

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK CITY OF PORTLAND

BUILDING INSPECTION

PERMIT

Please Read Application And Notes, If Any, Attached

Permit Number: 090171

This is to certify that Dale Johnson
has permission to Install 10'x8' Shed in Back Yard
AT 99 Birchvale Dr

CB 272 N018001

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 lath or other work is laid-in. 24 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. _____
Health Dept. _____
Appeal Board _____
Other _____
Department Name

Thomas M. Malley 3/13/09
Director, Building & Inspection Services

PENALTY FOR REMOVING THIS CARD

City of Portland, Maine - Building or Use Permit Application

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

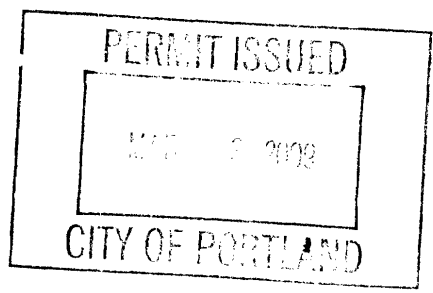
Permit No: 09-0171	Issue Date:	CBL: 272 N018001
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Location of Construction: 99 Birchvale Dr	Owner Name: Dale Johnson	Owner Address: 99 Birchvale Drive	Phone: 207-239-2231
Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Dwellings	Zone: R-3

Past Use: Single Family Home	Proposed Use: Single Family Home - Install 10'x8' Shed in Back Yard - <i>afto the fact</i>	Permit Fee: \$30.00	Cost of Work: \$980.00	CEO District: 3
Proposed Project Description: Install 10'x8' Shed in Back Yard - <i>afto the fact</i> 10'x12'		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: R3 Type: SB FRC 2003 Signature: <i>Jm</i> 3/13/09	
		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: lmd	Date Applied For: 03/05/2009	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 <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"/> <i>OK w/condition</i> Date: 3/12/09 <i>ABM</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 <i>ABM</i> Date: _____
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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

At inspection - please make sure property lines are identified and marked. If property lines are not clear, please ask that a surveyor locate them. AM.

3/17/09 - went w/ Phil Dipiero could not find any property pins so could not verify setback of shed - snow covering made it impossible for Phil to check cross in from shed placement,

Tom M



General 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:		
Total Square Footage of Proposed Structure/Area 10x8 = 80 SQF	Square Footage of Lot 7876	
Tax Assessor's Chart, Block & Lot Chart# 272 Block# N Lot# 18	Applicant * <u>must be owner, Lessee or Buyer</u> * Name DALE JOHNSON Address 99 BIRCHVALE DRIVE City, State & Zip PORTLAND 04102	Telephone: 239 2231
Lessee/DBA (If Applicable)	Owner (if different from Applicant) Name Address City, State & Zip	Cost Of Work: \$ 980.00 C of O Fee: \$ Total Fee: \$
Current legal use (i.e. single family) SINGLE FAMILY If vacant, what was the previous use? Proposed Specific use: Is property part of a subdivision? NO If yes, please name Project description: SATK 12'x12' including overhang on back per conversation w/ Dale		
Contractor's name: DALE JOHNSON	JOHNSON	3/10/09
Address: AS ABOVE	RECEIVED	
City, State & Zip	Telephone: 239 2231	
Who should we contact when the permit is ready:	Telephone:	
Mailing address:		

Please submit all of the information outlined on the applicable Checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at www.portlandmaine.gov, or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature:

Date: **03-02-09.**

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

City of Portland, Maine - Building or Use Permit

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

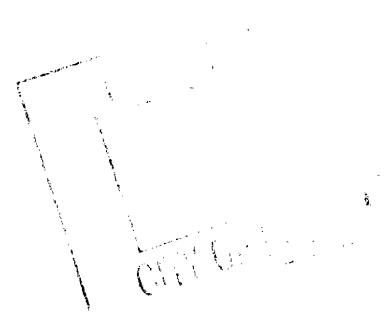
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Business Name:	Contractor Name:	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Additions - Dwellings	

Proposed Use: Single Family Home - Install 12'x12' Shed in Back Yard (after the fact)	Proposed Project Description: Install 12'x12' Shed in Back Yard (after the fact)
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Dept: Zoning	Status:	Reviewer: Ann Machado	Approval Date: 03/12/2009
Note:			Ok to Issue: <input checked="" type="checkbox"/>
<p>1) Public Services is concerned about the stream behind the property. Although the property is not in Stream Protection, it is close to Capisic Brook which is in Stream Protection. Please be aware that no grass clippings or brush should be put into or near the stream bed, and you should use Best Management Practices to control erosion when you are doing any work on your property.</p> <p>2) As discussed during the review process, the property must be clearly identified to show compliance with the required setbacks. Due to the proximity of the setbacks of the proposed shed, it may be required to be located by a surveyor.</p>			
Dept: Building	Status: Approved with Conditions	Reviewer: Tom Markley	Approval Date: 03/11/2009
Note: This is an after the fact permit			Ok to Issue: <input checked="" type="checkbox"/>
<p>1) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.</p>			

Comments:
3/10/2009-amachado: Application meets the zoning requirements. Dave Margolis-Pineo (Public Services) has concerns that the shed is too close to the stream behind the property. This stream is not located in a stream protection zone, so it is not a zoning issue. I have a call into Dave because Public Services might have different criteria regarding structures near streams. I have moved this forward in the system to be reviewed by inspections, but it won't be issued until Public Services weighs in.
3/12/2009-amachado: Dave Margolis-Pineo sent an email that the permit should be issued. He may contact DEP with his concerns.



R-3

lot size - 7876 sq ft

front - 25' min - NA

rear - 25' min or 5' if 144sq ft or less - 7'2"

side 8' min or 5' if 144sq ft or less - 6'9"

lot coverage - 35% (2756.66)

house - 34x24 = 816

8x7 = 63

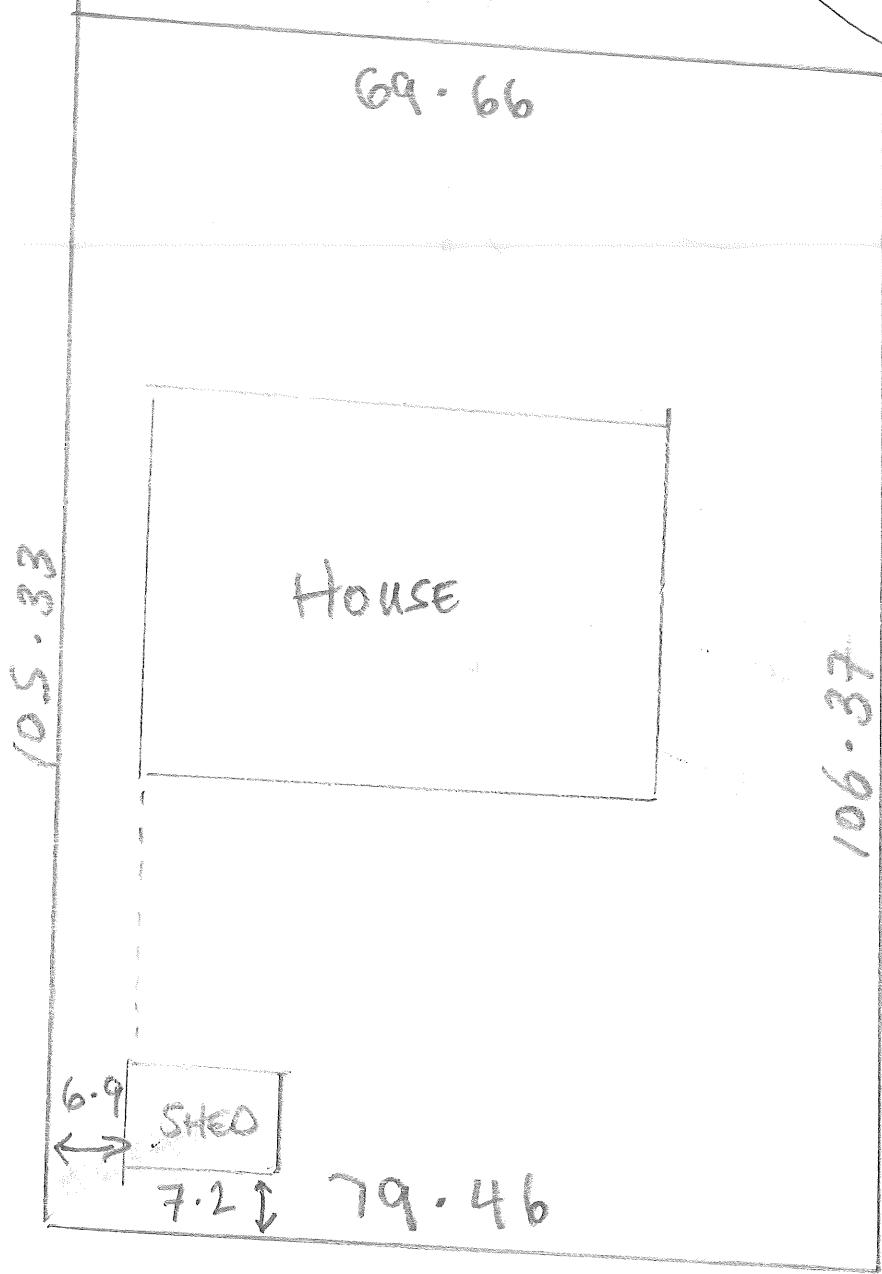
879

shed 12x2 144

(1023)

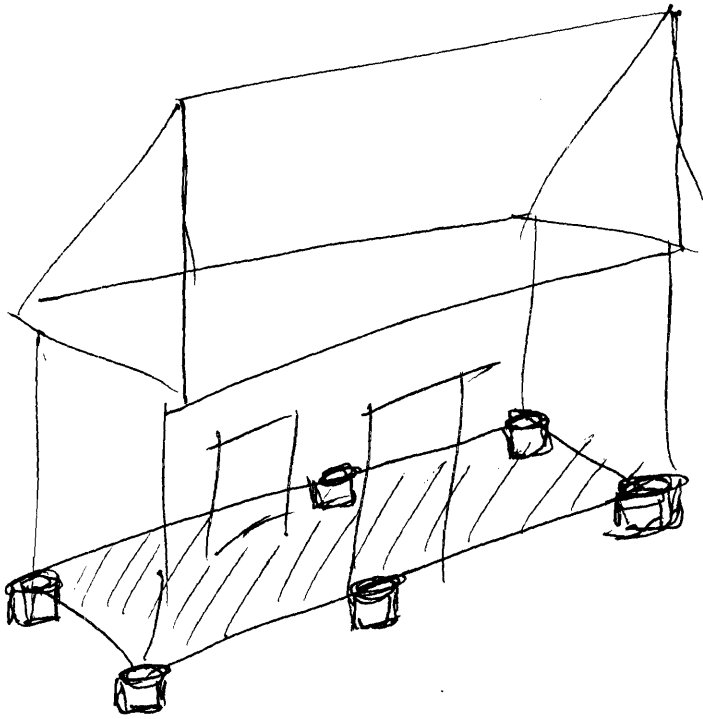
OK

Birchvale



Home
774-3585

2x4 LUMBER 2' ON CENTRE (FRAME) + (ROOF)
3/4 OSB / TYVEK / 4" REVEAL SIDING (SIDES)
CONCRETE POST'S FOUNDATION 4 FT DEEP
SHINGLED ROOF WITH DRAIN EDGE.



From: Doug Roncarati
To: Ann Machado
Date: 3/18/2009 1:33:51 PM
Subject: 99 Birchvale Dr

072-N-018

09-0171

Hi Ann,

I visited the site with John Maclaine today. He intends to issue a notice of violation for the shed, since it is just inside the 75' setback from the stream (although it is right next to the upper edge of the flood plain). The back wall is 73.5' from the brook and the overhang is closer. He does not consider it an egregious violation, but intends to outline the Johnson's options for remedying the problem.

We discussed the need for stabilizing the exposed soil in the back yard to prevent erosion and soil runoff. Also, an erosion and sedimentation plan should really be done to cover the renovations to the house. He plans to tell them not to dump their leaves down the bank into the stream flood plain, since it prevents native vegetation from growing there and stabilizing the banks. Finally, he plans to suggest some means of preventing runoff from the shed overhang from eroding the bank (e.g.: gutter & splash pad, gravel drip line, etc).

If you have not already issued the building permit for the shed, I'd recommend that you wait until these issues are resolved before you do so.

Doug





NEED 5 FT SETBACK

12-15-08
99 Birchwood
Summ

12-15-08
FOOTPRINT 12 x 12
located approx 40-45 ft Behind House
built on scratches.



12/12/08 Dave Pincus emailed me about this. U

12/16/08 Suzanne Hunt inspected & took 2 pictures
left my card in the door asking ~~for~~ the owner
to call me.

12/17/08 774-3585
left voicemail for owners to ~~call~~ call me.
told them they needed a permit to build
the shed. Needed to permit after the fact.

12/18/08 word from Debra Logan - cat killer. The
~~Johnsons~~ Johnsons left Dec. 16 - for
London - be back 31st - won't hear from
them until then. She'll leave ^{my} card
with the mail. (711-0465)

12/09 ~~Dale Johnson~~ left voicemail for Deann @ 239-2231
Dale called me w/ his number, (239-2231). I left a ven.

1/5/09 spoke to Dale - he just replaced an old shed. - didn't
think he needed a permit - told him he did, - raised
my concern that not on ~~in~~ their property. He'll set
plot plan & permit in.

1/23/09 Checked in w/ Dale - he has done to the plot plan etc.
Feels shed is on property - wants to put deck on house &
asking that to permit. Will set it in soon.

1/2/09 wrote letter - 30 days to apply

3/2/09 spoke to Dale. He applied for permit. He came
in 3/2/09 but we were closed (snow) came
back & applied - Lisa took permit. put it
under 73 Birchside.

td



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*Penny St. Louis Littell - Director of Planning and Development
Marge Schmuckal, Zoning Administrator*

February 2, 2009

30 day period of March 4th

Dale & Deanna Johnson
99 Birchvale Drive
Portland, ME 04102

RE: 99 Birchvale Drive – 272 N018 - R-3 – shed built without a permit

Dear Mr. & Mrs. Johnson,

This letter is a follow up to the various phone calls that we have had about the shed that was built without a permit at your property at 99 Birchvale Street. When I spoke to you on January 5, 2009, you said that you had just replaced an existing shed and that you did not think that you needed a permit for it. I told you that you did need to apply for a permit to rebuild the shed, that I couldn't find a permit for the original shed and that I was concerned about the location of the shed. You told me that you would get an application in to build the shed. I spoke to you again on January 23, 2009. You said that the plot plan was done but that you had decided to add a deck to the house and that you wanted to put it all on one permit. It is now February 2, 2009 and we still have not received an application for the shed that was built without a permit. You have thirty days to submit an application for the shed. If you want to include a new deck on the application too, that is fine, but our office needs to receive the application for the shed within thirty days of this letter.

Please call me at 874-8709 if you have any questions.

Yours truly,

Ann B. Machado
Zoning Specialist
(207) 874-8709

Ann Machado - Re: 99 Birchvale

From: David Margolis-Pineo
To: Ann Machado
Date: 3/11/2009 3:27 PM
Subject: Re: 99 Birchvale

Ann,

No problem. Issue the permit. I am going to ask the DEP to take a look.

>>> Ann Machado 03/11 2:52 PM >>>
David -

I just spoke with Doug Roncarati. He said that he would fill you in on our conversation. The bottom line is that the property is not in stream protection. As a result, our office cannot deny the permit because it meets all the zoning criteria and building requirements. To deny the permit, it would have to be in violation of a particular city regulation. Doug said that the tributary is not defined as a stream in our language. He also did not have a regulation that he could cite that it was in violation of. At this point, I think that we have to approve the application and issue the permit.

Ann Machado
Zoning Specialist
(207) 874-8709

Ann Machado - Re: Fwd: 99 Birchvale

From: David Margolis-Pineo
To: Ann Machado
Date: 12/16/2008 8:14 AM
Subject: Re: Fwd: 99 Birchvale
CC: Doug Roncarati

Then we rely on the DEP to enforce and request they deny any wavers.

>>> Ann Machado 12/15 2:04 PM >>>
The property is not in shoreland or stream protection.

>>> David Margolis-Pineo 12/15 1:06 PM >>>
For Shore Land Zoning I believe the city can require a 100' setback.

>>> Ann Machado 12/15 12:51 PM >>>
Dave -

You should put this on the agenda for Wed. site plan review meeting. I don't know which division or department can require a 100' setback from a stream.

An inspection has been scheduled for tomorrow. I will talk to the owner after the inspection about getting a permit, but I need to know exactly what the restrictions are depending on any city regulations other than zoning, and DEP regulations.

Thanks, Ann

>>> David Margolis-Pineo 12/15 12:24 PM >>>
My understanding is that the city can require a 100' setback from streams. The DEP has a mandatory 75' not cut rule. I'm checking on the placement of building.

>>> Ann Machado 12/15 10:00 AM >>>
Dave -

First, 99 Birchvale is not in stream protection on the zoning map, so for us they only have to follow the setback requirements for the R-3 zone which could be 5' from their rear property line if the shed is 100 sf or under. If the shed is bigger than 100 sf than it would have to be located 25' from the rear property line. There is no permit for a shed. I have scheduled an inspection for the property. The owner will be notified and told that they need to apply for a permit to build the shed.

Just because the property is not in stream protection does not mean that there aren't conditions that need to be met for Public Services. I don't know what criteria you have, but the land owner should know.

As far as doing a press release, you should probably talk to Penny and Nicole Clegg about it.

Ann

>>> David Margolis-Pineo 12/12 2:17 PM >>>

Ann,

As Mike Moore was handing out no dump notices he encountered this. You can't see the brook, Capisic, but just behind. Do we go get them? And there are more. We need a press release. Want me to draft one?

>>> Charles Moore 12/12 12:43 PM >>>

These folks are certainly within 75 of wetland. see attach....

MM