

City of Portland, Maine - Building or Use Permit Application

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

Permit No: 01-0227	Issue Date: MAR 30 2001	CHL: 184 B025001
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Location of Construction: 12 Columbia Rd	Owner Name: Toole Mary C	Owner Address: 12 Columbia Rd	Phone: CITY OF PORTLAND
Business Name: n/a	Contractor Name: Kiely, John	Contractor Address: 521 Island Ave. Peaks Island	Phone: 2077662026
Lessee/Buyer's Name: n/a	Phone:	Permit Type: Additions - Dwellings	Zone: C10

Past Use: single family home <i>And professional offices</i>	Proposed Use: single family home <i>And professional offices</i>	Permit Fee: \$0.00	Cost of Work: \$2,200.00	INSPECTION: Use Group: 3 Type: <i>contract zone using R-5 for residential</i>
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Proposed Project Description: erect 14' x 19' deck with stairs	FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied
	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: jodinea	Date Applied For: 03/19/2001	Zoning Approval	
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<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 <input type="checkbox"/> Shoreland <i>N/A</i> <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>OK 3/29/01</i>	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 Date:
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23/mar./01 Called Contractor For Framing Plans!

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 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.

X _____
SIGNATURE OF APPLICANT ADDRESS DATE PHONE

_____ DATE PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE

01-6267

THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE PERMIT IS ISSUED

**Minor/Minor Site Review for New Detached Single Family Dwelling,
All Purpose Building Permit Application**

In the interest of processing your application in the quickest possible manner, please complete the Information below for a Building or Use Permit.

NOTEIf 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: 12 Columbia Rd

Total Square Footage of Proposed Structure 434 Square Footage of Lot 6000

Tax Assessor's Chart, Block & Lot Number
Chart# 184 Block# B Lot# 25
Owner: Mary C. Toole
Telephone#: W - 879 6054
H - 773 2019

Lessee/Buyer's Name (If Applicable) N/A Owner's/Purchaser/Lessee Address: 12 Columbia Rd Cost Of Work: \$42.00
Fee: \$2200

Current use: home Proposed use: add a deck to home

Project description: add a deck to base of house

Contractor's Name, Address & Telephone 501 Pearl Avenue 766-2026 * 3/17
John Kiely, Peaks Island, ME ~~766-2026~~ Rec'd By: CH

* call contractor when ready

Separate permits are required for Internal & External Plumbing, HVAC and Electrical installation.

- All construction must be conducted in compliance with the 1999 B.O.C.A. Building Code as amended by Section 6-Art II.
- All plumbing must be conducted in compliance with the State of Maine Plumbing Code.
- All Electrical Installation must comply with the 1999 National Electrical Code as amended by Section 6-Art III.
- HVAC (Heating, Ventilation and Air Conditioning) installation must comply with the 1993 BOCA Mechanical Code.

YOU MUST INCLUDE THE FOLLOWING WITH YOUR APPLICATION:

- A Copy of Your Deed or Purchase and Sale Agreement if purchased in the last 365 days
- A Plot Plan (Sample Attached) ON PAPER NO LARGER THAN 11" x 17" if you are doing anything other than interior rehab work.

THIS IS NOT A PERMIT/CONSTRUCTION CANNOT COMMENCE UNTIL THE PERMIT IS ISSUED

A PLOT PLAN INCLUDES THE FOLLOWING:

- The shape and dimension of the lot, all existing buildings (if any), the proposed structure and the distance from the actual property lines. Structures include decks porches, a bow windows cantilever sections and roof overhangs, as well as, sheds, pools, garages and any other accessory structures.
- Scale and North arrow; Zoning District & Setbacks
- First Floor sill elevation (based on mean sea level datum);
- Location and dimensions of parking areas and driveways;
- Location and size of both existing utilities in the street and the proposed utilities serving the building;
- Location of areas on the site that will be used to dispose of surface water.
- Existing and proposed grade contours

A "minor/minor" site plan review is required for New Single Family Homes Only. The Site plan must be prepared and sealed by a registered land surveyor. FOUR COMPLETE PACKETS OF ALL SUBMISSIONS ARE REQUIRED FOR NEW SINGLE FAMILY HOMES SHOWING CONSTRUCTION AND SITE DETAILS ON 32" x 48". ALONG WITH ONE SET ON PAPER NO LARGER THAN 11" X 17".

ON ALL OTHER BUILDING PERMIT SUBMISSIONS ONE SET OF SUBMISSIONS IS REQUIRED ON 11' X 17" AND ONE SETS ON 32" X 48" with the below stated details. (Sample Attached) Please note that single family additions and alterations may be hand drawn on regular paper, however the below details will still apply.

A complete set of construction drawings showing all of the following elements of construction:

- Cross Sections w/Framing details (including porches, decks w/ railings, and accessory structures)
- Floor Plans & Elevations
- Window and door schedules
- Foundation plans with required drainage and damp proofing
- Electrical and plumbing layout. Mechanical drawings for any specialized equipment such as furnaces, chimneys, gas equipment, HVAC equipment (air handling) or other types of work that may require special review must be included.

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/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: <i>May C. Toole</i>	Date: <i>3/19/01</i>
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Minor/Minor Site Review Fee: \$300.00/Building Permit Fee: \$30.00 for the 1st \$1000.cost plus \$6.00 per \$1,000.00 construction cost thereafter.

ONE SET OF SUBMISSIONS INCLUDING CONSTRUCTION AND SITE PLAN DRAWINGS MUST BE SUBMITTED ON PAPER NO LARGER THAN 11" x 17" BEFORE ANY BUILDING PERMIT WILL BE ISSUED

BUILDING PERMIT REPORT

DATE: 24 MARCH 2001 ADDRESS: 12 Columbia RD. CBL: 184-B-025
 REASON FOR PERMIT: To Construct a 14'x19' deck
 BUILDING OWNER: MARY C. Fode
 PERMIT APPLICANT: _____ / CONTRACTOR John Kiel
 USE GROUP: R-3 CONSTRUCTION TYPE: 5B CONSTRUCTION COST: \$2,200.00 PERMIT FEES: \$420.00

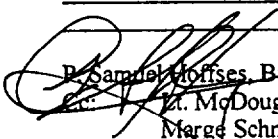
The City's Adopted Building Code (The BOCA National Building Code/1999 with City Amendments)
 The City's Adopted Mechanical Code (The BOCA National Mechanical Code/1993)

CONDITION(S) OF APPROVAL

This permit is being issued with the understanding that the following conditions shall be met: *1, *2, *11, *13
*30, *36, *38, *39

- *1. This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
- *2. 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) **"ALL LOT LINES SHALL BE CLEARLY MARKED BEFORE CALLING."**
3. Foundation drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 sieve. The drain shall extend a minimum of 12 inches beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than 6 inches above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2" of gravel or crushed stone, and shall be covered with not less than 6" of the same material. Section 1813.5.2
4. Foundations anchors shall be a minimum of 1/2" in diameter, 7" into the foundation wall, minimum of 12" from corners of foundation and a maximum 6' O.C. between bolts. Section 2305.17
5. Waterproofing and dampproofing shall be done in accordance with Section 1813.0 of the building code.
6. Precaution must be taken to protect concrete and masonry. Concrete Sections 1908.9-19.8.10/ Masonry Sections 2111.3-2111.4.
7. 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.
8. 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/1999)
9. All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993). Chapter 12 & NFPA 211
- *10. Sound transmission control in residential building shall be done in accordance with Chapter 12, Section 1214.0 of the City's Building Code.
- *11. Guardrails & 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". In occupancies in Use Group A, B.H-4, I-1, I-2, M, R, 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. Handrails shall be a minimum of 34" but not more than 38". Exception: Handrails that form part of a guard shall have a height not less than 36 inches (914 mm) and not more than 42 inches (1067 mm). Handrail grip size shall have a circular cross section with an outside diameter of at least 1 1/4" and not greater than 2". (Sections 1021 & 1022.0). Handrails shall be on both sides of stairway. (Section 1014.7)
12. Headroom in habitable space is a minimum of 7'6". (Section 1204.0)
- *13. Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 1/4" maximum rise. All other Use Group minimum 11" tread, 7" maximum rise. (Section 1014.0)
14. The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6'8") 1014.4
15. The Minimum required width of a corridor shall be determined by the most restrictive of the criteria under section 1011.3 but not less than 36".
16. 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 (508mm), and a minimum net clear opening of 5.7 sq. ft. (Section 1010.4)
17. 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. (Section 1010.1)
18. All vertical openings shall be enclosed with construction having a fire rating of at least one (1) hour, including fire doors with self closure's. (Over 3 stories in height requirements for fire rating is two (2) hours. (Section 710.0)
19. The boiler shall be protected by enclosing with (1) hour fire rated construction including fire doors and ceiling, or by providing automatic extinguishment. (Table 302.1.1)

20. 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 920.3.2 (BOCA National Building Code/1999), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):
 - In the immediate vicinity of bedrooms
 - In all bedrooms
 - In each story within a dwelling unit, including basements
21. 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. (Section 921.0)
22. The Fire Alarm System shall be installed and maintained to NFPA #72 Standard.
23. The Sprinkler System shall be installed and maintained to NFPA #13 Standard.
24. All exit signs, lights and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023.0 & 1024.0 of the City's Building Code. (The BOCA National Building Code/1999)
25. 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".
26. 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 commencing construction of the facility, the builder shall submit the certification the Division of Inspection Services.
27. Ventilation and access shall meet the requirements of Chapter 12 Sections 1210.0 and 1211.0 of the City's Building Code. (Crawl spaces & attics).
28. All electrical, plumbing and HVAC permits must be obtained by Master Licensed holders of their trade. No closing in of walls until all electrical (min. 72 hours notice) and plumbing inspections have been done.
29. All requirements must be met before a final Certificate of Occupancy is issued.
- X 30. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code (The BOCA National Building Code/1996).
31. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical code (The BOCA National Mechanical Code/1993). (Chapter M-16)
32. Please read and implement the attached Land Use Zoning report requirements.
33. Boring, cutting and notching shall be done in accordance with Sections 2305.3, 2305.3.1, 2305.4.4 and 2305.5.1 of the City's Building Code.
34. Bridging shall comply with Section 2305.16.
35. Glass and glazing shall meet the requirements of Chapter 24 of the building code. (Safety Glazing Section 2406.0)
36. All flashing shall comply with Section 1406.3.10.
- X 37. All signage shall be done in accordance with Section 3102.0 signs of the City's Building Code, (The BOCA National Building Code/1999).
- X 38. *Fasteners shall be used between Footing's, Pier, Pier's Framing.*
- X 39. *Deck shall be placed on piers - 4' below grade.*


 P. Samuel Hoffses, Building Inspector
 Lt. McDougall, PFD
 Marge Schmuckal, Zoning Administrator
 Michael Nugent, Inspection Service Manager

PSH 10/1.00

****This permit is herewith issued, on the basis of plans submitted and conditions placed on these plans, any deviations shall require a separate approval.**

*****THIS PERMIT HAS BEEN ISSUED WITH THE UNDERSTANDING THAT ALL THE CONDITIONS OF THE APPROVAL SHALL BE COMPLETED. THEREFORE, BEFORE THE WORK IS COMPLETED A REVISED PLAN OR STATEMENT FROM THE PERMIT HOLDER SHALL BE SUBMITTED TO THIS OFFICE SHOWING OR EXPLAINING THAT THE CONDITIONS HAVE BEEN MET. IF THIS REQUIREMENT IS NOT RECEIVED YOUR CERTIFICATE OF OCCUPANCY SHALL BE WITHHELD. (You Shall Call for Inspections)**

******ALL PLANS THAT REQUIRE A PROFESSIONAL DESIGNER'S SEAL, (AS PER SECTION 114.0 OF THE BUILDING CODE) SHALL ALSO BE PRESENTED TO THIS DIVISION ON AUTO CAD LT. 2000, DXF FORMAT OR EQUIVALENT.**

*******CERTIFICATE OF OCCUPANCY FEE \$50.00**

MARY TOOLE

12 COLUMBIA RD.

PORTLAND, ME.

FRAMING PLAN

1 DECK WILL BE ATTACHED TO EXISTING ENTRY STOOP & HOUSE. ✓

2 JOISTS WILL BE 2X10 PRESSURE TREATED PLACED 16" ON CENTER

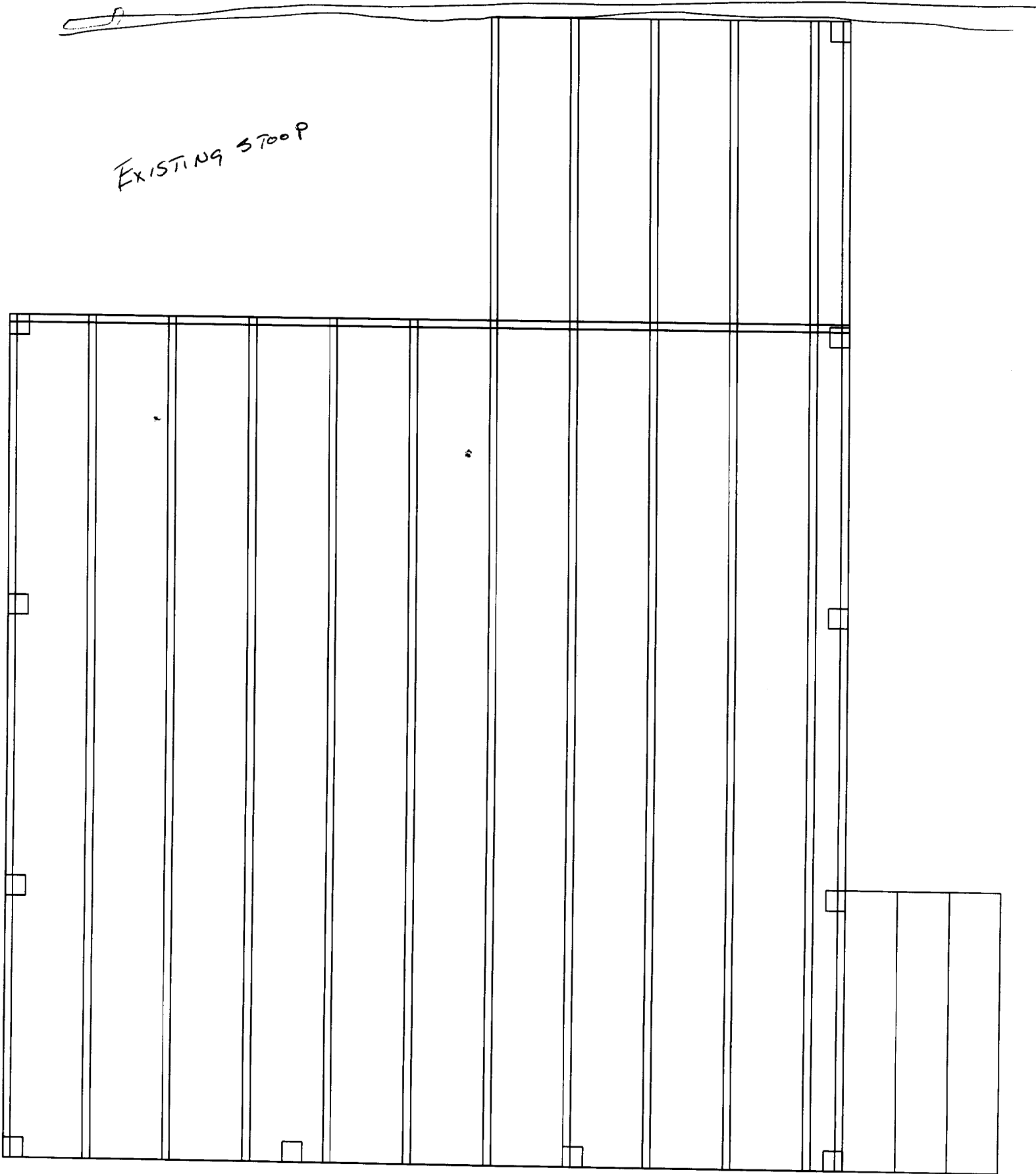
~~3 4X4 POSTS WILL BE ATTACHED TO EXISTING HARD TOP DRIVEWAY WITH KANT SAG POST ANCHORS.~~

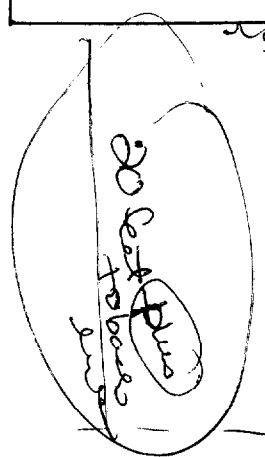
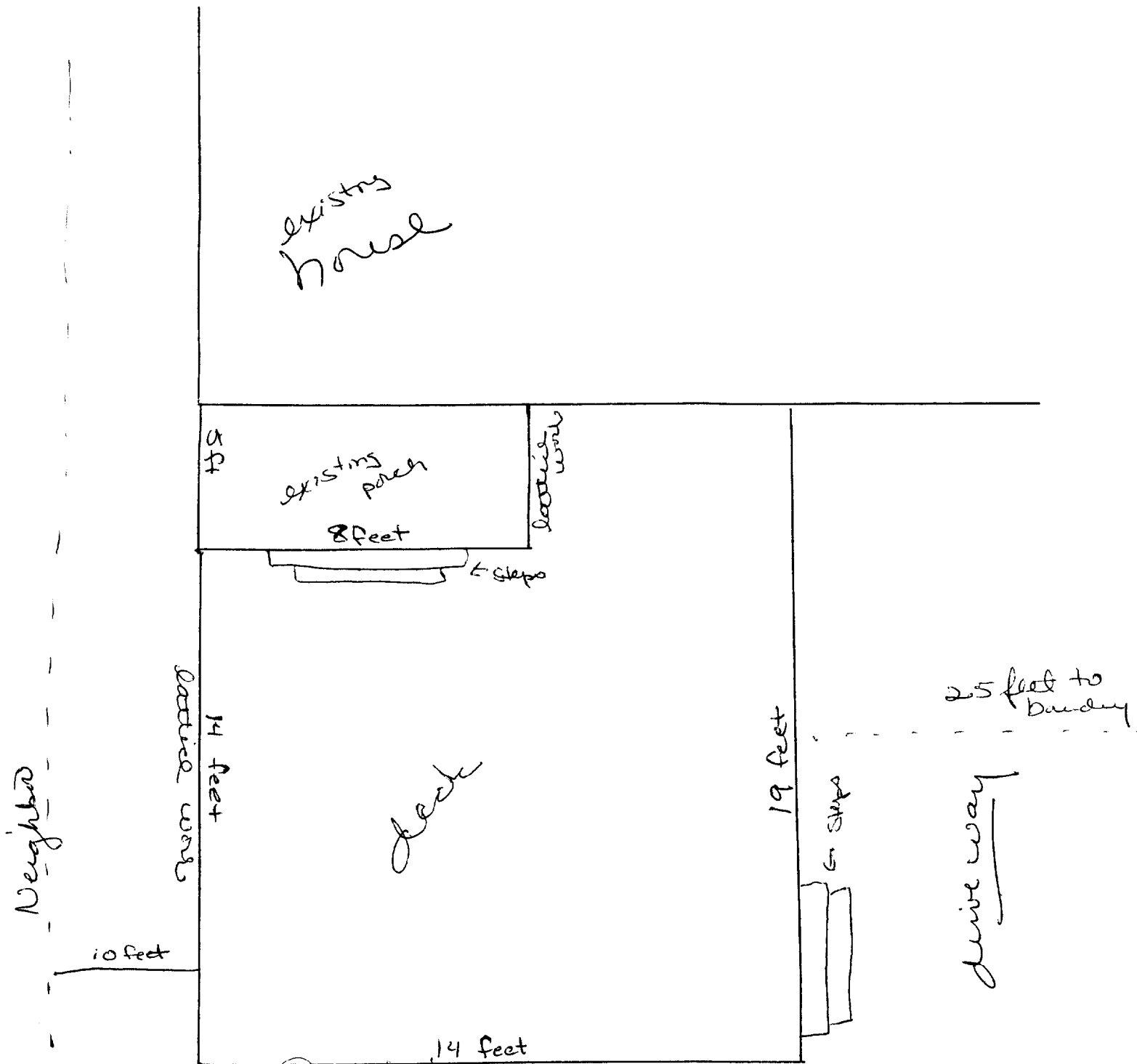
~~4 HANDRAILS WITH BALLESTER 6" O.C. See report.~~

5 STAIRS WITH HANDRAILS FOR ACCESS FROM DRIVEWAY.

MARY TOOLE
12 COLUMBIA RD
PORTLAND ME.

House





railings on all sides

R-5 zone

REAR: 20' req - 20' + show

FRONT: N/A

766-2026 John Kiely SIDES: 8' req - 10' ± 25' show

REAR - construction

OK

*Order 13.
Tab 5 124*

City of Portland, Maine

IN THE CITY COUNCIL

**ORDER AUTHORIZING AMENDMENT TO CITY CODE
§14-49 (ZONING MAP AMENDMENT)
AND CONTRACT FOR REZONING FOR
12 COLUMBIA ROAD**

ORDERED, that the Zoning Map of the City of Portland, dated March 1958 as amended and on file in the Department of Planning & Urban Development, and incorporated by reference into the Zoning Ordinance by §14-49 of the Portland City Code, is hereby amended as shown on Attachment A of the "Agreement between the City of Portland and Steven Kommel and Mary Toole", attached hereto;

BE IT FURTHER ORDERED, that the amendment of the City's Zoning Map is conditional upon execution of the above Agreement for rezoning attached to this Order;

BE IT FURTHER ORDERED, that the City Manager is hereby authorized to execute the above Agreement.

**CITY OF PORTLAND, MAINE
CITY COUNCIL AGENDA REQUEST FORM**

TO: Nadeen Daniels, City Clerk/Assistant City Manager
Elizabeth Boynton, Associate Corporation Counsel

FROM: Joseph E. Gray, Jr., Director of Planning and Urban Development

DATE: November 21, 1995

SUBJECT: Zone Change - 12 Columbia Road

- 1) Council Meeting at which action is requested:
December 4th (1st Reading)
December 15th (Public Hearing)

- 2) Can action be taken at a later date? YES NO

If no, why not? Applicant needs a decision soon since their option on the property will lapse soon.

I. SUMMARY OF ISSUE

The Planning Board is recommending that a change of zone from R-5 to a contract zone be approved in the vicinity of 12 Columbia Road. The applicants are Steven Kommel and Mary Toole.

II. REASON FOR SUBMISSION (What issue/problem will this address?)

This zone change will allow the applicant to have their law offices within a residential building which would also be maintained as their single family residence. Although the applicant intends to live in and maintain law offices in the residence, they could not qualify under the Home Occupation section of the Zoning Ordinance since this provision limits such uses to one non-resident employee and a maximum 500 sq. ft. of floor area. They will have two non-resident employees and use 750 sq. ft. of floor area for the offices. The proposed contract zoning would accommodate the use proposed by the applicant.

III. INTENDED RESULT (How does it resolve the issue/problem?)

This issue is resolved by rezoning the site to a contract zone. The contract rezoning would allow the type of use anticipated by the applicant but would not permit general offices. This would protect the adjacent residential neighborhood from an encroachment of commercial uses since the intended use is similar to a home occupation.

IV. FINANCIAL IMPACT

There are no known financial impacts to the city.

V. STAFF ANALYSIS & RECOMMENDATION

See attached copy of the Planning Board Report.

Attachments:

PLANNING BOARD REPORT

CHANGE OF ZONE FROM R-5 RESIDENTIAL TO A
CONTRACT ZONE AT 12 COLUMBIA ROAD

Submitted to:

Portland City Council
Portland, Maine

December 4, 1995

I. INTRODUCTION

The Planning Board is forwarding a recommendation to the City Council to rezone a property at 12 Columbia Road from R-5 Residential to a Contract Zone. The applicants are Steven Kommel and Mary Toole. The zone change would allow law offices within a residential building which would also be maintained by the applicants as a single family residence. Only one property is affected by the zone change.

II. FINDINGS

Current Zoning: R-5 Residential

Proposed Zoning: Contract Zoning

Land Area: 6,000 sq. ft.

Existing Use: Single family residence with in-law apartment

Proposed Use: Single family residence with office

Land Uses in the Vicinity: The Rosemont Corner area includes a cluster of commercial uses with a residential neighborhood directly adjacent to the existing R-P and B-2 zones. (see Attachment 2) Along the northerly side of Brighton Avenue and Woodfords Street nearby uses include a church, Women's Wellness Center, various medical offices, Cumberland Farms and other commercial uses. Along the southerly edge of Brighton Avenue uses include Rosemont Pharmacy, offices (primarily medical) and various retail uses. Directly across the street from the Women's Wellness Center along Brighton Avenue are two residences.

III. PROPOSED ZONE CHANGE

The applicants are pursuing a contract rezoning so that law offices may be included in their residence. The site has an existing residence. Both of the applicants are attorneys. Two non-resident employees would also staff the offices. Seven hundred fifty sq. ft. of floor area in the residence would be devoted to the law offices. This use could not be classified as a home occupation since it exceeds the requirements of section 14-410 of the ordinance which limits such uses to one non-resident employee and a maximum 500 sq. ft. of floor area within a residence.

The actual map change is limited to the applicant's site (6,000 sq. ft.) which is adjacent to an existing R-P zone (Women's Wellness Center at 595 Brighton Avenue.) See Attachment 2. The property is about 90 feet from Brighton Avenue.

The total floor area of the existing residence including basement and attic area is about 3,000 sq. ft. The 750 sq. ft. office space would be fitted within the first floor and in one room on the second floor. The basement would be used for storage. The first floor kitchen would be retained according to the applicant. This would help preserve this building as a viable residence should the office use be discontinued in the future.

In addition to legal services, Mr. Kommel provides a computer consulting service for other legal offices. According to the applicant, clients do not come to his office for this service since he provides it in the field. It does not require separate space in the offices.

IV. ZONING POLICY ANALYSIS

The proposed contract zone borrows zoning concepts from the Residence-Professional Zone. This zone is directly adjacent to the site.

The purpose section of the Residence-Professional zone is shown below.

- (1) To provide appropriate location for the development and operation of low-intensity business uses, including professional offices on or near major arterials, that are compatible in scale, density and use with surrounding and adjacent residential neighborhoods; or
- (2) To serve as a transition or buffer zone between residential and more intensive nonresidential zones.

In reviewing the existing R-P zone in this area, the Women's Wellness Center at the corner of Columbia Road and Brighton Avenue is directly adjacent to the applicant's site. Inclusion of the applicants proposal would seem to be the residential buffer or transition zone anticipated in the above policy statement. See map on Attachment 2. The property is only 90 feet from a major arterial and is in view of it. It is bordered by non-residential uses on two sides. The adjacent use, Women's Wellness Center, is an RP use, itself intended to create the transition back into residential neighborhood uses. However, the building and parking area of this particular use has a negative visual impact on the subject property. The proposed use of the existing residence as home and office for the Kommel's will provide a more successful transition than the abruptness of the existing condition.

The proposal is a mix of owner occupied single family with an office, which provides a gradual transition to the pure residential neighborhood. The careful blending of work, residential, services and retail does comport with the policies of the Portland Transportation Plan to reduce vehicle trips.

With the conditions required in the contract rezoning, the proposed use will serve as an appropriate transition buffer from Brighton Avenue to the adjoining residential neighborhood.

V. CONTRACT REZONING PROVISIONS

The contract rezoning provisions have been drafted to limit the physical impacts of the zone change. Conditions in the rezoning require preservation of the residential appearance of the residence, a limit on the size of the law office, requiring the principal use of the building to remain as a residence, a limit on the number of non-resident employees, conservation of green space on the site, and requirements for parking.

A summary of the contract rezoning conditions are shown below. The complete text is attached to the Council Order.

1. The City shall amend the Zoning Map of the City of Portland, by adopting the map change amendment from R-5 Residential to a contract rezoning.
2. The property shall be developed substantially in accordance with the submitted site plan.
3. The applicants shall be authorized to establish and maintain uses permitted in the R-P Residence-Professional zone up to 750 sq. ft. of the existing building as indicated on the submitted site plan. The applicants shall maintain and utilize a dwelling unit in the same building which shall be considered the principal use of the property.
4. A maximum of two non-resident employees shall be permitted.
5. Parking shall be established and assigned as indicated on the submitted site plan, with 4 permanent parking spaces to be established. Visitor parking shall be located in the existing driveway, as indicated on the submitted site plan. Access to the parking shall remain in the existing location, as indicated on the submitted site plan.
6. All existing green space and buffer areas shall be retained. There shall be no increase in unvegetated or unvegetated areas.
7. There shall be no exterior alterations that change the residential appearance of the buildings.
8. There shall be no interior alterations that alter the primary residential character or use of the principal structure.
9. This contract rezoning shall be limited to the applicant for rezoning. The contract rezoning shall only be transferable by sale or by lease if the Planning Authority of the City of Portland determines that a subsequent user of the property shall comply with all of the requirements of this contract rezoning.

VI. SITE PLAN

The submitted site plan indicates virtually no change to the site. An existing black top driveway provides parking for the two employees behind the house and for visitors (stacked parking) along the front section of the driveway. Parking for the two resident lawyers will take place in an existing garage. The only real change to the site would be an enclosed entryway to the front door of the house. Existing lawn spaces on the site will remain unchanged.

VII. PLANNING BOARD PUBLIC HEARING

On November 14, 1995 the Planning Board voted 4-2 (Caron, Williams opposed) to recommend to the City Council that the property at 12 Columbia Road be rezoned from R-5 Residential to a contract zone. The Board also determined as part of their deliberations that the proposed zone change is consistent with the policies of the Comprehensive Plan.

Written public comment on the application is shown on Attachment 4. 580 notices were sent to area property owners. A notice of the public hearing appeared in the Portland Press Herald. The notice was also posted in the City Clerk's Office 14 days prior to the public hearing as required by State law.

Attachments:

1. Background
2. Area Land Use Map
3. Zone Change Application
4. Written Public Comment