

**PERMIT ISSUED**

**City of Portland, Maine - Building or Use Permit Application**

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

Permit No: 01-1503	Issue Date: DEC 19 2001	CBL: 337 C093001
-----------------------	----------------------------	---------------------

Location of Construction: 79 Stuart St	Owner Name: Jimino Alphonso &	Owner Address: 79 Stuart St	Phone: 874-4946
Business Name:	Contractor Name: no contractor/self	Contractor Address: n/a n/a	Phone:
Lessee/Buyer's Name:	Phone:	Permit Type: Additions - Dwellings	Zone: R-3

Past Use: 8.6' x 8.6' shed and 10' x 14' deck	Proposed Use: shed	Permit Fee: \$30.00	Cost of Work: \$350.00	CEO District: 1
--	-----------------------	------------------------	---------------------------	--------------------

FIRE DEPT: <i>N/A</i>	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: <i>123+</i> Type: <i>5B</i> <i>BOIA 1999</i>
Signature:		Signature: <i>[Signature]</i>

Proposed Project Description:  
remove 10' x 14' deck and legalize shed  
*be sure removed*

PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)

Action:  Approved  Approved w/Conditions  Denied

Signature: *[Signature]* Date:

Permit Taken By: gg	Date Applied For: 12/10/2001	<b>Zoning Approval</b>	
------------------------	---------------------------------	------------------------	--

<ol style="list-style-type: none"> <li>This permit application does not preclude the Applicant(s) from meeting applicable State and Federal Rules.</li> <li>Building permits do not include plumbing, septic or electrical work.</li> <li>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..</li> </ol>	<b>Special Zone or Reviews</b> <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 with conditions</i> Date: <i>12/12/01</i>	<b>Zoning Appeal</b> <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 <i>[Signature]</i> Date:	<b>Historic Preservation</b> <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>[Signature]</i> Date:
---	--	---	--

**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
---	------	-------

# All Purpose 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: <b>79 STUART ST</b>		
Total Square Footage of Proposed Structure <b>8.5 x 8.5</b>	Square Footage of Lot	
Tax Assessor's Chart, Block & Lot Chart# <b>337</b> Block# <b>C</b> Lot# <b>093</b>	Owner: <b>ALFONSO + PHYLLIS LIMINO</b>	Telephone: <b>878-4946</b>
Lessee/Buyer's Name (If Applicable)	Applicant name, address & telephone: <b>79 STUART ST PORTLAND ME</b>	Cost Of Work: \$ <b>350.00</b> Fee: \$ <b>-30-</b>
Current use: <b>STORAGE 8'1/2 x 8'1/2 shed</b>		
If the location is currently vacant, what was prior use: _____		
Approximately how long has it been vacant: _____		
Proposed use: <del>garage shed</del> <b>garage shed is existing, legalizing use of garage shed</b>		
<b>garage shed never had permit! per zoning officer</b>		
Contractor's name, address & telephone:		
Who should we contact when the permit is ready: <b>Alfonso Limino</b>		
Mailing address: <b>79 STUART ST PORTLAND ME 04103</b>		
		Phone: <b>878-4946</b>

IF THE REQUIRED INFORMATION IS NOT INCLUDED IN THE SUBMISSIONS THE PERMIT WILL BE AUTOMATICALLY DENIED AT THE DISCRETION OF THE BUILDING/PLANNING DEPARTMENT, WE MAY REQUIRE ADDITIONAL INFORMATION IN ORDER TO APPROVE THIS PERMIT.

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 of applicant: <b>Alfonso Limino</b>	Date: <b>12-10-01</b>
---	-----------------------

This is not a permit, you may not commence ANY work until the permit is issued. 2001

Application ID Number: 1-1503

Department: Zoning

Status: Approved with Conditions

Officer: Marge Schmuckal

Comments: 79 Stuart St.

Approval Date: 12/12/2001

Issue Date: 12/10/2001

OK to Issue Permit Name: Marge Schmuckal Date: 12/12/2001

Conditions Section:

This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.

Separate permits shall be required for future decks, sheds, pools, and/or garages.

Create Date: 12/10/2001 By: gg

Update Date: 12/12/2001 By: mes

THIS IS NOT A BOUNDARY SURVEY

MORTGAGE LOAN INSPECTION

No. 792-19

TO THE LENDING INSTITUTION AND ITS TITLE INSURER I hereby certify that the location of the dwelling shown on this plan did conform with the local zoning laws in effect at the time of construction. The property does not fall within a special flood hazard zone.

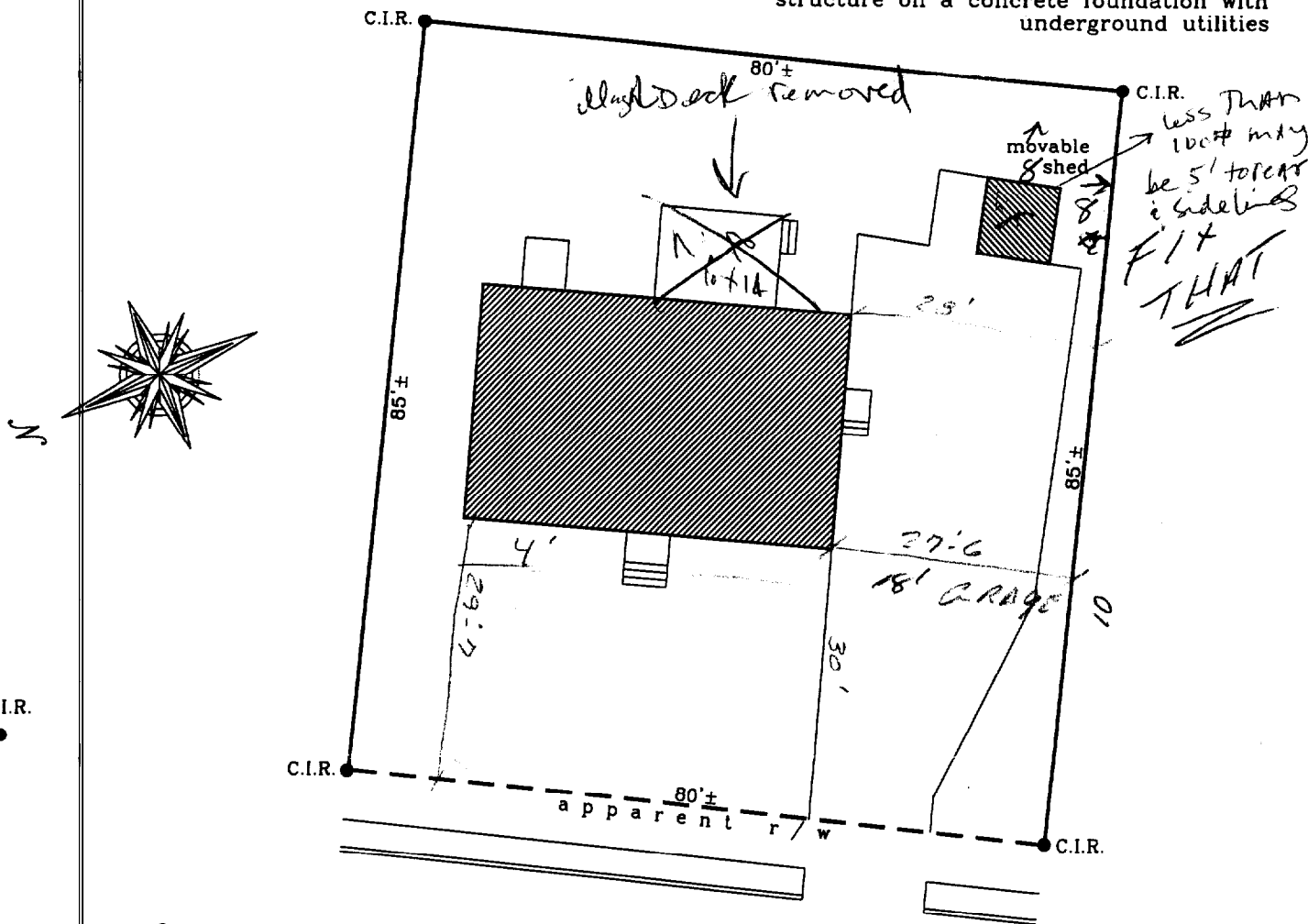
79 Stuart Street  
Portland  
Maine

BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ COUNTY Cumberland

PLAN BOOK 183 PAGE 51 LOT 20

Buyers: Alphonse Jimino and Phyllis Joan Jimino  
Sellers: Jason J. Lyons and Mary Tracey Lyons

The dwelling is a one story wood framed structure on a concrete foundation with underground utilities



less than  
100# may  
be 5' to eat  
in siding  
FIT  
THAT

*[Handwritten signature]*

Stuart Street

Setbacks  
FRONT 25'  
SIDE 8'  
REAR 25'  
Zone K3

THIS IS NOT A BOUNDARY SURVEY. This plan is based strictly on information provided by others and does not take into consideration any conflicts which abutting descriptions may contain. This plan was not made from an instrument survey. The certifications are for mortgage purposes only. This plan applies only to conditions existing as of the date shown hereon. This plan is not for recording.

Date 09-12-01 Scale 1"=20' Drawn by AC

**T** Titcomb Associates Falmouth, Maine



**CITY OF PORTLAND**

December 3, 2001

Alphonso & Phyllis Jimino  
79 Stuart Street  
Portland, ME 04103

RE: 79 Stuart Street – 337-C-093 – R-3 zone

Dear Mr. And Mrs. Jimino,

I am in receipt of your building permit to erect an 18' x 26' garage at 79 Stuart Street. This permit is being denied because with the construction of this garage, the maximum requirements for lot coverage in the R-3 zone would be surpassed. The maximum lot coverage in the R-3 zone is 25% (section 14-90(e)). According to the Assessors records, your lot is 6,783 square feet. 25% of that would be a maximum coverage allowance of 1695.75 square feet. My calculations of existing plus the new lot coverage would come to 1823.25 square feet. That results of an overage of 127.5 square feet over the allowed 25% maximum coverage.

Please note, as I related to you by phone, that my research of our files indicates that there have been no permits for several of the present structures on site. I do not find a permit, or variance to allow the rear 10' x 14' deck. This deck, according to your submitted plot plan, shows only a 19.5 foot rear setback instead of the required 25 foot. This deck shall be made to conform to the current zoning and building codes, by applying for a permit and adjusting its size to meet the required rear setback of 25 feet. It may also be removed to gain compliance.

The rear 8.5' x 8.5' shed also does not appear to have a permit on file. At present, the shed appears to meet the current setbacks for an accessory, detached structure, less than 100 square feet. However, to legalize this shed, it requires a permit and approvals thru this office.

My research did show that the rear bulkhead also extends into the rear setback. However, the Zoning Board of Appeals did grant a variance in 1991 for that rear setback for the bulkhead.

These outlined violations shall be corrected and all lot coverage issues be resolved prior to the issuance of your building permit for a new garage.

*12/12/01*  
*OK To issue permit*  
*GARAGE OK Now*  
*with illegal Deck removed*  
*& legalized The 8.5' x 8.5' Shed*

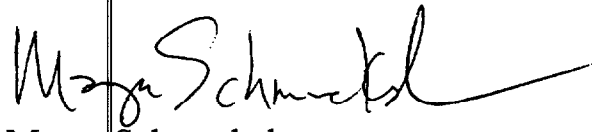
*12/10/01 - Deck removed - see permit # 01-1503*

*see permit # 01-150*

You have the right to request a variance appeal before the Zoning Board of Appeals to allow a greater lot coverage and closer setbacks to lot lines. Please note that the granting of such variances are very difficult to receive from the Board. If you wish to exercise your right to appeal, please contact this office for the appropriate paperwork and information that you would need for filing. Legally, you have 30 days from the date of this letter in which to appeal my determination.

This permit has not yet been reviewed for Building Code compliance. Building Code issues will be reviewed after the Zoning issues have been resolved.

Very truly yours,

  
 Marge Schmuckal  
 Zoning Administrator

Cc: File  
 Area Code Enforcement Officer  
 Mike Nugent

79 Stuart St

house = 26 x 42 = 1092

front entry = 4 x 6.5 = 26

rear bulkhead = 5 x 5 = 25  
1991 had appeal for setbacks

illegal deck = 10 x 14 = 140  
removed - r. setback

shed no permit on file setbacks ok = 8.5 x 8.5 = 72.25

proposed garage = 18' x 26' = 468

1823.25  
 140.00  
 1683.25

Removal of the deck  
 Allows the garage

1823.25  
 NO

6783  $\frac{1}{2}$  x 25  $\frac{1}{2}$  = 1695.75  
 max lot coverage

1275  
 Diff. from

permit # 01-1503