

City of Portland, Maine – Building or Use Permit Application 235 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

981040

Location of Construction: 92 Farnham St		Owner: Waxler, Alfred		Phone: 773-5853	Permit No.:
Owner Address: P.O. Box 6681 Ptld, ME 04101		Lessee/Buyer's Name: William Clark		Phone:	BusinessName:
Contractor Name: Owner		Address:		Phone:	
Past Use: Vacant Land - w/slab		Proposed Use:		COST OF WORK: \$ 2,000.00	PERMIT FEE: \$ 30.00
				FIRE DEPT. <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: Type:
Proposed Project Description: Extend existing reinforced(fiberglass) pad (26'8" x 38')		Signature:		Signature:	
		PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)		Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied	
Permit Taken By: MG		Date Applied For: 14 August 1998			
		Signature:		Date:	

PERMIT ISSUED
SEP 11 1998
CITY OF PORTLAND

Zone: *R-3* CBL: 310-7-023
Zoning Approval:
OK with conditions 9/10/98
Special Zone or Reviews:
 Shoreland
 Wetland
 Flood Zone
 Subdivision
 Site Plan maj minor mm

Zoning Appeal
 Variance
 Miscellaneous
 Conditional Use
 Interpretation
 Approved
 Denied

Historic Preservation
 Not in District or Landmark
 Does Not Require Review
 Requires Review

Action:
 Approved
 Approved with Conditions
 Denied
Date: _____

1. This permit application does not preclude the Applicant(s) from meeting applicable State and Federal rules.
2. Building permits do not include plumbing, septic or electrical work.
3. 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..

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 provisions of the code(s) applicable to such permit

17 August 1998

SIGNATURE OF APPLICANT _____ ADDRESS: _____ DATE: _____ PHONE: _____

RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE _____ PHONE: _____

White-Permit Desk Green-Assessor's Canary-D.P.W. Pink-Public File Ivory Card-Inspector

CEO DISTRICT 1
AR/DC

COMMENTS

9/15/98 Conversation w/ Al Wacker by phone. He has many questions. Allow

9/15/98 met w/ Al Wacker. Many questions on set backs, rust apprais, etc allow

Inspection Record

Type

Date

Foundation: _____

Framing: _____

Plumbing: _____

Final: _____

Other: _____

BUILDING PERMIT REPORT

DATE: 9 Sept. 98 ADDRESS: 92 Farnham St. (310-F-023) ^{CBL}
REASON FOR PERMIT: To install a 6" concrete pad for many home
BUILDING OWNER: AL Fred Waxler
CONTRACTOR: owner
PERMIT APPLICANT: _____
USE GROUP U BOCA 1996 CONSTRUCTION TYPE Concrete

CONDITION(S) OF APPROVAL

This Permit is being issued with the understanding that the following conditions are met:

Approved with the following conditions: *1, *2, *29

1. This permit does not excuse the applicant from meeting applicable State and Federal rules and laws.
2. Before concrete for foundation is placed, approvals from the Development Review Coordinator and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection)
- 2.5 Foundation drain shall be placed around the perimeter of a foundation that consists of gravel or crushed stone containing not more than 10 percent material that passes through a No. 4 sieve. The drain shall extend a minimum of 12 inches beyond the outside edge of the footing. The thickness shall be such that the bottom of the drain is not higher than the bottom of the base under the floor, and that the top of the drain is not less than 6 inches above the top of the footing. The top of the drain shall be covered with an approved filter membrane material. Where a drain tile or perforated pipe is used, the invert of the pipe or tile shall not be higher than the floor elevation. The top of joints or top of perforations shall be protected with an approved filter membrane material. The pipe or tile shall be placed on not less than 2" of gravel or crushed stone, and shall be covered with not less than 6" of the same material. Section 1813.5.2
- 2.6 Foundations anchors shall be a minimum of 1 1/2" in diameter, 7" into the foundation wall, minimum of 12" from corners of From corners of foundation and a maximum 6'o.c. between bolts. (Section 2305.17)
3. Precaution must be taken to protect concrete from freezing. Section 1908.0
4. It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.
5. Private garages located beneath habitable rooms in occupancies in Use Group R-1, R-2, R-3 or I-1 shall be separated from adjacent interior spaces by fire partitions and floor/ceiling assembly which are constructed with not less than 1-hour fire resisting rating. Private garages attached side-by-side to rooms in the above occupancies shall be completely separated from the interior spaces and the attic area by means of 1/2 inch gypsum board or the equivalent applied to the garage means of 1/2 inch gypsum board or the equivalent applied to the garage side. (Chapter 4 Section 407.0 of the BOCA/1996)
5. All chimneys and vents shall be installed and maintained as per Chapter 12 of the City's Mechanical Code. (The BOCA National Mechanical Code/1993). Chapter 12 & NFPA 211
7. Sound transmission control in residential building shall be done in accordance with Chapter 12 section 1214.0 of the city's building code.
- Guardrails & Handrails: A guardrail system is a system of building components located near the open sides of elevated walking surfaces for the purpose of minimizing the possibility of an accidental fall from the walking surface to the lower level. Minimum height all Use Groups 42", except Use Group R which is 36". In occupancies in Use Group A, B, H-4, I-1, I-2 M and R and public garages and open parking structures, open guards shall have balusters or be of solid material such that a sphere with a diameter of 4" cannot pass through any opening. Guards shall not have an ornamental pattern that would provide a ladder effect. (Handrails shall be a minimum of 34" but not more than 38". Use Group R-3 shall not be less than 30", but not more than 38".) Handrail grip size shall have a circular cross section with an outside diameter of at least 1 1/4" and not greater than 2". (Sections 1021 & 1022.0)
- Headroom in habitable space is a minimum of 7'6". (Section 1204.0)
- Stair construction in Use Group R-3 & R-4 is a minimum of 10" tread and 7 3/4" maximum rise. All other Use group minimum 11" tread, 7" maximum rise.(Section 1014.0)
- The minimum headroom in all parts of a stairway shall not be less than 80 inches. (6' 8") 1014.4
- Every sleeping room below the fourth story in buildings of use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside without the use of special knowledge or separate tools. Where windows are provided as means of egress or rescue they shall have a sill height

not more than 44 inches (1118mm) above the floor. All egress or rescue windows from sleeping rooms shall have a minimum net clear opening height dimension of 24 inches (610mm). The minimum net clear opening width dimension shall be 20 inches (508mm), and a minimum net clear opening of 5.7 sq. ft. (Section 1018.6)

13. Each apartment shall have access to two (2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units. Section 1010.1
14. All vertical openings shall be enclosed with construction having a fire rating of at least one (1)hour, including fire doors with self closer's. (Over 3 stories in height requirements for fire rating is two (2) hours.) Section 710.0
15. The boiler shall be protected by enclosing with (1) hour fire-rated construction including fire doors and ceiling, or by providing automatic extinguishment. Table 302.1.1
16. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the City's Building Code Chapter 9, Section 19, 920.3.2 (BOCA National Building Code/1996), and NFPA 101 Chapter 18 & 19. (Smoke detectors shall be installed and maintained at the following locations):
 - In the immediate vicinity of bedrooms
 - In all bedrooms
 - In each story within a dwelling unit, including basements

In addition to the required AC primary power source, required smoke detectors in occupancies in Use Groups R-2, R-3 and I-1 shall receive power from a battery when the AC primary power source is interrupted. (Interconnection is required) Section 920.3.2

17. A portable fire extinguisher shall be located as per NFPA #10. They shall bear the label of an approved agency and be of an approved type. Section 921.0
18. The Fire Alarm System shall be maintained to NFPA #72 Standard.
19. The Sprinkler System shall maintained to NFPA #13 Standard.
20. All exit signs, lights, and means of egress lighting shall be done in accordance with Chapter 10 Section & Subsections 1023. & 1024. Of the City's building code. (The BOCA National Building Code/1996)
21. Section 25-135 of the Municipal Code for the City of Portland states, "No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year".
22. The builder of a facility to which Section 4594-C of the Maine State Human Rights Act Title 5 MRSA refers, shall obtain a certification from a design professional that the plans commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.
23. Ventilation shall meet the requirements of Chapter 12 Sections 1210. Of the City's Building Code. (crawl spaces & attics)
24. All electrical, plumbing and HVAC permits must be obtained by a Master Licensed holders of their trade.
25. All requirements must be met before a final Certificate of Occupancy is issued.
26. All building elements shall meet the fastening schedule as per Table 2305.2 of the City's Building Code: (The BOCA National Building Code/1996).
27. Ventilation of spaces within a building shall be done in accordance with the City's Mechanical Code (The BOCA National Mechanical Code/1993). (Chapter M-16)
28. Please read and implement the attached Land Use-Zoning report requirements.

29. *The proposed 6" Thick Slab can be used if adequate subsoil drainage and rad proof are done in accordance with section 1806.3 (Floating mat)*

30. _____

31. _____

32. _____

33. _____

34. _____

35. _____

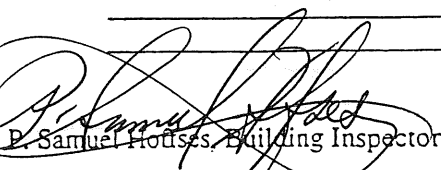
36. _____

37. _____

38. _____

39. _____

40. _____


P. Samuel Housley, Building Inspector

cc: Lt. McDougall, PFD
Marge Schmuckal, Zoning Administrator

DRAFT

MEMORANDUM OF AGREEMENT BETWEEN ALFRED J. WAXLER AND CITY OF PORTLAND

Re: Placement of residential dwelling unit on lot at 92 Farnham Street

Agreement made this ____ day of _____, 1998, between Alfred J. Waxler of _____ Street in Portland, Maine and the City of Portland.

WHEREAS, Mr. Waxler owns a lot located at 92 Farnham Street in Portland; and

WHEREAS, that lot is 65 feet wide and 100 feet deep; and

WHEREAS, Mr. Waxler wishes to place or construct a residential dwelling unit on the above-described lot; and

WHEREAS, Mr. Waxler and the City desire to cooperate in the placement of this residential dwelling unit; and

WHEREAS, Mr. Waxler also owns an abutting lot identified as Lot 1 in an unfiled subdivision plan that is the subject of a court decision in Waxler v. City of Portland, Docket No. _____, in which the court concluded that Mr. Waxler could develop the subdivision in accordance with City ordinances and State laws in effect as of _____, 1979; and

WHEREAS, in order to locate a residential dwelling unit on his lot at 92 Farnham Street, Mr. Waxler needs to take a strip of land 15 feet wide and 100 feet long from Lot 1 and add it to the lot at 92 Farnham Street so the lot's dimensions will be 80 feet wide along Farnham Street and 100 feet deep; and

WHEREAS, Mr. Waxler is willing to add that strip of land from Lot 1 to the lot at 92 Farnham Street but wishes to preserve his rights to restore it to lot 1 in the subdivision at some time in the future; and

WHEREAS, the City is willing, for the purpose of determining the sideyard setback compliance, to allow the assignment by virtue of this agreement of the 15 foot by 100 foot strip from Lot 1 to the lot at 92 Farnham Street so long as the reassignment of the 15 foot by 100 foot strip back to Lot 1 by Mr. Waxler, his heirs or assigns, at some point in the future does not create any non-compliance or non-conformity with City law as that law exists on the date of this agreement on the lot at 92 Farnham Street;

The parties hereby agree as follows:

- (1) Mr. Waxler will place pins at the corners of the 15 foot by 100 foot strip being assigned from Lot 1 in the subdivision to the lot at 92 Farnham Street in such a way that the City's Building Inspections Department can determine whether the structure located on the lot at 92 Farnham Street complies with the current City sideyard setback requirement of 8 feet;

- (2) The setting of the pins by Mr. Waxler for the purpose of leasing the lot at 92 Farnham Street does not have to be done through a surveying process but can be accomplished by agreement with the City Building Inspections Department, however if Mr. Waxler, his heirs or assigns ever sell or transfer ownership of the Lot then the placement of the pins must be verified and corrected if necessary by a registered surveyor;
- (3) A map to be kept on file in the City Buildings Inspections Department shall show the 15 by 100 foot strip on a map also showing the unfiled subdivision plan and shall reference this agreement;
- (4) Any dwelling unit placed on the lot at 92 Farnham Street will be placed in such a manner as to comply with the City laws existing at the time of this agreement;
- (5) Lot 1 in the unfiled subdivision plan shall not be considered or treated as a buildable lot unless and until the 15 foot by 100 foot strip is reassigned to that lot by Mr. Waxler, his heirs or assigns, who may do so at his or their sole discretion at any time by notifying the City in advance that he or they intend to reassign that strip to Lot 1, so long as the reassignment does not create any non-conformity or non-compliance with City laws existing as of the date of this agreement on the lot at 92 Farnham Street;
- (6) Reassignment of the 15 foot by 100 foot strip to Lot 1 by Mr. Waxler, his heirs or assigns pursuant to this agreement will reestablish Lot 1 as a buildable lot;
- (7) The City, at its own costs, will either file this agreement in the Cumberland County Registry of Deeds or reference it in an affidavit filed in the registry and notify Mr. Waxler of the filing and of the date and page of the filing;
- (8) This agreement shall expire if Mr. Waxler, his heirs or assigns sell or transfer ownership of the lot at 92 Farnham Street as an 80 foot by 100 foot lot except that a lease of the lot with those dimensions shall not be considered a transfer.

Signed and sealed this ___ day of _____, 1998:

WITNESS

ALFRED J. WAXLER

CITY OF PORTLAND

by: Gary C. Wood
 Corporation Counsel

ALFRED J. WAXLER

Mail:
P.O. Box 6681
04101

Phone (207) 773-5853
Fax (207) 772-7554

PORTLAND, MAINE

September 2, 1998

Ms. Marge Schmuckal
Zoning Administrator/ Asst Chief of Inspection Services
389 Congress Street
Portland, Maine 04101

Dear Marge:

Please find enclosed the additional foundation information you requested documented as an overlay on the City of Portland's survey plan showing the existing foundation on 92 Farnham Street.

Please note that since Alfred Waxler owns both the individual lot at 92 Farnham Street (Tax map 310-F-023-01) and the adjoining parcel, which is part of an unrecorded approved subdivision (tax map 310-F-1), there is no transfer of ownership.

This letter will confirm for your file and as a condition of granting the permit, if in the future title to the lot at 92 Farnham Street is transferred and this parcel of land has affixed to it a manufactured home as described in this foundation plan, then the measurement to the sideline will not be less than eight feet, as shown on this foundation plan. As an additional understanding, that should a dwelling be placed adjacent to Lot 92 Farnham Street, the total distance between the two foundations will not be less than the Sixteen (16') feet. This complies with Portland's setback requirements for the R-3 Zone.

Sincerely,



AJW/bhw

Enc.

Foundation Plan overlay

9/2/98
CALLED Mr. WAXLER - not good enough -
must show me the complete lot

Applicant: AL Waxler

Date: 9/8/98

Address: 92 Farnham St

C-B-L: 88-K-44

CHECK-LIST AGAINST ZONING ORDINANCE

Date - Existing

Zone Location - R-3

Interior or corner lot -

Proposed Use/Work - To install slab that will have a

Sewage Disposal - double wide unit placed on it 26'8" x 62' long side facing the road

Lot Street Frontage - 50' req - 80+ shown

Front Yard - 25' req \approx 48' shown

Rear Yard - 25' req - 25' shown

Side Yard - 8' req - 8' req ; 13'4" shown

Projections - covered porch on left

Width of Lot - 65' req for existing lot - 80+ shown

Height - 1 story (has been related to me)

Lot Area - 6,500[#] req - \approx 8,000[#] shown

Lot Coverage/ Impervious Surface - 25% or 2,000[#] ok

Area per Family - 6,500 req -

Off-street Parking - 2 shown $26.66' \times 62' = 1652.92^{\#}$

Loading Bays - N/A

Site Plan - N/A

Shoreland Zoning/ Stream Protection - N/A

Flood Plains - N/A

cc to: Joe Gray
Alex Jaegerman

LAND USE - ZONING REPORT

ADDRESS: 92 Farnham St. DATE: 9/10/98

REASON FOR PERMIT: Extend the existing PAD

LAND BUILDING OWNER: AL Waxler C-B-L: 310-F-23

PERMIT APPLICANT: AL Waxler

APPROVED: with conditions DENIED: _____

#8, #9, #10, #11

CONDITION(S) OF APPROVAL

1. During its existence, all aspects of the Home Occupation criteria, Section 14-410, shall be maintained.
2. The footprint of the existing _____ shall not be increased during maintenance reconstruction.
3. All the conditions placed on the original, previously approved, permit issued on _____ are still in effect for this amendment.
4. Your present structure is legally nonconforming as to rear and side setbacks. If you were to demolish the building on your own volition, you will not be able to maintain these same setbacks. Instead you would need to meet the zoning setbacks set forth in today's ordinances. In order to preserve these legally non-conforming setbacks, you may only rebuild the garage in place and in phases.
5. This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.
6. Our records indicate that this property has a legal use of _____ units. Any change in this approved use shall require a separate permit application for review and approval.
7. Separate permits shall be required for any signage.
8. Separate permits shall be required for future decks and/or garage, sheds, or pools
9. Other requirements of condition A separate permit shall be applied

for in regards to the placement of A specific unit on this site.

10. The side and rear lot lines shall be marked so that the inspector can properly measure the setbacks.

Marge Schmuckal, Zoning Administrator,
Asst. Chief of Code Enforcement

11. Since 15' has been decided to this lot, there has been a change in your approved subdivision. It will be necessary that you contact the PLANNING Division and follow their recommendations for a PLAT amendment.

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

**Building or Use Permit Pre-Application
Additions/Alterations/Accessory Structures
To Detached Single Family Dwelling**

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

NOTEIf you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.**

Location/Address of Construction: 92 Farnham St.

Tax Assessor's Chart, Block & Lot Number Chart= <u>310</u> Block# <u>F</u> Lot# <u>023</u>		Owner: <u>Alfred J. Waxler</u>	Telephone#: <u>2077735853</u>
Owner's Address: <u>P.O. Box 6681 Portland 04107</u>		Lessee/Buyer's Name (If Applicable) <u>William Clark</u>	Cost Of Work: <u>\$2000</u> Fee <u>\$30</u>
Proposed Project Description:(Please be as specific as possible) <u>Base 8" of Heavy Road gravel. Extend existing 6" reinforced (Fiberglass) Pod 26"8" X 38"</u>			
Contractor's Name, Address & Telephone <u>Alfred J. Waxler</u>		Rec'd By: <u>MJ</u>	

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

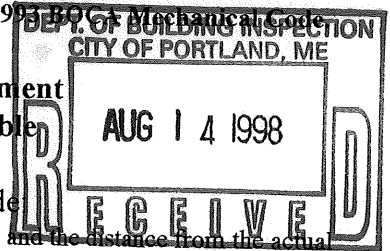
- All construction must be conducted in compliance with the 1996 B.O.C.A. Building Code as amended by Section 6-Art II.
- All plumbing must be conducted in compliance with the State of Maine Plumbing Code.
- All Electrical Installation must comply with the 1996 National Electrical Code as amended by Section 6-Art III.
- HVAC (Heating, Ventilation and Air Conditioning) installation must comply with the 1996 International Mechanical Code.

You must Include the following with you application:

- 1) A Copy of Your Deed or Purchase and Sale Agreement
- 2) A Copy of your Construction Contract, if available
- 3) A Plot Plan (Sample Attached)

If there is expansion to the structure, a complete plot plan (Site Plan) must include:

- The shape and dimension of the lot, all existing buildings (if any), the proposed structure and the distance from the actual property lines. Structures include decks porches, a bow windows cantilever sections and roof overhangs, as well as, sheds, pools, garages and any other accessory structures.
- Scale and required zoning district setbacks



4) Building Plans (Sample Attached)

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

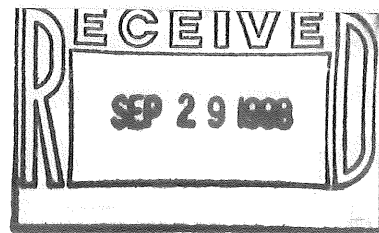
- Cross Sections w/Framing details (including porches, decks w/ railings, and accessory structures)
- Floor Plans & Elevations
- Window and door schedules
- Foundation plans with required drainage and dampproofing
- Electrical and plumbing layout. Mechanical drawings for any specialized equipment such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

Certification

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

Signature of applicant: Alfred J. Waxler Date: 8/14/98

Building Permit Fee: \$25.00 for the 1st \$1000. cost plus \$5.00 per \$1,000.00 construction cost thereafter.



ALFRED J. WAXLER

Mail:
P.O. Box 6681
04101

Phone (207) 773-5853
Fax (207) 772-7554

PORTLAND, MAINE

September 27, 1998

Mr. Mark Adelson
Director of Community Relations
Portland City Hall
389 Congress Street
Portland, Maine 04101

Re: Manufactured Housing AT 92 FARNHAM STREET

Dear Mr. Adelson:

As you know, I received a building permit to install a foundation, to accommodate a double-wide manufactured home, at the above address.

This permit requires incorporation of some additional land I own abutting this property. This basic lot is a buildable site (92 Farnham Street) and the existing cement foundation has been surveyed by the City Engineer and established on the face of the earth. This cement pad is oriented to satisfy the rear and side yard lot line setbacks. With my application for a building permit I filed a letter along with my site plan. This should serve as a basis of an agreement and show my intent to conform with setbacks and lot lines as required by the Portland Ordinance.

Please advise me in writing what additional requirements you are placing on this property citing your application of local, state, and federal regulations and applicable case law that requires and supports your position. Also, justification for your authority to require no further work be done at the site until this non-issue is resolved.

Sincerely,

A handwritten signature in cursive script that reads "Alfred J. Waxler".

AJW/bhw