

# DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

Please Read Application And Notes, If Any, Attached

BUILDING DEPARTMENT

# PERMIT

Permit Number: 026 L010001

PERMIT ISSUED

OCT 6 2005  
MAIN BUILDING

CITY OF PORTLAND

This is to certify that York John W/Jay York

has permission to Renovate 6 single and 1 car garage house to 3 units.

AT 239 Cumberland Ave

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes of Maine and of the ordinances of the City of Portland regulating the construction, maintenance and use of buildings and structures, and of the application on file in this department.

Apply to Public Works for street line and grade if nature of work requires such information.

Notification of inspection must be given and written permission procured before this building or part thereof is closed or enclosed-in. 48 HOUR NOTICE IS REQUIRED.

A certificate of occupancy must be procured by owner before this building or part thereof is occupied.

OTHER REQUIRED APPROVALS

Fire Dept. Greg Cass PFD 9-6

Health Dept

Appeal Board

Other

Department Name

*[Signature]*  
Director - Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

**City of Portland, Maine - Building or Use Permit**

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

<b>Permit No:</b> 05-1 141	<b>Date Applied For:</b> 08/03/2005	<b>CBL:</b> 026 L010001
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<b>Location of Construction:</b> 239 Cumberland Ave	<b>Owner Name:</b> York John W	<b>Owner Address:</b> 58 Wilmot St	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Jay York	<b>Contractor Address:</b> 58 Wilmot Street Portland	<b>Phone</b> (207) 773-3434
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Condo Conversion	

<b>Proposed Use:</b> Change of use- Renovate 6 studio and 1 carriage house to 4 residential condo units. Three D.U. in the main bldg & 1 DU in the carriage house	<b>Proposed Project Description:</b> Renovate 6 studio and 1 carriage house to 4 residential condo units.  This permits is for the Main house <b>ONLY!!</b>
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**Dept:** Zoning      **Status:** Approved with Conditions      **Reviewer:** Marge Schmuckal      **Approval Date:** 08/31/2005**Note:** This proposal does not violate section 14-483 which regulates the elimination of three (3) or more du - only 20k to Issue: 

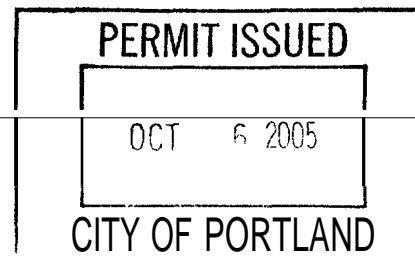
- 1) Separate permits shall be required for future decks, sheds, pools, and/or garages.
- 2) This property shall remain a four (4) family condominium dwelling with the issuance of this permit and the subsequent issuance of certificates of occupancy. Three (3) residential condominiums are located within 239 Cumberland Avenue building and one (1) residential condominium is located within the carriage house on Pearl Street. Any change of use shall require a separate permit application for review and approval.
- 3) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
- 4) PLEASE NOTE: Under the City's Condominium conversion regulations, A) BEFORE a developer offers to convey a converted unit, a conversion permit shall be obtained. B) Rent may not be altered during the official noticing period unless expressly provided in a preexisting written lease. C) For a sixty (60) day period following the notice of intent to convert, the tenant has an exclusive and irrevocable option to purchase during which time the developer may not convey or offer to convey the unit to any other person. D) The developer shall post a copy of the permit in a conspicuous place in each unit, and shall make copies available to prospective purchasers upon request. E) If a tenant is eligible for tenant relocation payments, they SHALL be paid a CASH PAYMENT BEFORE the tenant is required to vacate.

**Dept:** Building      **Status:** Approved with Conditions      **Reviewer:** Mike Nugent      **Approval Date:** 10/06/2005**Note:** **Ok to Issue:** 

- 1) The applicant did not pay the \$9. Per \$1000. Construction cost
- 2) This permits is for the Main house ONLY!!
- 3) Spiral stair detail must be submitted for approval prior to installation.  
Floor ceiling UL listed design w/ STC must be submitted and approved prior to installation.  
Sleeping rooms must have egress windows

**Dept:** Fire      **Status:** Approved with Conditions      **Reviewer:** Cptn Greg Cass      **Approval Date:** 09/06/2005**Note:** **Ok to Issue:** 

- 1) Need to provide details for means of egress 2nd floor of carriage house.
- 2) All building construction to comply with NFPA 101.  
Fire alarm system to comply with NFPA 72 and City code.  
Loft area doesn't appear to meet egress for sleeping area.

**Comments:**

<b>Location of Construction:</b> 239 Cumberland Ave	<b>Owner Name:</b> York John W	<b>Owner Address:</b> 58 Wilmot St	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Jay York	<b>Contractor Address:</b> 58 Wilmot Street Portland	<b>Phone</b> (207) 773-3434
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Condo Conversion	

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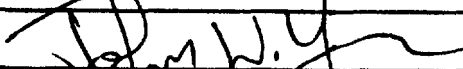
# Condominium Conversion and Building Permit Application

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>239 Cumberland Avenue / 142 Pearl Street</u>		
Total Square Footage of Proposed Structure <u>5398</u>	Square Footage of Lot <u>3448</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>026</u> Block# <u>L</u> Lot# <u>10</u>	Owner: <u>John W. York</u>	Telephone: <u>774-9600</u>
DEPT. OF BUILDING INSPECTION CITY OF PORTLAND, ME <div style="border: 1px solid black; padding: 5px; text-align: center; margin: 5px 0;">                     AUG 3 2005                 </div> <b>RECEIVED</b>	Applicant name, address & telephone: <u>Jay York</u> <u>58 Wilnot Street</u> <u>Portland, ME 04101</u> <u>774-9600</u>	Cost Of Work: \$ <u>200,000</u> Fee: \$ _____ _____ units @ \$150.00 per unit \$ _____ + \$75.00 per unit Cofo \$ _____ Total Fee: <u>900</u>
Current use: <u>rentals</u> number of units: <u>6</u> (artist studio in detached carriage house) Proposed use: <u>condominiums</u> number of units: <u>4</u> Project description: <u>Renovate 6 studio or one bedroom apts into 1-2 bedroom condos by consolidation. Renovate carriage house (current use is artist studio) into 1 bedroom condo.</u>		
Contractor's name, address & telephone: <u>Jay York, 58 Wilnot Street, Portland ME</u> Whom should we contact when the permits ready: <u>Jay York -&gt; 773-3434, 04101</u> Mailing address: <u>same</u> Phone: <u>774-9600</u>		

IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

*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:  Date: 7/29/05

**This is not a Permit, you may not commence ANY work until the Permit is issued.**

<b>Location of Construction:</b> 239 Cumberland Ave	<b>Owner Name:</b> York John W	<b>Owner Address:</b> 58 Wilmot St	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Jay York	<b>Contractor Address:</b> 58 Wilmot Street Portland	<b>Phone</b> (207) 773-3434
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>		<b>Permit Type:</b> Change of Use - Condo Conversion

*return to Marge*



**CITY OF PORTLAND**

**CITY OF PORTLAND HOUSING CODE  
DWELLING UNIT COMPLIANCE**

Section 14-391 of the Land Use Ordinance allows illegal nonconforming dwelling units to become legalized thru a given process. Part of this process is that the dwelling unit(s) that are requested to be legalized must comply or be able to comply with the City of Portland's Housing Code PRIOR to issuing the requested permit.

Please return this form to the Zoning Administrator (Marge Schmuckal) as to compliance or the ability to comply with these codes.

**Location:** 440 St. John Street

**Owner:** Brad James

**Address of Owner:** 341 Saco Street **Telephone:** 671-9146  
Westbrook, ME 04092

**Applicant information if different than above:** \_\_\_\_\_

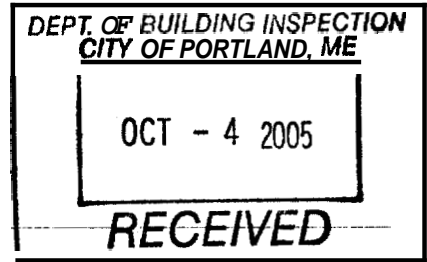
**Current number of legal units:** 2

**Number of units to be legalized:** 1 (extra unit within rear <sup>bdy on</sup> property)  
total 3

**Comments of approval or disapproval (list any and all conditions):**

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

*10/3/05*



CITY OF PORTLAND  
BUILDING CODE CERTIFICATE  
389 Congress St., Room 315  
Portland, Maine 04101

198  
ANSI  
Fed. Fair Housing  
Exist. Building

ACCESSIBILITY CERTIFICATE

Designer: MICHAEL BELLEAU

Address of Project: 239 CUMBERLAND AVE

Nature of Project: EXISTING APARTMENT BUILDINGS

CONVERTING ONE BUILDING TO 3

CONDOS

The technical submissions covering the proposed construction work as described above have been designed in compliance with applicable referenced standards found in the Maine Human Rights Law and Federal Americans with Disability Act.

EXISTING BUILDING

EXISTING BUILDING - NOT COMMERCIAL OR PUBLIC OR MERCANTILE

Signature: [Signature]

Title: PRINCIPAL

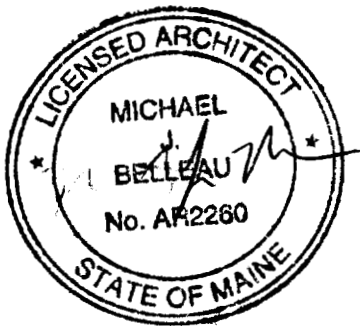
(SEAL)

Firm: MICHAEL BELLEAU ARCHITECT

Address: 61 PLEASANT ST.

PORTLAND ME 04101

Phone: 874-7668





CITY OF PORTLAND  
BUILDING CODE CERTIFICATE  
389 Congress St., Room 315  
Portland, Maine 04101

TO: Inspector of Buildings City of Portland, Maine  
Department of Planning & Urban Development  
Division of Housing & Community Service

FROM: JAY YORK

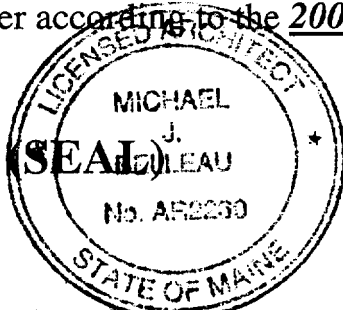
RE: Certificate of Design

DATE: 9.13.05

These plans and / or specifications covering construction work on:

237, 239, 241 CUMBERLAND AVE AND 142 PEARL STREET

Have been designed and drawn up by the undersigned, a Maine registered Architect / Engineer according to the 2003 International Building Code and local amendments.



Signature: M. J. Belieu

Title: PRINCIPAL

Firm: MICHAEL BELIEU ARCHITECT

As per Maine State Law:

\$50,000.00 or more in new construction, repair expansion, addition, or modification for Building or Structures, shall be prepared by a registered design Professional.

Address: 61 PLEASANT ST. PORTLAND ME



FROM DESIGNER: MICHAEL BELLEAU  
 DATE: 9.13.05  
 Job Name: CUMBERLAND PEARL CONDOMINIUMS  
 Address of Construction: 233, 239, 241 CUMBERLAND AVE

**2003 International Building Code**

Construction project was designed according to the building code criteria listed below:

Building Code and Year IBC 2003 Use Group Classification(s) R-2

Type of Construction III B

Will the Structure have a Fire suppression system in Accordance with Section 903.3.1 of the 2003 IRC NO

Is the Structure mixed use? NO if yes, separated or non separated (see Section 302.3)

Supervisory alarm system? NO Geotechnical/Soils report required?( See Section 1802.2) NO

STRUCTURAL DESIGN CALCULATIONS

No special conditions

Submitted for all structural members  
(106.1, 106.1.1)

DESIGN LOADS ON CONSTRUCTION DOCUMENTS  
(1603)

Uniformly distributed floor live loads (1603.1.1, 1607)

Floor Area Use	Loads Shown
<u>RESIDENTIAL</u>	<u>40 LBS/S.F.</u>
_____	_____
_____	_____
_____	_____
_____	_____

Wind loads (1603.1.4, 1609) NA

- \_\_\_\_\_ Design option utilized (1609.1.1, 1609.6)
- \_\_\_\_\_ Basic wind speed (1609.3)
- \_\_\_\_\_ Building category and wind importance factor,  $I_w$  (Table 1604.5, 1609.5)
- \_\_\_\_\_ Wind exposure category (1609.4)
- \_\_\_\_\_ Internal pressure coefficient (ASCE 7)
- \_\_\_\_\_ Component and cladding pressures (1609.1.1, 1609.6.2.2)
- \_\_\_\_\_ Main force wind pressures (1609.1.7, 1609.6.2.1)

NA Earthquake design data (1603.1.5, 1614- 1623)

- \_\_\_\_\_ Design option utilized (1814.7)
- \_\_\_\_\_ Seismic use group ("Category") (Table 1604.5, 1616.2)
- \_\_\_\_\_ Spectral response coefficients,  $S_{DS}$  &  $S_{D1}$  (1615.1)
- \_\_\_\_\_ Site class (1615.1.5)

Live load reduction  
(1603.1.1, 1607.9, 1607.10)

Roof live loads (1603.1.2, 1607.11)

Roof snow loads (1603.1.3, 1608) NA

Ground snow load,  $P_g$  (1608.2)

If  $P_g > 10$  psf, flat-roof snow load,  $P_f$   
(1608.3)

If  $P_g > 10$  psf, snow exposure factor,  $C_e$   
(Table 1608.3.1)

If  $P_g > 10$  psf, snow load importance factor,  $I_s$  (Table 1804.5)

Roof thermal factor,  $C_t$  (Table 1608.3.2)

Sloped roof snowload,  $P_s$  (1608.4)

Seismic design category (1616.3)

Basic seismic-force-resisting system  
(Table 1617.6.2)

Response modification coefficient,  $R$ ,  
and deflection amplification factor,  $C_d$   
(Table 1617.6.2)

Analysis procedure (1616.6, 1617.5)

Design base shear (1617.4, 1617.5.1)

Flood loads (1603.1.6, 1612) NA

Flood hazard area (7612.3)

Elevation of structure

Other loads

Concentrated loads (1607.4)

Partition loads (1607.5)

Impact loads (1607.8)

Misc. loads (Table 1607.6, 1607.8.I,  
1607.7, 1607.12, 1607.13, 1610,  
1611, 2404)

**City of Portland, Maine - Building or Use Permit**

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

Permit No: 05-1141	Date Applied For: 08/03/2005	CBL: 026 L010001
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<b>Location of Construction:</b> 239 Cumberland Ave	<b>Owner Name:</b> York John W	<b>Owner Address:</b> 58 Wilmot St	<b>Phone:</b>
<b>Business Name:</b>	<b>Contractor Name:</b> Jay York	<b>Contractor Address:</b> 58 Wilmot Street Portland	<b>Phone</b> (207) 773-3434
<b>Lessee/Buyer's Name</b>	<b>Phone:</b>	<b>Permit Type:</b> Change of Use - Condo Conversion	

<b>Proposed Use:</b> Change of use- Renovate 6 studio and 1 carriage house to 4 residential condo units. Three D.U. in the main bldg & 1 DU in the carriage house	<b>Proposed Project Description:</b> Renovate 6 studio and 1 carriage house to 4 residential condo units.
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4) Separate permits shall be required for future decks, sheds, pools, and/or garages.

<b>Dept:</b> Building	<b>Status:</b> Pending	<b>Reviewer:</b> Mike Nugent	<b>Approval Date:</b>
<b>Note:</b>	<b>Ok to Issue:</b> <input type="checkbox"/>		

<b>Dept:</b> Fire	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Cptn Greg Cass	<b>Approval Date:</b> 09/06/2005
<b>Note:</b>	<b>Ok to Issue:</b> <input checked="" type="checkbox"/>		
<p>1) All building construction to comply with NFPA 101. Fire alarm system to comply with <i>NFPA</i> 72 and City code. Loft area doesn't appear to meet egress for sleeping area.</p> <p>2) Need to provide details for means of egress 2nd floor of carriage house.</p>			

**Comments:**  
9/7/2005-mjn: Spoke with Jay York...Plans need to be detailed and stamped

**City of Portland, Maine - Building or Use Permit Application**

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

Permit No:	05-1141	Issue Date:	OCT 6 2005	CEM:	026 L010001
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Location of Construction: 239 Cumberland Ave	Owner Name: York John W	Owner Address: 58 Wilnot St
Business Name:	Contractor Name: Jay York	Contractor Address: 58 Wilnot Street Portland
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use - Condo Conversion

Past Use: Multi- unit- 6 studio apartments	Proposed Use: Change of use- Renovate 6 studio and 1-carriage house to 4 condo units. (3 DU. in main bldg)	Permit Fee: \$900.00	Cost of Work: \$900.00	CEO District: 1
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Proposed Project Description: <del>Renovate 6 studio and 1 carriage house to 4 condo units.</del> <b>3 DU CONVERSION ONLY - NOT CARRIAGE</b>	MIRE DEPT: <input checked="" type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group R2 Type: 53
	Signature: CAPT. CARSON 10/6/05	Signature: [Signature]

Permit Taken By: Idobson	Date Applied For: 08/03/2005	<b>Zoning Approval</b>	
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<ol style="list-style-type: none"> <li>This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</li> <li>Building permits do not include plumbing, septic or electrical work.</li> <li>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..</li> </ol>	<b>Special Zone or Review:</b> <input type="checkbox"/> Shoreland N/A <input type="checkbox"/> Wetland Violation of Sec 14-403 <input type="checkbox"/> Flood Zone <input type="checkbox"/> Subdivision <input type="checkbox"/> Site Plan N/A Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: 8/31/05	<b>Zoning Appeal</b> <input type="checkbox"/> Variance <input checked="" type="checkbox"/> Miscellaneous <input type="checkbox"/> Conditional Use <input type="checkbox"/> Interpretation <input type="checkbox"/> Approved <input type="checkbox"/> Denied	<b>Historic Preservation</b> <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: 8/31/05		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
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE	PHONE

**CONDOMINIUM CONVERSION PERMIT  
CITY OF PORTLAND, MAINE  
PART III: PROJECT DATA**

1. Assessors reference, ~~Chart~~, Block, Lot: 26 - I - 10
2. Number of Units **before** conversion: \_\_\_\_\_  
6 Units with 1 bedroom \_\_\_\_\_ Units with 2 bedrooms  
\_\_\_\_\_ Units with 3 or more bedrooms
3. Monthly rent range (specify with or without utilities, being specific about the utilities)  
400-550 w/o utilities & 600-625 w/heat
- 

4. Number of Units after conversion: \_\_\_\_\_  
3 Units with 1 bedroom 1 Units with 2 bedrooms  
\_\_\_\_\_ Units with 3 or more bedrooms
5. Purchase Price range: \$ 190,000 - 320,000
6. Length of time building owned by applicant: 8 1/2 years

7. Improvements, renovations or modifications being made in association with this conversion will require the following permits (please circle all that apply):
- Building?  Plumbing  Heating  Electrical

8. Type and cost of building improvements being made in association with this conversion that will not require permits:
- \$ 50,000 exterior walls, windows, doors, roof
- \$ 5,000 insulation
- \$ 70,000 interior cosmetic (wall/floor refinishing, etc.)
- \$ \_\_\_\_\_ other (please specify) \_\_\_\_\_
- 
- \$ 0.00 no improvements being made

**Submit with Condominium Conversion Permit Application**

**Project Data:**

Address: 239 Cumberland Ave. / 142 Pearl St.

C-B-L: 26-L-10

Number of units in building: 6

	Tenant name	Tenant tel. #	occup. length	Date of notice	eligible for \$ ?
Vacant	Unit 1 <del>David Alphonso</del>	318-1571	<del>2</del> 1 1/4 years	9/1/04	yes
	Unit 2 Vacant				
Vacant	Unit 3 <del>Shawn Coleman</del>	318-5559	4 years	9/1/04	yes
Vacant	Unit 4 <del>Bonnie Crocker</del>	954 560-6777	2 1/2 months	9/1/04	yes
Vacant	Unit 5 <del>Caleb Gouthard</del>	879-4923	3 3/4 years	9/1/04	yes
	Unit 6 Vacant				
	Unit 7				
	Unit 8 Carriage house Vacant				

If more units, submit same information on all units

Length of time building owned by applicant 8 1/2 years

Are any building improvements, renovations, or modifications being made associated with this conversion that requires a building, plumbing, electrical, or heating permit? YES  NO  (check one)

Type and cost of building improvements associated with this conversion that do not require permits:

\$ 50,000 exterior walls, windows, doors, rod

\$ 5,000 insulation

\$ 70,000 interior cosmetics (walls/floors/ hallways refinishing, etc.)

\$ \_\_\_\_\_ other (specify)

**York Property Management 58** Wilmot Street, Portland, Maine 04101  
207 773-3434 or 774-9600

**Condominium Conversion for 239 Cumberland Avenue**  
**“ Cumberland Pearl Condominiums”**

July 29, 2005

Marge Schmuckal  
Zoning Administrator

The condominium conversion project I am proposing is for the 2 buildings I own at 239 Cumberland Avenue and 142 Pearl Street on lot# 26-L-10. The 3 story Cumberland Avenue building currently has **6** one bedroom apartments of about 450 sq. ft. each. All units are currently vacant. The Pearl Street building is an artist's studio of **1000 sq. ft.** with two floors. It is currently vacant and being used by me as material storage for renovations. The total lot size is 3448 sq. ft. I also own the adjacent parking lot (#26-L-8-9) at 144-148 Pearl Street which is 9021 sq. ft.

I propose consolidating the **6** units in 239 Cumberland Avenue into 3 units and turning 142 Pearl Street into 1 unit for a total of 4 condominiums. To achieve this I would combine the two apartments 3E and 3W on the third floor with the attic and front hall/stairs for one 2 bedroom, 1 and 1/2 bathroom unit of approximately 1600 sq. ft. The 1st floor entrance is at 239 Cumberland Avenue and rear egress is into the common back stairwell that has **an** exit to the parking between the two buildings. Two direct vent gas heaters will be installed for the living area and front hall/stairs. The current electric baseboard in the bedrooms will be replaced with new. Current plumbing to both bathrooms is adequate. Plumbing to one kitchen (**3E**) will be removed when it becomes a closet. An electric hot water heater will be installed on the 3rd floor. The plaster walls of 3E will be removed, insulation added and windows replaced. Consolidation of electrical services will be needed.

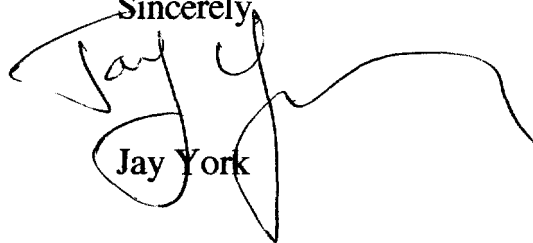
The two entrances from the front hall/stairs to the two 2nd floor apartments (2E and 2W) will be removed. Stairs will be constructed in both of the 1st floor apartments (1E and 1W) to the apartments (**2E** and 2W) directly above. The kitchens in 2E and 2W will be removed. All 4 bathrooms will be retained. This will result in two **900 sq. ft.** two floor, 1 bedroom and 1 and 1/2 bathroom condominiums with **400 sq. ft.** basement storage areas. Both will have 1st floor front entrances on Cumberland Avenue (241 & 237)

and rear egresses to the back stairwell from both floors. Direct vent gas heaters are already in place on the 1st floor of both units. Each unit has it's own hot water heater in basement. Consolidation of electrical services will be needed.

142 Pearl Street will need to have the first floor entry moved from the side to the front to facilitate the parking between the buildings. A full bath and kitchen will constructed on the 2nd floor.

Parking for the proposed **4** condominiums will be provided by current 9'x36' parking spaces between (to the rear of 239 Cumberland Ave. and to the left of 142 Pearl Street) the two buildings and the proposed new parking spaces on a 20'x36' space to the right of 142 Pearl Street. This is on land (#26-L-8-9) owned by **me** and not currently being used by my parking lot.

Sincerely

A handwritten signature in black ink, appearing to read "Jay York", with a long, sweeping flourish extending to the right.

Jay York

**York Property Management 58** Wilmot Street, Portland, Maine 04101  
207 773-3434 or 774-9600

## **Condominium Conversion for 239 Cumberland Avenue** **“ Cumberland Pearl Condominiums”**

July 29, 2005

Marge Schmuckal  
Zoning Administrator

The condominium conversion project I **am** proposing is for the 2 buildings I own at 239 Cumberland Avenue and 142 Pearl Street on lot# 26-L-10. The 3 story Cumberland Avenue building currently has 6 one bedroom apartments of about **450** sq. ft. each. All units are currently vacant. The Pearl Street building is an artist's studio of 1000 sq. ft. with two floors. It is currently vacant and being used by me as material storage for renovations. The total lot size is 3448 sq. ft. I also own the adjacent parking lot (#26-L-8-9) at 144-148 Pearl Street which is 9021 sq. ft.

I propose consolidating the 6 units in 239 Cumberland Avenue into 3 units and turning 142 Pearl Street into 1 unit for a total of 4 condominiums. To achieve this I would combine the two apartments 3E and 3W on the third floor with the attic and front hall/stairs for one 2 bedroom, 1 and 1/2 bathroom unit of approximately 1600 sq. ft. The 1st floor entrance is at 239 Cumberland Avenue and rear egress is into the common back stairwell that has **an** exit to the parking between the two buildings. Two direct vent gas heaters will be installed for the living area and front hall/stairs. The current electric baseboard in the bedrooms will be replaced with new. Current plumbing to both bathrooms is adequate. Plumbing to one kitchen (3E) will be removed when it becomes a closet. An electric hot water heater will be installed on the 3rd floor. The plaster walls of 3E will be removed, insulation added and windows replaced. Consolidation of electrical services will be needed.

The two entrances from the front hall/stairs to the two 2nd floor apartments (2E and 2W) will be removed. Stairs will be constructed in both of the 1st floor apartments (1E and 1W) to the apartments (2E and 2W) directly above. The kitchens in 2E and 2W will be removed. All 4 bathrooms will be retained. This will result in **two** 900 sq. ft. two floor, 1 bedroom and 1 and 1/2 bathroom condominiums with 400 sq. ft. basement storage areas. Both will have 1st floor front entrances on Cumberland Avenue (241 & 237)

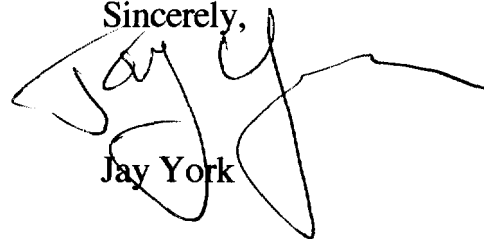


and rear egresses to the back stairwell from both floors. Direct vent gas heaters are already in place on the 1st floor of both units. Each unit has it's own hot water heater in basement. Consolidation of electrical services will be needed.

142 Pearl Street will need to have the first floor entry moved from the side to the front to facilitate the parking between the buildings. A full bath and kitchen will constructed on the 2nd floor.

Parking for the proposed 4 condominiums will be provided by current 9'x36' parking spaces between (to the rear of 239 Cumberland Ave. and to the left of 142 Pearl Street) the two buildings and the proposed new parking spaces on a 20'x36' space to the right of 142 Pearl Street. This is on land (#26-L-8-9) owned by me and not currently being used by my parking lot.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay York", with a long horizontal flourish extending to the right.

Jay York

**York Property Management** 58 Wilmot Street Portland, Maine 04101  
207 774-9600

**Condominium Conversion for 239 Cumberland Avenue**

07/29/05

Marge Schmuckle  
Zoning Administrator

Seven units are currently vacant in the buildings at 239 Cumberland Avenue and 142 Pearl Street being proposed for condominium conversion.

James Priestly resided at apartment 3E until October, 2003 when he moved out of Portland. He currently works for Richard Rockefeller in Falmouth. Caleb Coulthard who **was** residing at apartment 3W moved into 3E vacated by James Priestly in November, 2003.

My brother, George York, vacated his artist studio in 142 Pearl in April, 2004 to move into a building he had purchased. His telephone #879-**1062**.

Katie and Mike Allen vacated apartment 1W in July, 2004 to move into a larger apartment. They currently owe me three months rent and left the apartment a mess. I do not know where they resided but Katie is a student at Maine College of Art.

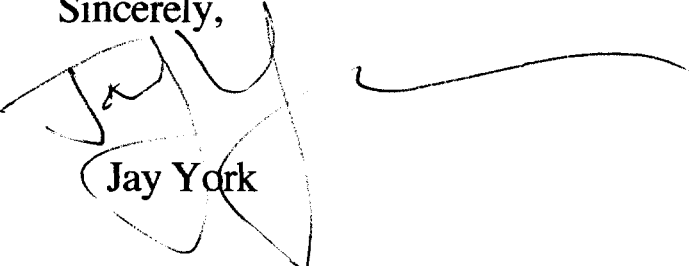
Bonnie Crocker resided at apartment **2E** until September **31**, 2004. Her telephone #954 560-2027. She declined to purchase a condo and was given a relocation fee of the equivalent of two months rent plus her security deposit in full.

Shawn Coleman resided at apartment 2W until February 14, 2005. His telephone #207 318-5559. He is moving to Stockholm, Sweden. He declined to purchase a condo and was given a relocation fee of the equivalent of two months rent. His security deposit was returned in full minus two weeks rent.

Caleb Coulthard vacated apartment 3E in April, 2005. I do not have his current phone or address. He declined to purchase a condo and was given a relocation fee of the equivalent of two months rent.

**Dave Alphonso vacated apartment 1E May 1,2005. His telephone #207 3 18-1571. He is moving to Nevada to be closer to his son. He declined to purchase a condo and was given a relocation fee of the equivalent of two months rent plus his security deposit in full.**

Sincerely,



Jay York

**York Property Management** 58 Wilmot Street Portland, Maine 04101  
207 774-9600

Caleb Coulthard  
239 Cumberland Avenue,#3E  
Portland, ME 04101

09/01/04

As I have already told you in person the buildings at 239 Cumberland Avenue and 142 Pearl Street are to be converted into condominiums. This notice is required by the City of Portland to inform you of your rights.

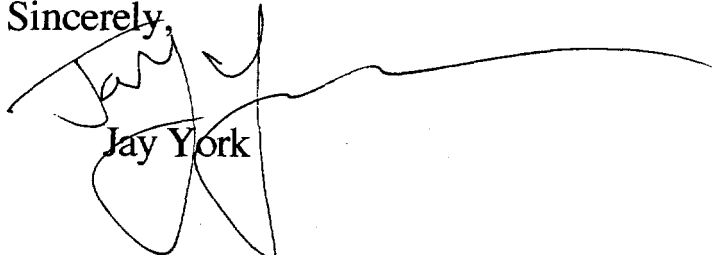
**“Notice to Quit”**. You are hereby asked to vacate the apartment 3E in no more than 120 days from the date of this notice.

**“Option to Purchase”**. For the next 60 days you have an exclusive and irrevocable option to purchase the unit in which you now live.

**“Relocation Payments”**. If you do not buy your apartment you are entitled to a cash payment in an amount equal to the last two months rent paid.

If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have a question about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Building Inspection Division, Department of Planning and Urban Development, City of Portland, Maine 04101 (telephone: 874-8703).

Sincerely,



Jay York

**York Property Management** 58 Wilmot Street Portland, Maine 04101  
207 774-9600

David Alphonso  
239 Cumberland Avenue, #1E  
Portland, ME 04101

09/01/04

As I have already told you in person the buildings at 239 Cumberland Avenue and 142 Pearl Street are to be converted into condominiums. This notice is required by the City of Portland to inform you of your rights.

**“Notice to Quit”**. You are hereby asked to vacate the apartment 1E in no more than 120 days from the date of this notice.

**“Option to Purchase”**. For the next 60 days you have an exclusive and irrevocable option to purchase the unit in which you now live.

**“Relocation Payments”**. If you do not buy your apartment you are entitled to a cash payment in an amount equal to the last two months rent paid.

If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have question about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Building Inspection Division, Department of Planning and Urban Development, City of Portland, Maine 04101 (telephone: 874-8703).

Sincerely,

  
Jay York

**York Property Management** 58 Wilmot Street Portland, Maine 04101  
207 774-9600

Shawn Coleman  
239 Cumberland Avenue, #2E  
Portland, ME 04101

09/01/04

As I have already told you in person the buildings at 239 Cumberland Avenue and 142 Pearl Street are to be converted into condominiums. This notice is required by the City of Portland to inform you of your rights.

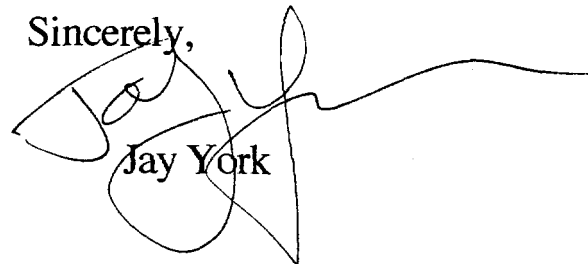
**“Notice to Quit”**. You are hereby asked to vacate the apartment 2E in no more than 150 days from the date of this notice.

**“Option to Purchase”**. For the next 60 days you have an exclusive and irrevocable option to purchase the unit in which you now live.

**“Relocation Payments”**. If you do not buy your apartment you are entitled to a cash payment in an amount equal to the last two months rent paid.

If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have question about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Building Inspection Division, Department of Planning and Urban Development, City of Portland, Maine 04101 (telephone: 874-8703).

Sincerely,



Jay York

**York Property Management** 58 Wilmot Street Portland, Maine 04101  
207 774-9600

Bonnie Cocker  
239 Cumberland Avenue, #2W  
Portland, ME 04101

09/01/04

As I have already told you in person the buildings at **239** Cumberland Avenue and 142 Pearl Street are to be converted into condominiums. This notice is required by the City of Portland to inform you of your rights.

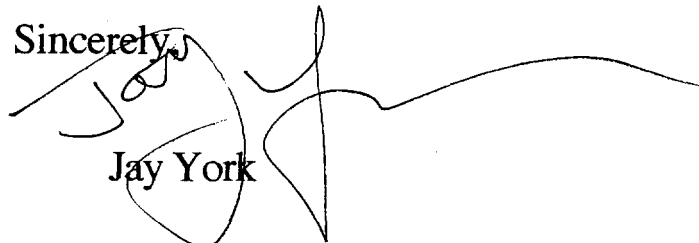
**“Notice to Quit”**. You are hereby asked to vacate the apartment 2W in no more than 120 days from the date of this notice.

**“Option to Purchase”**. For the next 60 days you have an exclusive and irrevocable option to purchase the unit in which you now live.

**“Relocation Payments”**. If you do not buy your apartment you are entitled to a cash payment in an amount equal to the last two months rent paid.

If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have question about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Building Inspection Division, Department of Planning and Urban Development, City of Portland, Maine 04101 (telephone: 874-8703).

Sincerely,

A handwritten signature in black ink, appearing to read 'Jay York', with a long horizontal flourish extending to the right.

Jay York

**Sec. 14-433. Lots of record and accessory structure setbacks for existing buildings.**

Any lot of record as of June 5, 1957, and held under separate and distinct ownership from adjacent lots and having a street frontage of forty (40) feet, or to which a means of access has been previously approved by the City Council as provided elsewhere in this article, may be considered a buildable lot in any residential zone except as provided below for island residential zones, with a minimum lot size of five thousand (5,000) square feet, except that a lot in the R-6 zone may have a minimum lot size of three thousand (3,000) square feet, provided that the applicable yard dimensions can be met.

A lot in the R-1, R-2, R-3, R-4, R-5, R-5A or R-6 zones that was described in a subdivision plat approved by the Planning Board after June 5, 1981, or a lot of record that conformed to the applicable lot size requirement, lot width and street frontage as of June 5, 1984, shall be considered a buildable lot, provided that the applicable yard dimensions can be met.

Where such a lot has a principal structure which existed as of July 19, 1988, an accessory structure or building addition may be located within the following side and rear yards, provided that the normal applicable yard requirements cannot be met, ~~that the applicable zoning requirements~~ provided, however, ~~that the applicable zoning requirements~~ which meet the requirements contained within 14-139(2) for residential small lot development shall apply:

a. R-1, R-2:

Rear yard: Ten (10) feet.

Side yard: Five (5) feet.

b. R-3, R-4, R-5, R-5A, R-6:

Rear yard: Five (5) feet.

Side yard: Five (5) feet.

Any detached or accessory structure in the R-4 or R-6 zones, with a ground coverage exceeding two hundred fifty (250) square feet and which was in existence on January 1, 1940, may be converted to dwelling without meeting front, side or rear yard set backs, provided there is no enlargement of any nonconforming portion of the existing building footprint and provided the conversion will conform to the minimum area per dwelling unit.

B-2 zoning  
R-6  
Allowed

Any lot of record as of July 15, 1985, and held under separate and





22

239-241 Cumberland Ave.  
cor. 138-142 Pearl St.

February 25, 1981

David Aaskov  
32 Orinney St.  
Portland, Me.

Building permit and certificate of occupancy to change the use of the four family apartment building and two retail stores at the above-named location to a six family apartment house with the new apartments on the first floor, are not issuable under the Zoning Ordinance because the area of the lot on which this building is located is only about 3,448 sq. ft. rather than the 6,000 sq. ft. minimum required by Section 602.7.B.8 of the Ordinance applying to the B-1 Business Zone in which this property is located. (R-3 requirements - 1000 sq. ft. per dwelling unit) Two additional off street parking spaces will not be provided as required by Section 602.14.B

We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office, room 317 City Hall, to file the appeal on forms which are available here. A fee of \$25. for a Dwelling Unit Conversion Appeal shall be paid at this office at the time the appeal is filed. If fee has been paid and appeal filed prior to this letter, then consider this letter as a matter of formality. Section 602.24.C.3.b.2

Very truly yours,

Malcolm G. Ward  
Zoning Enforcement Officer

MGW:K

The foregoing conditions (have/have not) been deliberately created by, or  
in the consent or acquiescence of, the owner, his predecessors and title, or any  
user of the property in order to bring the subject property within the standards of  
this section, as shown by: only one unit at that time

There (is/is not) any alternative available to the owner, other than a  
variance to permit an increase in the number of dwelling units, which would suffice  
to permit the economic use and maintenance of the subject property because of the  
following: based on info received

SPECIFIC RELIEF GRANTED

After a public hearing held on April 2, 1981, the Board of  
Appeals find that all of the conditions required by the Ordinance (do/~~do not~~) exist  
with respect to this property and that a variance for dwelling unit conversion should  
\_\_\_\_\_ be granted in this case.

It is therefore determined that a variance from the provisions of the  
Zoning Ordinance should \_\_\_\_\_ be granted in this case

William J. Murphy

City of  
Mississippi

Eric D. Taylor

James S. Martin

Michael S. West

James E. Hester

Conditions:

Owner must submit  
proof of rental of 2  
parking spaces to be  
presented to the  
Building Inspector.  
(not necessary)

# APPLICATION FOR PERMIT

## PERMIT ISSUE

JUL 23 1981

29

GROUP ..... 722  
TYPE OF CONSTRUCTION .....  
CITY OF PORTLAND

PORTLAND, MAINE, Feb. 19, 1981

OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

I hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

1. Location: 239 Cumberland Avenue  
 2. Owner's name and address: David Askov - 32 Orkney St.  
 3. Contractor's name and address: owner  
 4. Architect: .....  
 Proposed use of building: .....  
 Material: .....  
 Other buildings on same lot: .....  
 Estimated contractual cost \$: 1500.  
 Fire District #1  #2   
 Telephone: 772-8521  
 No. of sheets: .....  
 No. families: .....  
 Roofing: 25' helited  
 Fee \$: 100 + 135 = \$235  
 \$25.00 appeal fee pd.

### GENERAL DESCRIPTION

Change of use from 4 family & 2 retail stores to 6 family with alterations

FIELD INSPECTOR—Mr. [Name] @ 775-5451 Ext. 234  
 This application is for:  
 Dwelling .....  
 Garage .....  
 Masonry Bldg. ....  
 Metal Bldg. ....  
 Alterations .....  
 Demolitions .....  
 Change of Use .....  
 Other .....

This application is for a permit to alter, repair, demolish, move or install the following building, structure or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

Stamp of Special Conditions

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

Appeal sustained 4-9-81

PERMIT IS TO BE ISSUED TO 1  2  3  4

### DETAILS OF NEW WORK

Is any plumbing involved in this work? ..... Is any electrical work involved in this work? .....  
 Is connection to be made to public sewer? ..... If not, what is proposed for sewage? .....  
 Has septic tank notice been sent? ..... Form notice sent? .....  
 Height average grade to top of plate ..... Height average grade to highest point of roof .....  
 Size, front depth ..... No. stories ..... solid or filled land? ..... earth or rock? .....  
 Material of foundation ..... Thickness, top ..... bottom ..... cellar .....  
 Kind of roof ..... Rise per foot ..... Roof covering .....  
 No. of chimneys ..... Material of chimneys ..... of lining ..... Kind of heat ..... fuel .....  
 Framing Lumber—Kind ..... Dressed or full size? ..... Corner posts ..... Sills .....  
 Size Girder ..... Columns under girders ..... Size ..... Max. on centers .....  
 Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.  
 Joists and rafters: 1st floor ..... 2nd ..... 3rd ..... roof .....  
 On centers: 1st floor ..... 2nd ..... 3rd ..... roof .....  
 Maximum span: 1st floor ..... 2nd ..... 3rd ..... roof .....  
 If one story building with masonry walls, thickness of walls? ..... height? .....

### IF A GARAGE

No. cars now accommodated on same lot ..... to be accommodated ..... number commercial cars to be accommodated .....  
 Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? .....

### MISCELLANEOUS

APPROVALS BY: BUILDING INSPECTION—PIAN EXAMINER ..... DATE .....  
 ZONING: .....  
 BUILDING CODE .....  
 Fire Dept.: .....  
 Health Dept.: .....  
 Others: .....  
 Will work require disturbing of any tree on a public street? ..  
 Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? Yes

Signature: [Name] Phone # 772-8521

# APPLICATION FOR PERMIT

## PERMIT ISSUED

B.O.C.A. USE GROUP .....

B.O.C.A. TYPE OF CONSTRUCTION ..... 358

LOCATION ..... PORTLAND, MAINE, April 30, 1981

MAY 1 1981

CITY of PORTLAND

I, the DIRECTOR OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE  
 The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION . 239 -241 CUMBERLAND AVE. Fire District #1  #2

1. Owner's name and address DAVE AASKOV 32 Orkney St. Telephone 772-8521

2. Lessee's name and address Telephone .....

3. Contractor's name and address owner Telephone.....

4. Architect Specifications Plans No. of sheets .....

Proposed use of building . 6 apt. bldg. No. families .....

Int use No. families .....

Material No. stories Heat Style of roof Roofing .....

Other buildings on same lot .....

Estimated contractual cost \$ 2000. Fee \$ 10.

FIELD INSPECTOR—Mr. GENERAL DESCRIPTION

This application is for; @ 775-5451 To replace two windows with new and add

Dwelling Ext. 234 new wall

Garage

Masonry Bldg.

Metal Bldg. Stamp of Special Conditions

Alterations

Demolitions

Change of Use

Other

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

PERMIT IS TO BE ISSUED TO 1  2  3  4

Other: .....

### DETAILS OF NEW WORK

Is any plumbing involved in this work? Is any electrical work involved in this work? .....

Is connection to be made to public sewer? If not, what is proposed for sewage? .....

Has septic tank notice been sent? Form notice sent? .....

Height average grade to top of plate Height average grade to highest point of roof .....

Size, front depth No. stories solid or filled land? earth or rock? .....

Material of foundation Thickness, top bottom cellar .....

Kind of roof Rise per foot Roof covering .....

No. of chimneys Material of chimneys of lining Kind of heat fuel .....

Framing Lumber—Kind Dressed or full size? Corner posts Sills .....

Size Girder Columns under girders Size Max. on centers .....

Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.

Joists and rafters: 1st floor 2nd 3rd roof .....

On centers: 1st floor 2nd 3rd roof .....

Maximum span: 1st floor 2nd 3rd roof .....

If one story building with masonry walls, thickness of walls? height? .....

### IF A GARAGE

No. cars now accommodated on same lot to be accommodated number commercial cars to be accommodated .....

Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? .....

APPROVALS BY: DATE MISCELLANEOUS

BUILDING INSPECTION—PLAN EXAMINER Will work require disturbing of any tree on a public street? ..

ZONING: .....

BUILDING CODE: Will there be in charge of the above work a person competent

Fire Dept.: to see that the State and City requirements pertaining thereto

Health Dept.: are observed? Yes ..

SECRET

SECRET

SECRET

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SECRET

# York Property Management

History A

58 Wilmot Street Portland, ME 04101 207 773-3434 or 774-9600

re: History of use for the two buildings on lot 026-L-010 at 239 Cumberland Avenue and 142 Pearl Street in regards to a request for a functional division of the property.

## 142 Pearl Street

Sept. 23, 1931	Owner: (from Registry of Deeds) Danish Building Association Permit: Issued to erect one outside brick chimney. Use of building: Public Garage
1932-39	Occupant: (from Portland Directory) William E. Bourgea Auto Repair
1940-58	Occupant: Henry Davidson Auto Repair
1952	Real Estate Assessment: Garage (rented)
1959	Occupant: Garage
1964-72	Owner: Vincent & Barbara Montefuseo Personal statement: Barbara Motefuseo recalls building was used for owner's storage. Did <u>not</u> live at 239 Cumberland Avenue. Occupant: no listing
1972-78	Owner: Ronald & Judith Sevigny of Cape Elizabeth Occupant: Ronnie's Cleaning Service (out-1976)
1977-80	Occupant: Nik-Nak Wood Products
1981-82	Owner: David & Vicki Aaskvo (1980) Occupant: Vacant
1983-86	Owner: James & Louise Murphy Occupant: Looking Good Auto Reconditioning (in-1985)
1987-1996	Owner: Alison Hildreth and Claudia Whitman
Dec. 4, 1987	Permit: Issued to install two 100 gal. propane tanks Use of building: Art Studio
1996-present	Owner: John W. York Occupant: George York's art studio