

PORTLAND MAINE

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

Jeff Levine, AICP, Director Marge Schmuckal, Zoning Administrator

September 23, 2012

Drummond Woodsum 84 Marginal Way, Suite 600 Portland, ME 04101-2480 Attn: Kimberly Sweatt

RE: 1150 Brighton Avenue – 264-A-001 & 265-B-2 & 5 (the "Property") – B-2 Zone

Dear Ms. Sweatt:

I am in receipt of your request for a zoning determination letter concerning the Property. The entire parcel is located in a B-2 business zone. The B-2 zone specifically allows hotels and motels as a listed permitted use. Our records show permits and certificates of occupancy for the motel uses. Such paper work is attached.

The Property has two variances approved for over size signage, in 1960 and 1967. Copies of the approved sign variances are attached. My search did not locate any other variances that affect the Property.

To the best of my knowledge and research of Inspection Services files, there are no current violations concerning the Property. I am not aware of any City of Portland pending or anticipated legal actions against the Property. Please note that Life Safety Code is enforced by the City of Portland Fire Prevention Bureau which is a separate entity from Inspection Services. Inspection Services does not house Fire Prevention Bureau reports.

If you have any questions regarding this matter, please do not hesitate to contact me at (207) 874-8695.

Very truly yours,

Marge Schmuckal Zoning Administrator

B2 BUSINESS ZONEGOZ FOR PERMIT

Class of Building or Type of Structure

oct 13 1959

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	BUILDINGS, PORTLAND, MA	aller repair demolish install the follo	mulum hvildina elevelnes sandhment
in accordance with the Lat	erecy applies for a permis to erecs ws of the State of Maine, the Bu nitted herewith and the following	ilding Code and Zoning Ordinance	of the City of Portland, plans and
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Contractor's name and ac	ddress Fred I Morrill	lno. 187 Sawyor St.So.Po	rtland Polephono 9-1541
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the name of the heating cont	tractor. PERMIT TO BB IS	SUED TO Contractor	
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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?

APPROVED

Miscellaneous

Will work require disturbing of any tree on a public street?....... Will there be in charge of the above work a person competent to Br- 59/1626- 1136- 1150 Brighton Ave.

Dec. 15, 1959

Rogineering Services, Inc. | 844 Stevens Averne | Frud I. Kerrill, Inc. | 187 Sawyer Street | South Portland, Faine ee to: Oross-Roads Realty Corp. 30-50 Tork Street ce to: for foreman on Job

Gentlement .

At the meeting of the Municipal Officers on tourmber 7,1959 an amendment to the Building Code was passed allowing the upe of dry walls construction having a rating of at least 45 minutes fire-resistance on both side; of interior partitions, the inside of exterior walls and sain public halls and stair halls and the undersides of public stairways in hotels, notels, apartment and lodging-houses. This amendment will not become effective until 30 days from that date or January 6, 1960. Thus, if you so desire, it will be permissible to use construction of this type in much locations in the motel under construction at the above named location in lieu of the incombustible lath and placeer specified.

It should be borne in sind, however, that it one-helf inch thick appears well board is used for this purpose, it must be of a special type known as Pire-Shield in order to provide the required fire-resistance, since the ordinary appears town of this thickness has a leaser rating. However, where stairways are required to be enclosed in the two story portions of the building, a fire-resistance rating of not less than one-hour is required, and the use of the 3/8 inch thick Fire-Shield board will be namessary at such locations. If you decide to substitute "dry wall" construction for the lath and plaster specified, please notify this office to that effect so that our records any be corrected.

very truly yours,

Albert J. Sears Inspector of Buildings

AJSIM



APPLICATION FOR AMENDMENT TO PERMIT

Amendment No... #3....

Portland, Maine, (Dr.11 25, 1960

PERMIT ISSUED APR 26 1960 CITY of PURTLAND

Citation .		불통을 내린 기계 중요	
To the INSPECT	OR OF BUILDINGS, FORTLAND, MAINE ned hereby applies for amendment to Permit No. 59/ plication in accordance with the Laws of the State	/1626 pertaining to the buildi	ng or s ructure comprised
in the original app	ned hereby applies for amendation of the State of plication in accordance with the Lows of the State of nd, plans and specifications, if any, submitted herewi	of Maine, the Building Code ith, and the following specifi	calions:
the Chy of I of the		Avielin Rico Limits?	Dist. No
Location1136	6-1150 Brighton Avaa Baalty Com. Brig	ghton Ave.	. Telephone
Owner's name and	6-1150 Brighton Ava. d address Cross Roads Realty Corp., Brig		. Telephone
Lessee's name and	l address Shan T. Manni 11 Tng .187 Say	wyer St. So. Portland	Telephone 9-1541
Architect	s and address		. No. familles
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Increased cost of	work .15,000.00 Description of Propos		
eria. Heranak Asiba da		#함시한 기계 : 100 PE : 1	
4. 计数据编译符号	not 131 x 81 concrete block addition o	n rear of existing b	uilding.
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To construct 14' x 50' frame 1-story addition on front of all as per plane.

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Maximum span :	1st floor	Cross_Road	Realty Co	Tend Marilla	Ŋ.
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				() Inspector of Bulld	ngs.

Joists and rafters:

On centers: Maximum spant 1st floor.....

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

1st floor

B2 BUSINESS ZONECTOR

PERMIT ISSUE

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		May 31, 1960	- L CITY of PORTI
To the INSPECTOR OF BUILDI	NGS, portländ, nai	nr state of the second	
The undersigned hereby applied	s for a permit to erect	iller repair demolish install the follow	wing building structure equipmen
in accordance with the Laws of the Sh specifications, if any, submitted herew	rie of Maine, the Busi ith and the following s	ding Code and Zoning Ordinance a Willealione	of the City of Portland, plans and
Location 1136-1150 Brighton	n Avo.	Within Fire Limited	Dist. No.
Owner's name and address	a Road Realty Co	ry. Brighton Ave.	Celephone Telephone
Lessee's name and address			Telephone.
Contractor's name and address	Catalina Poolsof	New England, Inc.	Telephone
Contractor's name and address	3 Malden St., Nat	ickm Kass. Plans Plans	yes No. of sheets2
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Last useNo. stories	Heat	Style of roof	
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Other buildings on same lot Estimated cost \$6000_s			Feo \$ 6.00
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the name of the healing contractor. Ph	RMIT TO BE ISS	SUED TO Catalina Pool	of New England. Inc.
		i New Work	
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Is connection to be made to public se	ewer?	If not, what is proposed for se	wage?
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II a Garage

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

CITY OF PORTLAND, MAINE BOARD OF APPEALS

VARIANCE APPEAL

March 31, 1260

As Realty Corp.

Owner of property at 1136-1159 Brighton Avenue

provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectitions the Board of Appeals for a variance from the provisions of said Ordinance to permits of the following signs on the premises at this location: (1) Detached Sign A having dimensions of 162 feet by 22 fer with a maximum height of 32½ feet above the ground, and Sign B having overall dimensions of 26 feet with a maximum height of 50 feet above the maximum height of 21 feet above the ground. The permits for Signs A and B are presently not issuable because the signs are to a located within the 50 feet front yard setback area required by Section 21 of the Ordinance and are to a tend beyond the allowable 20 foot maximum height above the ground limit set by Section 16 -5 of the Ordinance, and the permit for Sign C is not issuable because the sign would exceed the allowable 20 foot maximum height set by Section 16-A-5, and further more, the total area of the signs proposed on the premises, including a marquee sign with an approximate area of 40 square feet and two signs attached flat against the wall of the restaurant building having a combined area of about 110 square feet, is to be about 1560 square feet instead of the maximum allowable area of 300 square feet set by Section 16-A-5 of the Ordinance.

LEGAL BASIS OF APPEAL: Such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

Cross doads Realty Corp.

APPELLANT FEIOL

DECISION

After public hearing held April 14, 1960, the Board of Appeals finds that all of the above conditions do exist with respect to this property and that a variance should be granted in this case, provided that sign B shall have a maximum height of 32-1/2 feet only of the same maximum overall dimensions of 26 feet.

It is, therefore, determined that a variance from the provisions of the Zoning Ordinance should

be granted in this case, as above provided.

Granted May 6, 1960

BOARD OF APPEALS

a. 11 31**48**0 2130



APPLICATION FOR PERMIT

Class of Building or Type of Structure

January 28, 1960 Portland, Maines

PERMIT ISSUED

SEP 21 1980

CITY of PURTLANG

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To the INSPECTOR OF BU	JILDENGS, PORTLAND, MAINE		
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It is understood that this per the — ae of the heating contra	mit does not include installation o, ctor. PBRMIT TO BB ISSU	l heating apparatus which is Contract	to be taken out separately by and in Or
•	Details of	New Work	t to at to month 2
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If a Garage No. cars now accommodated on same lot......, to be accommodated.....number commercial cars to be accommodated.......

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	EU Errol
APPLI	CATION FOR PER
Class of Building or T)	ortland, Maine, January 24,
P	ortland, Maine,
TO A INSPECTOR OF BUILDINGS	
The undersigned hereby applies for	r a permit to Sect after repair demolish install the following
•	of Maine, the Littling Code and Zoning Ordinance of the C. and the following specifications:
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Owner's name and address	ond the following specifications: Vithin Fire Limits? Plans and plans and plans. Telephon Telephone
Castastala and address	pard Extingering Corp. 144 Thodays St.
Architect	So. Port Land So. Port Land Specifications 999 Plans 999 No. of sheets 1.
	No. families
	No. families
Material No stories	Heat Style of roof Roofing
	,
Estimated cost \$45,000.00	Fee \$ 290.00
	General Description of New Work
· ·	
	Permit Issued with Letter
It is understood that this permit does not in the name of the heating contractor. PBRM	nclude installation of heating apparatus which is to be taken out separately by and in HT TO BR ISSUBD TO contractors
	Details of New Work
Is any plumbing involved in this work?	Is any electrical work involved in this work?
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Has septic tank notice been sent?	Form notice sent? 944
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with tilling ()	Will work require disturbing of any tree on a public street? NO Will there be in charge of the above work a person competent to
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Cross hoads Realty Corp. Seapourd Engineering Corp.

C5 301

CITY OF PORTLAND, MAINE

Copy to: Charter House Motel Ing Department of Bullding Inspection

old Certificate of Occupancy

LOCATION #1150 Brighton Ave.

Cross Foad Healty Corp.

July 19, 1963 Date of Issue

This in to the thirt the building, premises, or part thereof, at the above location, built-altered -changed as to use under Building Permit No. 63/83, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

Entire (500 Building)

l'otel

Limiting Conditions

Areas 114 and 116 as shown on plans

not to be used as meeting room.

This certificate supersedes certificate issued

Approved:

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when properly changes hands. Copy will be furnished to owner or lesses for one dollar.

CS 147



CITY OF PORTLAND, MAINE Department of Building Inspection

Certificate of Occupancy LOCATION #1140 Brighton Ave.

Issued to lioted Corporation of America

Date of Issue February 23, 1965

This is the certify that the building, premises, or part thereof, at the above location, built—altered—changed as to use under Building Permit No. 1/1355, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

APPROVED OCCUPANCY

Motel Office.

Entiro

Limiting Conditions:

This certificate supersedes certificate issued

Approved:

Nelson F. Cartury ht

(Date)

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lesses for one dollar.

\$15 Pda Granted 8/31/07 67/49

CITY OF PORTLAND, MAINE IN THE BOARD OF APPEALS

VARIANCE APPEAL

Cross Roads Realty , owner of property at 1150 Brighton Ave.

under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals for a variance from the provisions of said Ordinance to parmit: erection of a detached pole sign 6'6" x 7'4", 17'4" high. This permit is presently not issuable under the Zoning Ordinance because the area of signs now on the premises, totaling approximately 1700 square feet is in excess of the 300 square feet permitted by Section 16-A-5 of the Ordinance portaining to the Business-2 Zone in which the property is located and the proposed sign will further increase by about 47.5 square feet the non-conformity in this respect.

LEGAL BASIS OF APPEAL: Such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

By: Capural Colombia

DECISION

After public hearing held August 31, 1967, the Board of Appeals finds that all of the above conditions do exist with respect to this property and that a variance 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.

BOARD OF APPEALS

Zoning Division
Marge Scimuckal
Zoning Administrator



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

CITY OF PORTLAND

Robert E. Danielson
482 Congress Street, Suite 400
Portland, ME_0410

RE: 264-A-1, 256-B-2, 265-B-5.

B-2 Zone

Dear Mr. Danielson,

I have reviewed the information supplied to me which include I a copy of the City of Portland's 1983 Zoning!

Ordinance of the B-2 Zone provided by the City Clerk's office, and a copy of the 1983 deed which described the conveyance of the front property from the whole.

A review of this information brought me to the determination that I believe that the lot was properly divided by the ordinances at that time and this division would be allowed to continue legally even though the Zonling Self Ordinance may have changed.

Since I believe this to be a legal division, your application for a functional division miscellaneous appeal would not be needed.

If you have any other questions regarding this matter, please do not hegitate to contact me.

Very Truly Yours,

Marge Schmückal
Zoning Alministrator

File

Timpos

ROBERT E. DANIELSON, ESQUIRE

482 Congress Street, Suite 400 Portland, Maine 04101

207-879-1337 Pax: 207-879-0063

B-mail address; redaniel@ixi.com

The complete of the control of the c

Kimberly Sweatt

ksweatt@dwmlaw.com

(207) 772-1941 (207) 772-3627 Fax (800) 727-1941

84 Marginal Way, Suite 600 Portland, ME 04101-2480

www.dwmlaw.com

Daniel Amory* David J. Backer* S. Campbell Badger Michael L. Buescher* Alexandra E. Caulfield* Jerrol A. Crouter George T. Dilworth Peter C. Felmly* Erin R. Feltest Adrianne E. Fouts* Sara S. Hellstedt* Eric R. Herlan*t Melissa A. Hewey*t Michael E. High David M. Kallin* John S. Kaminski* Edward J. Ketleher* James T. Kilbreth Jeanne M. Kincaid*t Peter D. Klein* Rodney A. Lake* Benjamin E. Marcus* Elek A. Miller* Mona T. Movafaghit Michael J. Murray Robert P. Nadeau* Caina J. Nathanson*t Kimberly A. Pacelli* Jeffrey T. Piampiano* William L. Plouffe Aaron M. Pratt*f Harry R. Pringle* Keriann Romant Daniel J. Rose*t George Royle V' Gregory W. Sample* Jessica M. Scherb*† David S. Sherman, Jr.* Richard A. Shinay* Christina R. Simpsont Kaighn Smith, Jr.: Bruce W. Smith* Richard A. Spencer*t Christopher G. Stevenson* E. William Stockmeyer*† Amy K. Tchao*t Joanna B. Tourangeau*t M. Thomas Trenholm* Matthew H. Upton† Gary D. Vogel* Ronald N. Ward* Thomas R. Watsont Brian D. Willing* Reade E. Wilson*

Gerald M. Zelint Consultants

Ann S. Chaoman Policy & Labor Relations

Roger P. Kelley Labor Relations & Confect Management

Michael J. Opuda Ph.D. Special Education

Of Counsel

Joseph L. Detafield III* Robert L Gios* Donald A. Koop* Hugh G. E. MacMahon* Harold E. Woodsum, Jr.* Ms. Marge Schmuckal City of Portland

August 30, 2012

389 Congress Street Portland, ME 04101

Re:

1150 Brighton Avenue, Portland, Maine

CBL – 264 A001001 (Motel Parcel)

Dear Marge:

265-8-2 265-B-51

DEPT. OF BUILDING INSPECTION CITY OF PORTLAND, ME

We represent Sai Prasad, LLC which owns the above noted property. We kindly request that you prepare a zoning determination letter to address any land use or zoning issues which may exist.

Specifically, we would like to verify the use as a motel is lawful and that there are no outstanding zoning, building or life safety code violations. Please also provide copies of any certificates, permits, approvals or violations which pertain to the property.

I am enclosing a firm check in the amount of \$150.00 for your services. Thank you for your assistance in this matter.

Sincerely,

Kimberly Sweatt

Paralegal

Enclosure

* Admitted In Majore † Admitted In New Hampshire



PORTLAND MAINE

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

Receipts Details:

Tender Information: Check, Check Number: 103798

Tender Amount: 150.00

Receipt Header:

Cashier Id: bsaucier Receipt Date: 9/4/2012 Receipt Number: 47791

Receipt Details:

Referance ID:	494	Fee Type:	BP-DP
Receipt Number:	0	Payment Date:	
Transaction Amount:	150.00	Charge Amount:	150.00

Job ID: Miscellaneous charges

Additional Comments: 1150 Brighton Ave

Thank You for your Payment!

cervices Applications

Doing Business

Property Location

Lend Use Typa HOTEL & MOTEL 1150 BRIGHTON AVE Owner Information

Book and Page

SAI PRASAD LLC 1150 BRIGHTON AVE PORTLAND ME 04102 28644/253

264-A-1 265-B-2 BRIGHTON AVE 1136-1150 REAR 354582 SF Legal Description

8.1401

Q&A

Haps Tax Relief

Current Assessed Valuation:

browse city services a-z

TAX ACCT NO. LAND VALUE

30600 OWNER OF RECORD AS OF APRIL 2012 SAI PRASAD LLC

\$1,020,800.00 BUILDING VALUE \$331,870.00 NET TAXABLE - REAL ESTATE \$1,352,670.00

1150 BRIGHTON AVE PORTLAND HE 04102

browse facts and links a-z

TAX AHOUNT

\$25,457.26

Best viewed at 800x600, with Internet Explorer

Any information concerning tax payments should be directed to the Treasury office at 874-8490 or e-mailed.

1 - RODEWAY INN

Building Information:

Building 1

Year Built

Style/Structure Type HOTEL/MOTEL LOW RISE # Units 122

Building Num/Name Square Feet

50244 View Sketch

View Map View Picture



Exterior/Interior Information:

Building 1

Levels 01/01 34646 Usa MOTEL Height FRAME Walls HW/STEAM Heating

A/Ç

UNIT

Building 1 Leveis 02/02 15598 Size Usa **MOTEL** Height FRAME Walls Heating HW/STEAM A/C

Other Features:

Building 1

Structure CANOPY - ROOF/SLAB 8X17

Outbuildings/Yard Improvements:

Building 1

Year Built Structure SHED-FRAME Size 6X13 Units 1 Grade

RAND RD