

DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK
CITY OF PORTLAND

Please Read
Application And
Notes, If Any,
Attached

BUILDING INSPECTION
PERMIT

PERMIT ISSUED Permit Number: 080303 MAY 2 2008 CITY OF PORTLAND

This is to certify that BURKHARDT ROBERT P. MARY BURKHARDT JTS/p property

has permission to Single Family Home w/ Home Occupation - Create kitchen in basement to make ice cream cakes

AT 20 HASKELL ST 335 G011001

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.

Modification of inspection must be given and when permission procedure before this building or part thereof is involved or service closed-in 24 HOUR NOTICE 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 W. Mackley 5/2/08
 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

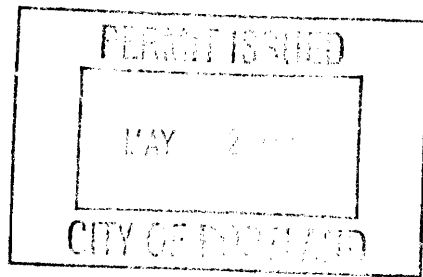
Permit No: 08-0303	Issue Date:	CBL: 335 G011001
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Location of Construction: 20 HASKELL ST	Owner Name: BURKHARDT ROBERT P & MAR	Owner Address: PO BOX 9715-953	Phone:
Business Name: Baby Cakes	Contractor Name: property owner	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use Home Occupation	Zone: R-3

Past Use: Single Family Home	Proposed Use: Single Family Home w/ Home Occupation - Create Kitchen in basement to make ice cream cakes	Permit Fee: \$115.00	Cost of Work: \$1,200.00	CEO District: 5
Proposed Project Description: Single Family Home w/ Home Occupation - Create Kitchen in basement to make ice cream cakes		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: R3 Type: SB IRC 2003	
		Signature: [Signature] Date: 5/2/08		
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: Idobson	Date Applied For: 04/03/2008	Zoning Approval
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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..	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	Zoning Appeal <input type="checkbox"/> Variance <input type="checkbox"/> Miscellaneous <input checked="" type="checkbox"/> Conditional Use for Home Occupation <input type="checkbox"/> Interpretation <input checked="" type="checkbox"/> Approved 6-φ <input type="checkbox"/> Denied	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
	Maj <input type="checkbox"/> Minor <input type="checkbox"/> MM <input type="checkbox"/> Date: 4/4/08	Date: 3/20/08	Date: [Signature]



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

5/23/08 - Checked plumbing + electrical for
Cpl-in - ok - spoke about need for plumbing

Fixtures (3 Bay sinks - ^{hand} wash sink, etc.

Jan M

BUILDING PERMIT INSPECTION PROCEDURES

Please call 874-8703 or 874-8693 (ONLY)

to schedule your inspections as agreed upon

Permits expire in 6 months, if the project is not started or ceases for 6 months.

The Owner or their designee is required to notify the inspections office for the following inspections and provide adequate notice. Notice must be called in 48-72 hours in advance in order to schedule an inspection:

By initializing at each inspection time, you are agreeing that you understand the inspection procedure and additional fees from a "Stop Work Order" and "Stop Work Order Release" will be incurred if the procedure is not followed as stated below.

A Pre-construction Meeting will take place upon receipt of your building permit.

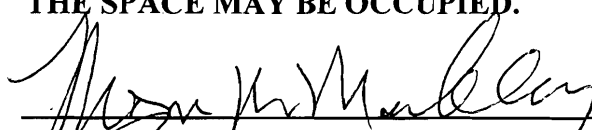
 X Framing/Rough Plumbing/Electrical: Prior to Any Insulating or drywalling

 X Final/Certificate of Occupancy: Prior to any occupancy of the structure or use.
NOTE: There is a \$75.00 fee per inspection at this point.

Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection.

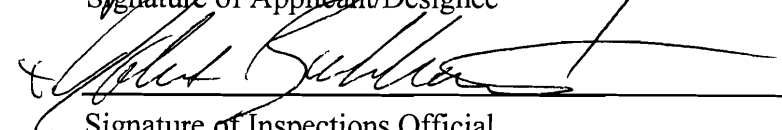
If any of the inspections do not occur, the project cannot go on to the next phase, REGARDLESS OF THE NOTICE OR CIRCUMSTANCES.

CERIFICATE OF OCCUPANICES MUST BE ISSUED AND PAID FOR, BEFORE THE SPACE MAY BE OCCUPIED.



Signature of Applicant/Designee

5/2/08
Date



Signature of Inspections Official

5/2/08
Date

City of Portland, Maine - Building or Use Permit

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

Permit No: 08-0303	Date Applied For: 04/03/2008	CBL: 335 G011001
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Location of Construction: 20 HASKELL ST	Owner Name: BURKHARDT ROBERT P & MAR	Owner Address: PO BOX 9715-953	Phone:
Business Name: Baby Cakes	Contractor Name: property owner	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Change of Use Home Occupation	

Proposed Use: Single Family Home w/ Home Occupation - Create Kitchen in basement to make ice cream cakes	Proposed Project Description: Single Family Home w/ Home Occupation - Create Kitchen in basement to make ice cream cakes
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Dept: Zoning **Status:** Approved with Conditions **Reviewer:** Marge Schmuckal **Approval Date:** 04/04/2008

Note:**Ok to Issue:**

- 1) During its existence, all aspects of the Home Occupations criteria, Section 14-410, shall be maintained. If you enlarge or expand your home occupation, you may need to go back to the Zoning Board of Appeals to update your original request.
- 2) Separate permits shall be required for any new signage under the home occupation guidelines.
- 3) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Dept: Building **Status:** Approved with Conditions **Reviewer:** Tom Markley **Approval Date:** 05/02/2008

Note:**Ok to Issue:**

- 1) Permit approved based on the plans submitted and reviewed w/owner/contractor, with additional information as agreed on and as noted on plans.
- 2) Separate permits are required for any electrical, plumbing, or HVAC systems. Separate plans may need to be submitted for approval as a part of this process.

Comments:

4/4/2008-mes: On 3/20/08 the applicant was granted a conditional use appeal for this home occupation.



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: <u>20 HASKELL ST. PORTLAND</u>		
Total Square Footage of Proposed Structure/Area <u>400 sq ft</u>		Square Footage of Lot <u>10,000 sq ft</u>
Tax Assessor's Chart, Block & Lot Chart# Block# Lot# <u>335 6011 001</u>	Applicant * must be owner, Lessee or Buyer Name <u>Robert Burkhardt</u> Address <u>20 HASKELL ST</u> City, State & Zip <u>Portland, ME</u>	Telephone: <u>773-8736</u>
Lessee/DBA (If Applicable) <u>/</u>	Owner (if different from Applicant) Name Address <u>SAME</u> City, State & Zip	Cost Of Work: \$ <u>1,200.00</u> C of O Fee: \$ <u>45</u> Total Fee: \$ <u>115</u>
Current legal use (i.e. single family) <u>Single family dwelling</u> If vacant, what was the previous use? _____ Proposed Specific use: <u>Home Occupation</u> Is property part of a subdivision? <u>NO</u> If yes, please name _____ Project description: <u>Create Occupation Kitchen in Basement - Home Occ. Government Ice Cream Cakes. Baby Cakes</u>		
Contractor's name: <u>Homeowner</u> Address: <u>20 HASKELL ST.</u> City, State & Zip <u>Portland, ME</u> Telephone: <u>773-8736</u> Who should we contact when the permit is ready: <u>Robert</u> Telephone: <u>332-5226</u> Mailing address: <u>20 HASKELL ST. Portland, ME</u>		

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: Robert Burkhardt Date: 4/2/08

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

REGAL RENOVATION & DESIGN

(207) 773-8736

PROPOSAL

This proposal is for work to be done at the above address. Licensed Contractor shall perform all electrical. All workmanship shall be in accordance with the Maine state building codes.

Partition off a 500 sq. ft. section of the basement

Frame:

- A. 2X4 construction 16" on center ✓

Electrical:

- A. Install all outlets and switches necessary to meet code.
- B. Install overhead recessed lighting (Approx. 12 fixtures)
- C. Install smoke detectors
- D. Install lighted exit signs, if necessary

Insulation:

- A. Insulate all walls using "Owens Corning" fiberglass insulation (R-13)

Sheetrock:

- A. Sheetrock all walls 1/2 inch
 - 1. Tape, compound and sand all joints, seams and corners using a three-step process to prep for paint.

Doors:

- A. Install one "Masonite" solid core insulated door

Ceiling:

- A. Install 2X4 acoustic tile drop ceiling

Flooring:

- A. Install "Armstrong" vinyl flooring

Interior Trim:

- A. Install 2 1/2" colonial window and door casings
- B. Install 3 1/2" vinyl baseboard

Ms. Marge Schmuckal,
Zoning Administrator
Department of Urban Development
City of Portland
389 Congress Street
Portland, Maine 04101

Dear Ms. Schmuckal:

We are requesting a permit to allow us the use of our residence at 20 Haskell Street, Portland for home occupation. My wife, Mary and I intend to produce gourmet ice cream cakes to sell wholesale to local restaurants and banquet centers. Most of the products used in the production of our ice cream cakes will be shelf bought and pre-made, including the ice cream which will be purchased from a local company such as Gifford's ice cream.

We believe that this type of business would qualify under Section C and is no more objectionable than those businesses listed in Section B and should be permitted as a conditional use in that it meets the requirements of criteria of paragraph A, Section 14-410. We believe that this home occupation business meets all of the criteria provided as follows:

1. The business space shall not exceed the 500 sq. ft. limit (see drawings provided)
2. All goods and supplies shall be stored in work area. There will be no displays of products from outside of the dwelling.
3. All frozen goods shall be stored in three (3) floor freezers. All refrigerated goods shall be stored in conventional up right refrigerators. All other goods shall be stored in cabinetry under countertops.
4. There shall be no exterior signs.
5. There shall be no exterior alterations to residence.
6. There shall be no additional parking required.
7. This type of business will generate no additional noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects.
8. There will be no non resident employees in the home occupation.
9. There will be no additional traffic generated as we are not selling from our home.
10. There will be no trucks coming to or from our home. All materials needed to conduct our business will be picked up by us and brought to our home. The vehicle we will use will be a small van, no larger then one ton with no large markings.

We appreciate your careful consideration of our request. Thank you.

Sincerely,

Bob and Mary Burkhardt

7"6 ceelens HT
Z Eggers OK

20 Haskell St.

Driveway

Garage

access to plumbing
stairs leading to 1st Flr.

Proposed

Total Basement area
2500 sq ft.

entrance
to basement
operable window

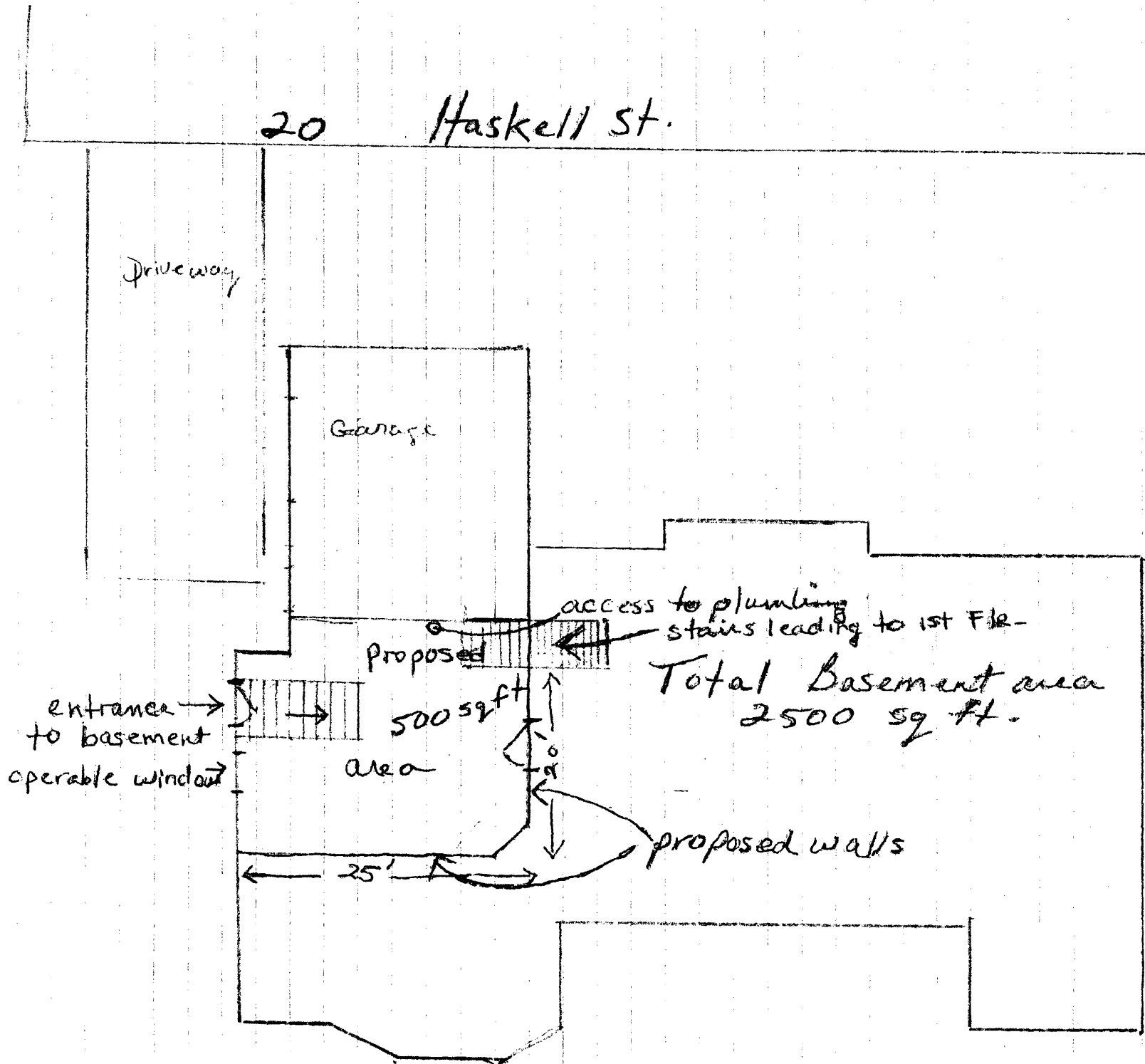
500 sq ft

area

90

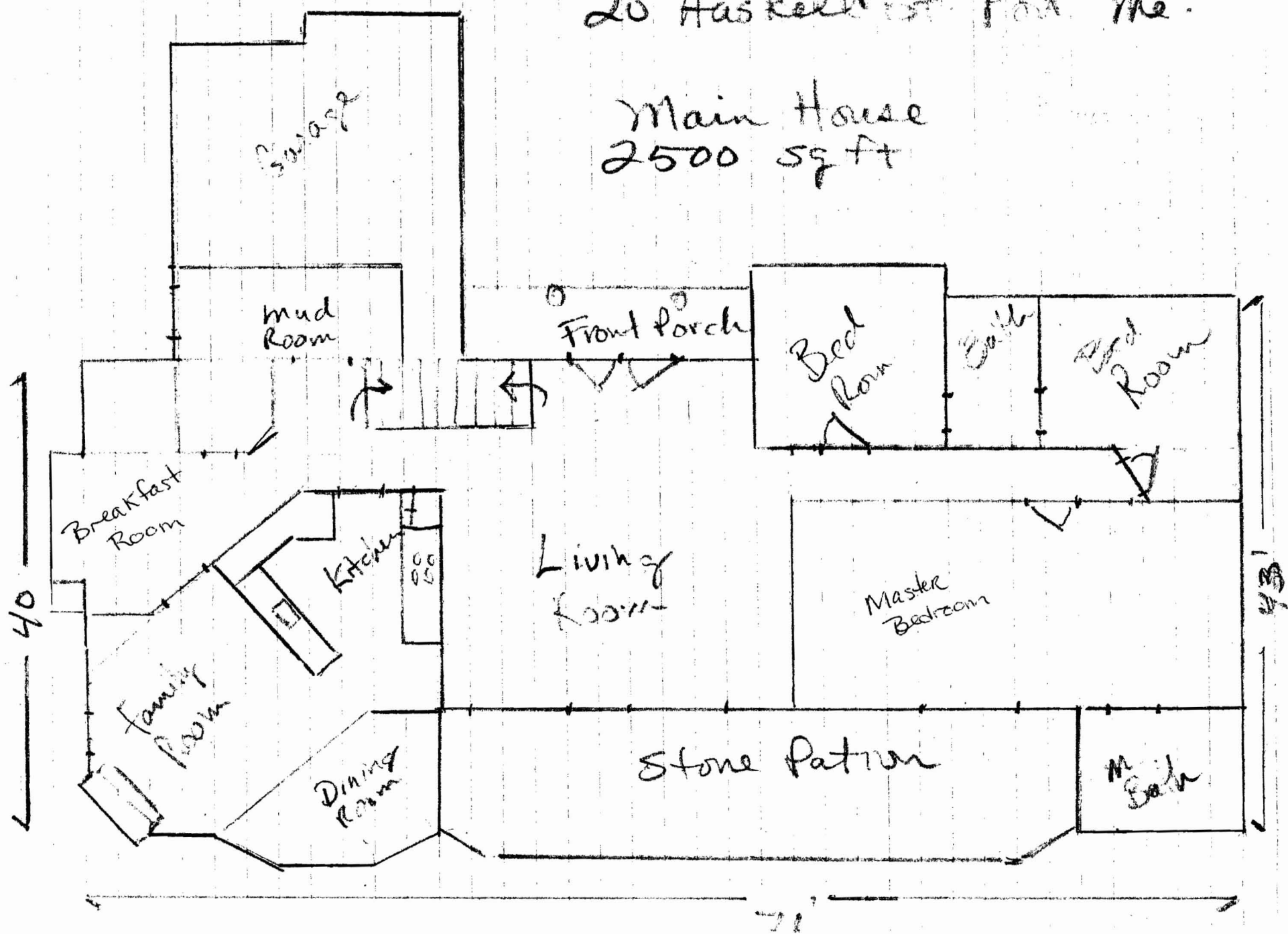
proposed walls

25'



Bob + Mary Burkhardt
20 Haskell St. Port Me.

Main House
2500 sq ft



Members Present: DAVID DORE, Philip Saucier, Jill Hunter, Peter Coyne, Gordon Smith, Deborah Rutter

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Members Absent: Peter Thornton

APPEAL AGENDA

meeting called to order 6:35 pm

The Board of Appeals will hold a public hearing on Thursday, March 20, 2008 at 6:30 p.m. on the second floor in room 209 at the Portland City Hall, 389 Congress Street, Portland, Maine, to hear the following Appeals:

1. New Business:

6-0
GRANTED

A Conditional Use Appeal:

20 Haskell Street, Bob & Mary Burkhardt, owners, Tax Map # 335 Block G Lots #011, 12, 13 and 17 in the R-3 Residential Zone. The appellant is seeking a Conditional Use Appeal under Section 14-410 (c) of the City of Portland Zoning Ordinance. The appellant is requesting to change the use from a single family dwelling unit to a single family dwelling unit with a home occupation. The appellant is proposing to produce gourmet ice cream cakes located in the basement level. Representing the appeal are the owners.

B. Interpretation Appeal:

Denied

105-107 Washington, A & M Partners, LLC owners, Tax Map #012, Block P, Lot 018 in the B-2b Community Business Zone. On August 2, 2007 the Zoning Board of Appeals denied the applicant's Interpretation Appeal regarding the use of the premises for a State Department of Corrections Parole Office, and upheld the Zoning Administrator's interpretation of the Ordinance. The applicant appealed the Board's decision to the Superior Court, which on February 26, 2008 remanded the case back to the Board. The Court directed the Board to specifically address the arguments made by the applicant in the initial Interpretation Appeal, and to provide findings of fact that sufficiently support the Board's decision. Lawrence R. Clough of Tompkins, Clough, Hirshon & Langer, P.A. represents the owner. Gordon Smith recused himself as a NEAR by

5-0

2. Other Business:

Abutter
Phil Saucier was allowed to participate even tho he works for the Governor's office.

3. Adjournment:

→ 8:15 pm

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

Peter Coyne
Philip Saucier-sec
Peter Thornton
Deborah Rutter
Jill E. Hunter
David Dore, chair
Gordan Smith

March 24, 2008

Bob & Mary Burkhardt
20 Haskell Street
Portland, ME 04103

RE: 20 Haskell Street
CBL: 335 G011, 12, 13, 17
ZONE: R3

Dear Mr. & Mrs. Burkhardt:

As you know, at its March 20, 2008, meeting, the Board voted 6-0 to grant your Conditional Use Appeal.

Enclosed please find the billing for the Zoning Board Appeals legal ad and abutter's notification; also a copy of the board's decision. You are required to submit a Change of Use permit with alterations for this home occupation. Enclosed is an application you're your change of use. You have six months from the date of this letter, referenced under section 14-474 (f) to apply for the change of use, or your Zoning Board Approval will expire.

Should you have any questions please feel free to contact me at 207-874-8701.

Sincerely,



Gayle Guertin
Office Assistant

CC: file

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

R-3 Residential Zone Home Occupation:

Conditional Use Appeal

DECISION

Date of public hearing:

3/20/08

Name and address of applicant:

Bob + Mary Burkhardt, 20 Haskell Street

Location of property under appeal:

20 Haskell Street

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

- Bob + Mary Burkhardt, 20 Haskell Street

Exhibits admitted (e.g. renderings, reports, etc.):

Findings of Fact and Conclusions of Law:

A. Conditional Use Standards pursuant to Portland City Code §14-410:

1. The proposed use is a home occupation that is not listed in 14-410 (b) but is similar to and no more objectionable than those home occupations listed in that paragraph. This provision shall not include veterinarians, kennels, animal raising, funeral homes, retail uses including antique shops, restaurants, dancing studios, towing services, repair and painting of automobiles as home occupations.

Satisfied X 6-0 Not Satisfied _____

Reason: This occupation is not listed in 410(b), and is no more objectionable after reading the list of uses. This use will have a minimal impact.

2. The proposed home occupation shall not occupy more than five hundred (500) square feet of floor area or more than twenty five (25) percent of the total floor area of such a dwelling unit, whichever is less.

Satisfied X 6-0 Not Satisfied _____

Reason: Per the application, map, and testimony, the floor area of the home occupancy area will not exceed 500 sq ft. ~~It will not exceed~~

3. There shall be no outside storage of goods and materials nor shall there be exterior displays, or display of goods visible from the outside.

Satisfied X 6-0 Not Satisfied _____

Reason: Per testimony + submission, there will be no outside storage of goods + materials + no signage. This is a whole sale business.

4. Storage of materials related to the home occupation shall count as a part of the occupancy limitations in standard 2 above, but shall not constitute a dominant part of such occupancy provided, however, storage of such materials or products in garages or other accessory structures is prohibited.

Satisfied X 6-0 Not Satisfied _____

Reason: Storage is part of the home occupation floor area, and materials will not be in any other area, and will not be a dominant part + will not carry a large inventory.

5. Exterior signs shall be limited to one (1) nonilluminated sign not exceeding a total area of two (2) square feet, affixed to the building and not projecting more than one (1) foot beyond the building.

Satisfied X 6-0 Not Satisfied _____

Reason: Per testimony, there will be no exterior signs associated with this business.

6. Any exterior alterations to the residence shall be compatible with the architecture of the building and maintain the residential appearance by virtue of exterior materials, lighting, and signs.

Satisfied X 6-0 Not Satisfied _____

Reason: Per application + testimony, there will be no exterior alterations; only alterations will be in basement.

7. Any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

Satisfied X 6-0 Not Satisfied _____

Reason: There will not be employees, ~~at this~~ There is an existing driveway which would be used if any additional parking is needed.

8. The home occupation shall not produce offensive noise, vibration, smoke, dust or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects.

Satisfied X 6-0 Not Satisfied _____

Reason: There will be limited cooking, all within confines of the house. Nothing about this business would produce these effects listed.

9. There shall be no more than one (1) nonresident employed in the home occupation.

Satisfied X60 Not Satisfied

Reason: Per testimony, 1 non resident will be working at the building (asider of owner).

10. No traffic shall be generated by the home occupation in greater volumes than would normally be expected in a residential neighborhood.

Satisfied X60 Not Satisfied

Reason: Owners will make deliveries, there should be no pickups since this is a wholesale business

11. No motor vehicle exceeding a gross vehicle weight of six thousand (6,000) pounds shall be stored on the property in connection with the home occupation.

Satisfied X60 Not Satisfied

Reason: Per testimony, there will not be a motor vehicle exceeding 6000 pounds stored on his property.

B. Conditional Use Standards pursuant to Portland City Code §14-474(c)(2):

1. There are unique or distinctive characteristics or effects associated with the proposed conditional use.

Yes

No X6-0

Reason:

Compared to other ice cream cake makers, it is not unique or distinctive, ~~as is~~ like the other such uses.

2. There will be an adverse impact upon the health, safety, or welfare of the public or the surrounding area.

Yes ___

No X

6-0

Reason:

There will not be increased traffic, no byproduct as a result of the cooking, and ~~only~~ only 1 employee.

3. Such impact differs substantially from the impact which would normally occur from such a use in that zone.

Yes ___

No X

6-0

Reason:

The impact is similar to the impact that would occur in this zone.

Conclusion: (check one)

X Option 1: The Board finds that all of the standards (1 through 11) described in section A above have been satisfied and that not all of the conditions (1 through 3) described in section B above are present, and therefore GRANTS the application.

6-0
___ Option 2: The Board finds that all of the standards (1 through 11) described in section A above have been satisfied, and that while not all of the conditions (1 through 3) described in section B above are present, certain additional conditions must be imposed to minimize adverse effects on other property in the neighborhood, and therefore GRANTS the application SUBJECT TO THE FOLLOWING CONDITIONS:

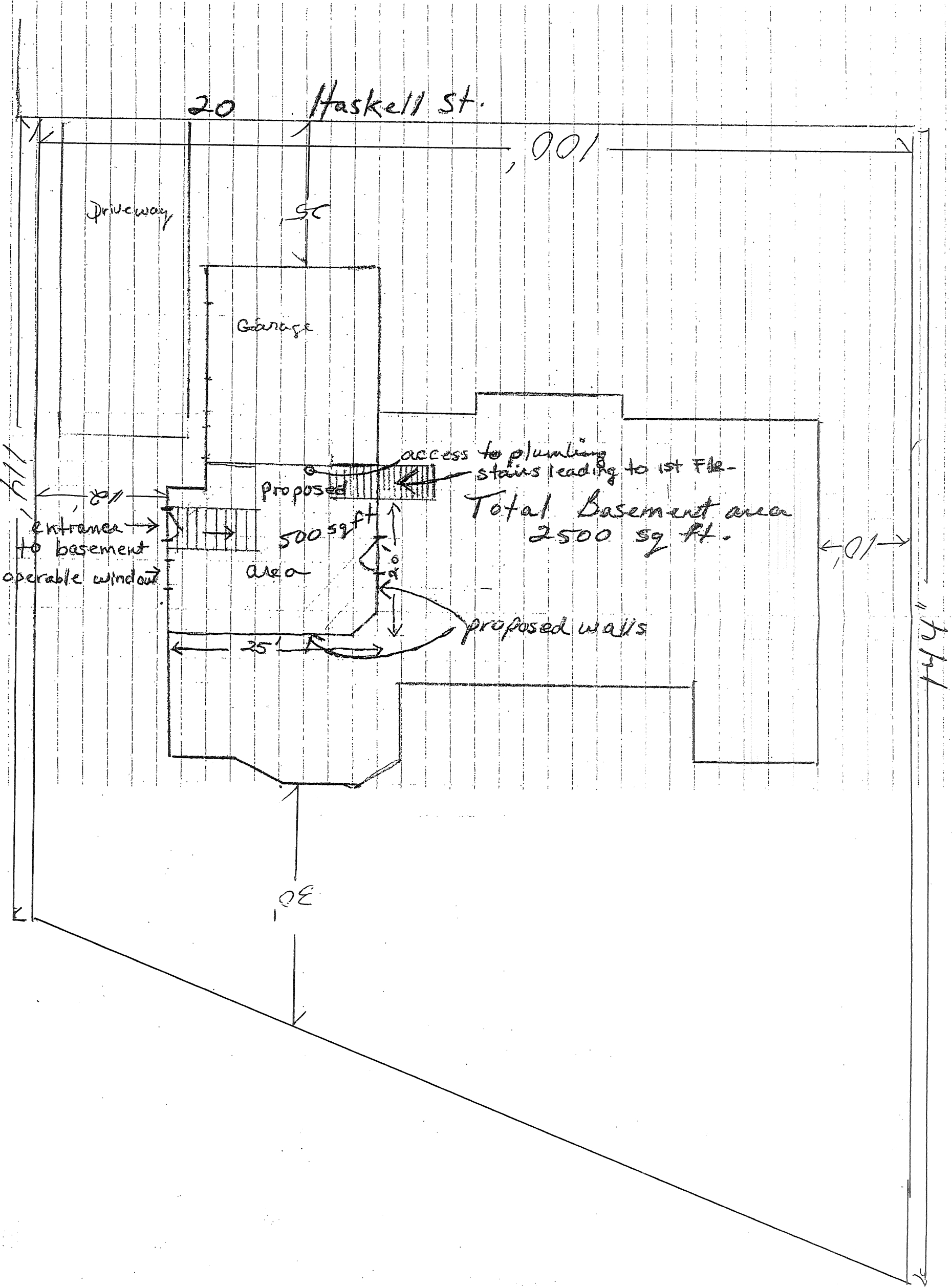
___ Option 3: The Board finds that not all of the standards (1 through 11) described in section A above have been satisfied and/or that all of the conditions (1 through 3) described in section B above are present, and therefore DENIES the application.

Dated:

3/20/08



Board Chair



20 Haskell St.

, 001

Driveway

SC

Garage

access to plumbing stairs leading to 1st Flr.

Proposed

Total Basement area 2500 sq ft.

entrance to basement operable window

500 sq ft area

proposed walls

25'

114'

30'

30'