



# PORTLAND MAINE



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

December 18, 2009

Mr. Charles V. Tanner, III (owner)  
131 Warren Avenue Rear  
Portland, ME 04103

Ms. Dorothy Seavey (tenant)  
131 Warren Avenue  
Portland, ME 04103

Re: 135 Warren Avenue – CBL: 295 C003001 – Zone B-4

**Regular and Certified Mail #7009 0820 0001 4187 9127**

## NOTICE OF VIOLATION

Dear Mr. Tanner and Ms. Seavey:

On December 2, 2009, an inspection was conducted by Jeanie Bourke and Ann Machado at the above property "A Little Shop of Everything." The inspection was in relation to Ms. Seavey's pending change of use application (permit #09-0539) and her pending second hand dealer license. During the inspection, we found numerous building code and zoning violations.

**The following is a list of zoning violations that must be corrected:**

1. All merchandise shall be contained within the building (store), storage is not allowed on the exterior of the property (yard). [Section 14-229.15(a)]. Section 14-404(a) allows six "yard sales" on a property every calendar year. All of the items that are outside of the building including, but not limited to, furniture, household goods, doors, windows and tires must be removed or stored in an approved structure. Please note that sidewalk sales require a separate license for display of items in the city right of way. This license can be obtained in the City Clerk's office; the ordinance allows this during the months April 1 through October 15.

2. The storage container is a structure and needs to either be removed or permitted. [Section 14-463].
3. The freestanding sign should not be erected until a permit for it has been issued. [Section 14-368(b)].  
You have applied for a permit (#09-0540), but it cannot be issued until your change of use permit (#09-0539) is issued.
4. You are only allowed to have one A-frame sign and it must be permitted as specified above [section 14-369.5, Table 1 & section 14-370(c)].
5. Vehicles shall not be used for dead storage, and no more than one unregistered motor vehicle is allowed on the property for a period of more than thirty days. [Section 14-335]. Any vehicles that are not directly related to the business must be removed.
6. The building is currently occupied for retail use by your business without a certificate of occupancy in violation of section 14-463 of the ordinance.

**The following is a list of the building code/life safety violations that must be corrected:**

1. The stairway (vertical opening) cannot connect more than 2 adjacent stories (one floor pierced only). As approved by the fire dept., the basement stair door must be replaced with a rated fire door and 5/8 type x sheetrock installed on the stairwell walls, or a floor can be built in that location to recover the space and eliminate the vertical stair shaft. (NFPA Sec. 8.6 Vertical Openings).
- ~~2.2~~ This is a change of use from Business to Mercantile (retail) occupancy. This use is not allowed above the 1<sup>st</sup> floor in a wood framed building without sprinkler protection. A sign and barrier prohibiting public access to 2<sup>nd</sup> floor must be installed.
- ~~3~~ Storage is only allowed in up to 1000 sq. ft. of area., Our inspection revealed the basement had excessive storage, did not maintain 3' clearances for aisle width or to HVAC (boiler) equipment. These issues must be rectified. (IEBC Sec. 812.4.2.1, IBC Table 503, Sec.1013.4.1, IMC Sec. 304.8.

This is a notice of violation pursuant to sections 14-57 and 14-461 of the Zoning Ordinance and Section 113 of the Building Code of the City of Portland. In order to receive the building permit, certificate of occupancy, and second hand dealer license, the use of your property needs to be brought into compliance and the above referenced violations must be corrected **within thirty (30) days of the date of this notice**. A re-inspection will occur on **January, 19 2010**, at which time compliance will be required. Failure to comply will result in further action by the City of Portland Corporation Counsel and possible civil penalties as provided for in Section 6-1 and 1-15 of the Code, and Title 30-A M.R.S.A. Section 4452.

This is an appealable decision pursuant to Section 14-472 and 112.5. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal before the Zoning Board of Appeals and 10 days to appeal the building code violations. If you should fail to do so these decisions are binding and not subject to appeal. Please feel free to contact us if you have any questions regarding this matter.

Yours truly,

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

Jeanie Bourke  
CEO/Plan Reviewer  
874-8715

cc: Penny Littell, Director of Planning and Urban Development  
Alexandra Murphy, City Clerk's Office  
Danielle P. West-Chuhta, Corporation Counsel's Office