.

Freestanding Signs (a)

	<i>General Park Identification Sign</i>	<i>Concession/Facility Signs (b)</i>
Area	20 sq. ft.	16 sq. ft.

standard, the applicant need not prove that denial of the variance would mean the practical loss of all beneficial use of the land.

- c. Except as modified above, the other provisions of section 14-473 will apply to practical difficulty variances, including, but not limited to, the provisions of section 14-473(b)(2) (public hearing), and section 14-473(d) (specified variances prohibited).
- d. A practical difficulty variance may not be used to grant relief from the provisions of section 14-449 (land use standards), to increase either volume or floor area, nor to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.

(4) *Specified variances prohibited:*

- a. No use permitted in medium- and high-density residential districts shall be permitted in low-density residential districts. No use permitted in business districts shall be permitted in any residential district. No use permitted in industrial districts shall be permitted in any business or residential district. No use permitted in residential districts shall be permitted in any industrial district. The general use categories are listed below:
 - 1. Low-density residential: IR-1, IR-2, IR-3, R-1, R-2, R-3.
 - 2. Medium- and high-density residential: R-4, R-5, R-6.
 - 3. Business: R-P, B-1, B-2, B-3, A-B, B-4, B-5, I-B.
 - 4. Industrial: I-L, I-Lb, I-M, I-Ma, I-Mb, I-H, I-Hb.

Zoning for 595 Brighton Ave



Copyright 2011 Esri. All rights reserved. Wed Feb 6 2013 12:20:27 PM.

12/17/12

Town of Portland
Inspection Division, Room 315, Attn: Ann
389 Congress St
Portland, ME 04101

To Whom It May Concern:

I am writing in regards to the rejection of the sign permit that was submitted on behalf of Eyes on Rosemont, located at 595 Brighton Ave by Burr Signs. It was explained that due to their current zoning they are unable to have any building mounted signs. We are respectfully requesting an appeal to the planning authority. The proposed sign's scale, size and style are inline with the surrounding signage and would not negatively detract from the areas current atmosphere. The proposed wall mount sign is an attractively designed, non-illuminated sign. The current signage located at the site is minimal and not optimal for the proprietor and makes site location difficult for clients. Please let me know what additional steps if any I need to take in order to begin the appeal process.

Sincerely,



Mason Legendre

Burr Signs
40A Manson Libby Rd
Scarborough, ME 04074
207-846-7622
mason@burrsigns.com

RECEIVED

DEC 19 2012

Dept. of Building Inspections
City of Portland Maine



Signage/Awning 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>595 ^{6 Columbia} Brighton Ave. Portland, ME 04102</u>		
Tax Assessor's Chart, Block & Lot Chart# Block# Lot#	Owner: <u>KAL LLC, 8 Hunt's Pt Cape Elizabeth</u> <u>Dr. Donald L. Theriault 04107</u>	Telephone: <u>774-1471</u>
Lessee/Buyer's Name (If Applicable) <u>Eyes on Rosemont</u>	Contractor name, address & telephone: <u>Burr Signs</u> <u>401 Manson Libby Rd</u> <u>Scarborough, ME 04074</u>	Total s.f. of signage x \$2.00 Per s.f. plus \$30.00/\$65.00 For H.D. signage= Total Fee: <u>\$76.80</u> Awning Fee= cost of work _____ Total Fee: \$ _____
Who should we contact when the permit is ready: <u>Mason Legere</u> phone: <u>207-846-7622</u>		
Tenant/allocated building space frontage (feet): Length: <u>25</u> Height: <u>7.6</u> Lot Frontage (feet) <u>150</u> Single Tenant or Multi Tenant Lot <u>Multi</u>		
Current Specific use: <u>Optometrist</u> If vacant, what was prior use: <u>N/A</u> Proposed Use: <u>Same as current</u> <u>23.6 x 120 = 2832" x 144" = 19.6' x 12' = 39.2'</u>		
Information on proposed sign(s): Freestanding (e.g., pole) sign? Yes _____ No <u>X</u> Dimensions proposed: _____ Height from grade: _____ Bldg. wall sign? (attached to bldg) Yes <u>X</u> No _____ Dimensions proposed: <u>See Attached</u>		
Proposed awning? Yes _____ No <u>X</u> Is awning backlit? Yes _____ No _____ Height of awning: _____ Length of awning: _____ Depth: _____ Is there any communication, message, trademark or symbol on it? Yes _____ No _____ If yes, total s.f. of panels w/communications, message, trademark or symbol: _____ s.f.		
Information on existing and previously permitted sign(s): Freestanding (e.g., pole) sign? Yes <u>X</u> No _____ Dimensions: <u>57.5 inches X 16 inches</u> Bldg. wall sign? (attached to bldg) Yes _____ No <u>X</u> Dimensions: _____ Awning? Yes _____ No <u>X</u> Sq. ft. area of awning w/communication: _____		
A site sketch and building sketch showing exactly where existing and new signage is located must be provided. Sketches and/or pictures of proposed signage and existing building are also required.		

Please submit all of the information outlined in the Sign/Awning Application Checklist.
Failure to do so may 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 visit us on-line at www.portlandmaine.gov, stop by the Building Inspections 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 of applicant: [Signature]

Date: 11-26-12

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



Donald L. Theriault, D.M.D.

Diplomate, American Board of Periodontology

November 29, 2012

Eyes on Rosemont
Michael D. Pirone, OD
Tricia Pirone, OD
595 Brighton Avenue
Portland, ME 04102

Dear Mike and Tricia,

In response to your request, I'm providing this letter to acknowledge we know that you're putting a sign outside, and you have our approval based on the design submitted to us previously.

Sincerely,

Donald L. Theriault, DMD

DLT/jlm

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
389 Congress Street
Portland, Maine 04101

INVOICE FOR PERMIT FEES

Application No: 201265565	Applicant: KAL LLC
Project Name:	Location: 6 COLUMBIA RD
CBL: 184 B003001	Development Type:
Invoice Date: 12/10/2012	

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$0.00		\$0.00		\$76.20		\$76.20		\$0.00	On Receipt

Previous Balance	\$0.00
-------------------------	---------------

Fee Description	Qty	Fee/Deposit Charge
Signs sq. feet	23.1	\$46.20
Building Permit Fee First \$1000	1	\$30.00
		\$76.20
Total Current Fees:		+ \$76.20
Total Current Payments:		- \$76.20
Amount Due Now:		\$0.00

Bill to: KAL LLC
8 HUNTS PT
CAPE ELIZABETH, ME 04107

CBL 184 B003001
Application No: 201265565
Invoice Date: 12/10/2012
Invoice No: 39323
Total Amt Due: \$0.00
Payment Amount: \$76.20

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

RECEIPT OF FEES

Application No:	201265565	Applicant:	KAL LLC (Donald Theriault)
Project Name:	Add bulding sign - 27.83" x 10'.	Location:	6 COLUMBIA RD (595 Brighton Av
CBL:	184 B003001	Permit Type:	Signs - Permanent
Invoice Date:	01/07/2013		

Previous Balance	-	Payment Received	+	Current Fees	-	Current Payment	=	Total Due	Payment Due Date
\$76.20		\$76.20		\$75.00		\$75.00		\$0.00	On Receipt

Previous Balance	\$76.20
-------------------------	----------------

Payment Received 12/10/2012 - Thank you	\$76.20
--	----------------

Fee Description	Qty	Fee/Deposit Charge
Sign Appeal	1	\$75.00
		\$75.00
Total Current Fees:		+ \$75.00
Total Current Payments:		- \$75.00
Amount Due Now:		\$0.00

Bill to: KAL LLC (Donald Theriault)
8 HUNTS PT
CAPE ELIZABETH, ME 04107

CBL 184 B003001
Application No: 201265565
Invoice Date: 01/07/2013
Invoice No: 39659
Total Amt Due: \$0.00
Payment Amount: \$75.00

Make checks payable to the *City of Portland*, ATTN: Inspections, 3rd Floor, 389 Congress Street, Portland, ME 04101.