

City of Portland, Maine - Building or Use Permit Application 389 Congress Street, 04101, Tel: (207) 874-8703, FAX: 874-8716

Location of Construction: 33 Arthur Street, Portland 04103 Owner Address: Contractor Name: Past Use:	Owner: James & Denise Shea Leasee/Buyer's Name: Address: Proposed Use:	Phone: 878-3362 Business Name: Phone: Phone: PERMIT FEE: \$ ** INSPECTION: Use Group: Type:	Permit No: Permit Issued: Zone: R-3 CBL: 340-M-20 Zoning Approval: 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 major <input type="checkbox"/> minor <input type="checkbox"/> mm <input type="checkbox"/>
Proposed Project Description: Miscellaneous Appeal		Signature: PEDESTRIAN ACTIVITIES DISTRICT (P.U.D.) Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions: <input type="checkbox"/> Denied	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 Historic Preservation <input type="checkbox"/> Not in District or Landmark <input type="checkbox"/> Does Not Require Review <input type="checkbox"/> Requires Review Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied Date:
Permit Taken By: Vicki Dover Date Applied For: 11/25/96		Signature: Date: Signature: Date:	

1. This permit application doesn't 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..

**Fee waived as per Mr. Ganley

APPEAL DENIED 1/9/97

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 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

SIGNATURE OF APPLICANT: Denise M. Shea Denise Shea 33 Arthur Street, Portland, ME 04103 11/25/96
 ADDRESS: PHONE:
 RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE: PHONE:

CEO DISTRICT #17
 K. Carroll

File

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

Denise and James Shea
33 Arthur Street
Portland, ME 04103

November 8, 1996

RE: 33 Arthur Street

Dear Denise and James,

On September 20, 1996 I sent you information regarding appealing the height of your fence which is higher than what the Land Use Ordinance allows. I have also talked with you on the phone as to how to put together your appeal packet. You were notified in that original letter from me that you had 30 days in which to apply for that appeal. I can understand how you missed the first 30 days deadline since that was around the time of 125 year floods that we experienced. However, as I have told you since, you must act immediately in order to preserve your appeal rights.

As of this date, yet another appeal date deadline has passed and again you have not responded. I can only summarize that you do not wish to exercise your right to appeal. As I told you previously on the phone, you can not sit on this situation forever without taking any action. Therefore, it will be necessary to turn this matter over to our Corporation Counsel so that the City may pursue legal action against you in order to correct the Land Use violation of your fence height.

Very Truly Yours,

Marge Schmuckal
Zoning Administrator
Asst. Chief of Insp. Services

cc to: Joseph Gray, Jr., Dir. of Planning & Urban Dev.
P. Samuel Hoffses, Chief of Inspection Services
Kevin Carroll, Code Enforcement Officer

TRAFFIC DIVISION 874-8473 PHONE NO. JUN. 06 1997 10:54AM P01

ATTN: MARCE S.

TYLIN INTERNATIONAL

To: William J. Bray, Deputy Director of Public Works

From: Thomas A. Errico, P.E., Senior Traffic Engineer

Date: June 4, 1997

Subject: Fence Issue at the Corner of Homestead Avenue and 33 Arthur Street

Copy: Lucie Cote, Associate Engineer

File in

MEMORANDUM

In response to a request from Lucie Cote, I have performed an evaluation relative to an existing fence located on the property of 33 Arthur Street. Specifically, my evaluation assessed the impact of the fence on traffic conditions at the Homestead Avenue/Arthur Street intersection and at the driveway servicing 33 Homestead Avenue. The results are summarized below.

- The primary issue related to whether the fence is a traffic hazard at the Homestead Avenue/Arthur Street intersection is the possible restriction of sight distance for vehicles turning from Arthur Street onto Homestead Avenue. A field survey was performed, assuming a vehicle stops on Arthur Street 10-15 feet from the edge of travel way, and the height of eye of the driver is approximately 3.5 feet above the road surface. Based upon the survey, over 300 feet of sight is available in the direction of the fence. Standards contained in the publication Access Management Improving the Efficiency of Maine Arterials, Maine Department of Transportation, indicates the minimum acceptable sight distance for a road with speeds of 25 mph is 250 feet. Accordingly, the existing fence at 33 Arthur Street does not appear to contribute to a safety hazard at the Homestead Avenue/Arthur Street intersection.
- A second issue is related to sight obstruction, caused by the fence at 33 Arthur Street, for vehicles backing out of the driveway servicing 33 Homestead Avenue. Measurements were taken in the field indicating the fence on 33 Arthur Street is located approximately 12 feet from the pavement edge on Homestead Avenue. Based upon national standards, for a vehicle that is 19 feet long, the drivers sight is approximately 12 feet from the rear end of the vehicle. Based upon this data, the rear of the vehicle will be located approximately at the edge of pavement on Homestead Avenue, at the point when sight is no longer obstructed by the fence. Considering the street is 30 feet wide (6 feet wider than the City's residential standard), and the volume of traffic on Homestead Avenue is low, no significant traffic impact appears to exist as a result of the fence.

FLA

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

Denise and James Shea
33 Arthur Street
Portland, Maine 04103

September 20, 1996

RE: 33 Arthur Street

Dear Denise and James,

I have enclosed copies of information for your appeal for the fence. As explained to you previously, the Land Use Ordinance (section 14-426) requires that fences in residential zone that are within 25 feet of a street line shall not be more than four (4) feet in height. Presently, your fence has been measured to be 6 feet in height.

If you choose to appeal this requirement, it will be necessary to respond within 30 days of the receipt of this letter as outlined on the enclosed information. If you have any questions regarding this matter, please do not hesitate to contact me at 874-8300 ext 8695.

Sincerely,

Marge Schmuckal
Zoning Administrator
Asst. Chief of Insp. Services

cc to: Kevin Carroll, Code Enforcement Officer
P. Samuel Hoffses, Chief of Inspection Services
Joseph Gray, Jr., Dir. of Planning & Urban Dev.