

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

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

Permit No: 09-1161	Issue Date:	CBL: 392 B025001
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Location of Construction: 131 HOPE AVE	Owner Name: MARTIN JEFFREY Y & KIRSTEN	Owner Address: 131 HOPE LN	Phone:
Business Name:	Contractor Name: property owner	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Dwellings	Zone: R-2

Past Use: Single Family Home	Proposed Use: Single Family Home - finish basement non-structural changes	Permit Fee: \$70.00	Cost of Work: \$5,000.00	CEO District: 5	44,161 #
		FIRE DEPT: <input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION: Use Group: R3 Type: SB IRC 2003		

Proposed Project Description: finish basement non-structural changes	Signature:	Signature: <i>Jm 11/13/09</i>
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: Ldobson	Date Applied For: 10/20/2009	<b>Zoning Approval</b>
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<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"/> Date: <i>9/11/13/09</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 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 Date:
	<i>ok with conditions</i>		

**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.

PERMIT ISSUED

SIGNATURE OF APPLICANT	ADDRESS	DATE: <b>NOV 13 2009</b>	PHONE
RESPONSIBLE PERSON IN CHARGE OF WORK, TITLE		DATE: <b>City of Portland</b>	PHONE

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Business Name:	Contractor Name: property owner	Contractor Address:	Phone:
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Dwellings	

Proposed Use: Single Family Home - finish basement non-structural changes	Proposed Project Description: finish basement non-structural changes
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<b>Dept:</b> Zoning	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Marge Schmuckal	<b>Approval Date:</b> 11/13/2009
<b>Note:</b>	<b>Ok to Issue:</b> <input checked="" type="checkbox"/>		
<p>1) The bar sink in the basement shall be no larger than 17" x 19". If there are any changes to that, this office needs to know PRIOR to any installation.</p> <p>2) Separate permits shall be required for future decks, sheds, pools, and/or garages. Separate permits shall be required for any new bathrooms or entry way(s) into the basement area.</p> <p>3) This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval. The basement is NOT a separate living unit, only a family room. It shall NOT be leased out separately.</p> <p>4) This permit is being approved on the basis of plans submitted and supplemental plans submitted. Any deviations shall require a separate approval before starting that work.</p>			

<b>Dept:</b> Building	<b>Status:</b> Approved with Conditions	<b>Reviewer:</b> Tom Markley	<b>Approval Date:</b> 11/13/2009
<b>Note:</b>	<b>Ok to Issue:</b> <input checked="" type="checkbox"/>		
<p>1) Separate permits are required for any electrical, plumbing, sprinkler, fire alarm or HVAC or exhaust systems. Separate plans may need to be submitted for approval as a part of this process.</p> <p>2) Application approval based upon information provided by applicant. Any deviation from approved plans requires separate review and approval prior to work.</p>			

<b>Comments:</b>
10/21/2009-mes: This looks like additional kitchen facilities are being added for a 2nd unit - I will write a letter.
11/12/2009-mes: I spoke to both the husband and wife - Both do not like my letter and called Penny - Penny & I discussed on 11/10/09 - Penny will ask for more information concerning the new entry & new floor layout as to how this basement connects with the main house. - still on hold
11/13/2009-mes: Penny received an e-mail with a new drawing that depicts only the existing entrances/exits - the owners will be limited to that - Permit being issued with conditions.

**PERMIT ISSUED**

NOV 13 2009

City of Portland



**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 inspection required at completion of work.**

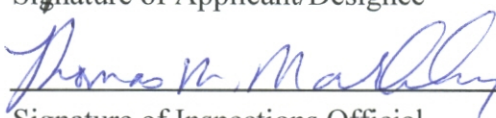
Certificate of Occupancy is not required for certain projects. Your inspector can advise you if your project requires a Certificate of Occupancy. All projects DO require a final inspection.

**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

  11/16/09    
Date/

  
\_\_\_\_\_  
Signature of Inspections Official

  11/13/09    
Date

**PERMIT ISSUED**

NOV 3 2009

City of Portland



# 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>131 Hope Ave Portland ME 04103</u>		
Total Square Footage of Proposed Structure/Area: <u>960</u>	Square Footage of Lot: <u>1.04 acres</u>	
Tax Assessor's Chart, Block & Lot Chart# <u>392</u> Block# <u>B</u> Lot# <u>25</u>	Applicant * <b>must be owner, Lessee or Buyer</b> * Name <u>Jeffrey Martin</u> Address <u>131 Hope Ave</u> City, State & Zip <u>Portland ME 04103</u>	Telephone: <u>650-6196</u>
Lessee/DBA (If Applicable) <b>RECEIVED</b> <b>OCT 20 2009</b> <b>Dept. of Building Inspections</b> <b>City of Portland, Maine</b>	Owner (if different from Applicant) Name _____ Address _____ City, State & Zip _____	Cost Of Work: \$ <u>5,000.00</u> C of O Fee: \$ _____ Total Fee: \$ <u>70.00</u>
Current legal use (i.e. single family) <u>single family</u> If vacant, what was the previous use: <u>na</u> Proposed Specific use: <u>na</u> Is property part of a subdivision? <u>yes</u> If yes, please name <u>Presumpt River Place III</u> Project description: <u>Finish Basement, non structural changes (Rec Room no Bedrm)</u>		
Contractor's name: <u>Jeffrey Martin</u> Address: <u>same</u> City, State & Zip _____ Telephone: _____ Who should we contact when the permit is ready: <u>Kirsten Martin</u> Telephone: <u>650-6196</u> Mailing address: <u>131 Hope Ave Portland ME 04103</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](http://www.portlandmaine.gov), or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

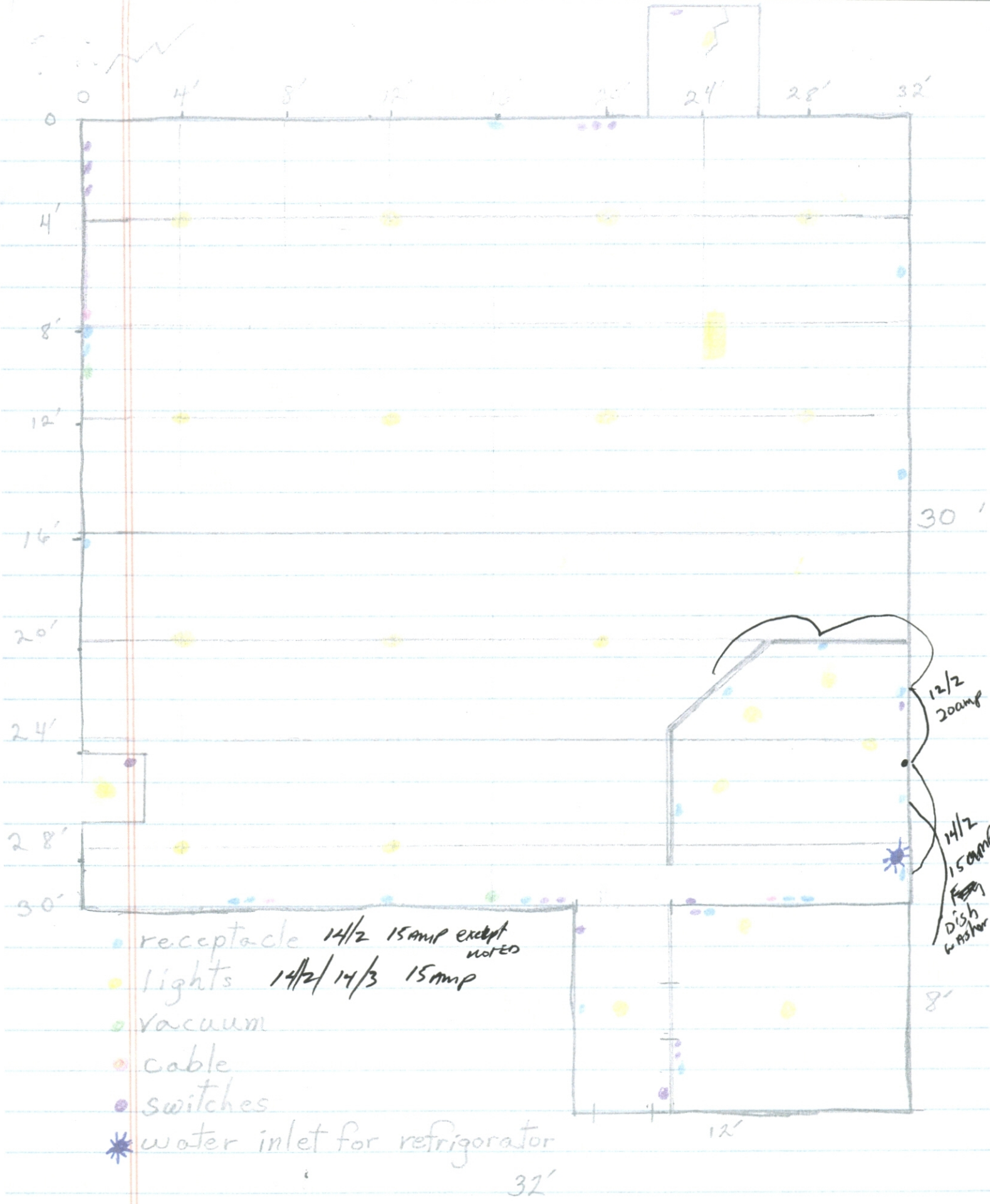
I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, 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:  Date: 10/20/09

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







- receptacle 14/2 15amp except noted
- lights 14/2/14/3 15amp
- vacuum
- cable
- switches
- ★ water inlet for refrigerator

12/2  
20amp  
14/2  
15amp  
Dish  
Washer

32'

30'

12'

8'



# Mathn Basement B1 here are



There shall be NO NEW  
entrances/exits added from  
The basement AREA

INSPECTION  
NOV 13 2009  
RECEIVED

DEPT. OF BUILDING INSPECTION  
CITY OF PORTLAND, ME  
NOV 13 2009  
RECEIVED



# PORTLAND MAINE

*Strengthening a Remarkable City, Building a Community for Life • [www.portlandmaine.gov](http://www.portlandmaine.gov)*

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

October 23, 2009

Kirsten & Jeffrey Martin  
131 Hope Avenue  
Portland, Maine 04103

RE: 131 Hope Avenue – 392-B-025 – R-2 Zone – Permit #09-1161

Dear Mr. & Mrs. Martin,

I am in receipt of your permit to finish off the basement area of your single family dwelling at 131 Hope Avenue. The proposed changes that you are showing include kitchen facilities with a refrigerator, sink, counters and a dishwasher. My Zoning concern is that this basement area is a 2<sup>nd</sup> living unit which is not allowable under the R-2 Zone that this property is located within. There is an allowance in the Land Use Zoning Ordinance for an accessory dwelling unit under the R-2 Conditional Uses. It is the additional kitchen facilities that trigger this concern.

Your permit is on hold at this time until the use concern is figured out. I am attaching copies of the ordinance concerning an accessory dwelling unit in the R-2 Zone. If you wish to further pursue this option, please let me know and I will get appeal information to you. If you wish to amend your plans deleting the kitchen facilities, the permit can be processed further for building code review.

If you have any questions regarding this matter, please feel free to call me at 874-8695.

Very truly yours,

Marge Schmuckal  
Zoning Administrator

enclosures

11/13/09 - Discussions with Penny who had e-mails with owner - Daughter is impaired and needs a lot of ice-water - it is important - permit to be issued with conditions



**From:** "Kirsten Martin" <Kirsten@foresidemanagement.com>  
**To:** "Penny Littell" <PL@portlandmaine.gov>  
**Date:** 11/13/2009 9:16:14 AM  
**Subject:** RE: 131 Hope Ave

Attached is a rough sketch of the basement with the two existing entrances. The one to the backyard is a doghouse with a door to the backyard. The other door goes upstairs to the first floor. Again both of these are original existing doors with no changes proposed. The stairs to the outside are staying the same. The only thing we want to do is sheetrock the walls add a ceiling and floor. If someone from the city would like to come and inspect my house every month after the room is finished to make sure we don't have an accessory dwelling unit that would be fine by us. Please let me know if you have any other questions.

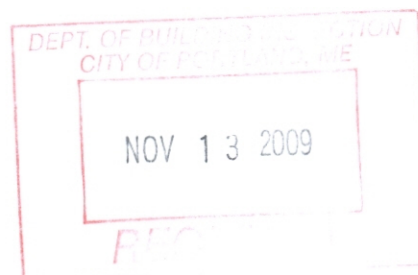
Kirsten Martin

-----Original Message-----

**From:** Penny Littell [mailto:PL@portlandmaine.gov]  
**Sent:** Thursday, November 12, 2009 2:54 PM  
**To:** Kirsten@foresidemanagement.com  
**Subject:** RE: 131 Hope Ave

Ms. Martin. I have spoken with the Zoning Administrator. I have a couple of follow-up questions. Can you explain to me the need for the second entrance to the basement that is being proposed? Also, can you provide the floor layout for the existing basement entrance and where it connects to the first floor living space.

If you would also email me your telephone number I will follow up with a call after reviewing your additional information. Thank you.



**From:** Penny Littell  
**To:** Kirsten Martin  
**Date:** 11/12/2009 2:53:32 PM  
**Subject:** RE: 131 Hope Ave

Ms. Martin. I have spoken with the Zoning Administrator. I have a couple of follow-up questions. Can you explain to me the need for the second entrance to the basement that is being proposed? Also, can you provide the floor layout for the existing basement entrance and where it connects to the first floor living space.

If you would also email me your telephone number I will follow up with a call after reviewing your additional information. Thank you.



**From:** Penny Littell  
**To:** Marge Schmuckal  
**Date:** 11/13/2009 12:04:31 PM  
**Subject:** Fwd: 131 Hope Ave

>>> "Kirsten Martin" <Kirsten@foresidemanagement.com> 11/5/2009 12:56:39 PM >>>

I am writing to you to discuss an issue I am having with Marge Schmuckel. I recently submitted an application for a building permit. The permit is to finish off half of our basement. The intention is to have a family recreation room with a pool table, bar and television viewing area and a table to play board games. Marge is taking issue with the bar. It will consist of a bar sink, a beer dispenser, a refrigerator with ice maker and a dishwasher.

*per definition*

She is calling the bar a kitchen. We went over my reasons for the size of the appliances, which is the cost of full size, is less expensive than under the counter refrigerator with an icemaker and an 18" Dishwasher. She said why you don't just put a dorm fridge in it. I said that I needed an ice maker and this was the most cost effective way to go. She then said it was her duty to make sure that when we go to sell the house that prospective buyers would not look at the space and think that they could easily turn it into an accessory dwelling unit.

My husband tried to call her and they played phone tag. She left him a message where she stated that she wouldn't be inconvenienced to go upstairs to get ice. I have a huge issue with this statement. Marge should not be using her personal opinions in determining who gets permits. I do need an ice maker and it is a huge issue to have to travel upstairs for ice.

I have a 12 year old handicapped child. Her name is Emily Martin. She is in the FLS class at Lyman Moore School. She has had over 40 operations and did not eat or drink independently until she was 6 years old. The only liquid my daughter will drink is ice water. She is unstable on her feet and it would be unsafe for her to travel upstairs to get ice and water. She drinks an extreme amount of ice water in a day. She takes a lot of medication and has a thyroid issue on top of her other handicaps.

I am requesting that you issue this permit and I would be willing to sign a letter stating that we will remove the refridgerator if or when we sell our home. If you would like me to get a letter from Emily's Doctor(s) I would be glad to do so. I/We are not building an accessory dwelling unit at 131 Hope Ave. We just want to provide a safe and enjoyable room for our family.

Thank you.

Kirsten Martin

**From:** Penny Littell  
**To:** Marge Schmuckal  
**Date:** 11/13/2009 12:04:59 PM  
**Subject:** Fwd: RE: 131 Hope Ave

>>> "Kirsten Martin" <Kirsten@foresidemanagement.com> 11/11/2009 2:32:59 PM >>>

Thank you, Have you spoken to Marge yet.

Kirsten

-----Original Message-----

From: Penny Littell [mailto:PL@portlandmaine.gov]  
Sent: Thursday, November 05, 2009 7:02 PM  
To: [Kirsten@foresidemanagement.com](mailto:Kirsten@foresidemanagement.com)  
Subject: Re: 131 Hope Ave

Ms. Martin. Thank you for your email. I will speak with Marge about this issue. I am certain it can be resolved. I am in DC on business through tomorrow but will address it Monday.

-----Original Message-----

From: "Kirsten Martin" <Kirsten@foresidemanagement.com>  
To: Penny Littell <PL@portlandmaine.gov>  
Creation Date: 11/5 12:56 pm  
Subject: 131 Hope Ave

I am writing to you to discuss an issue I am having with Marge Schmuckel. I recently submitted an application for a building permit. The permit is to finish off half of our basement. The intention is to have a family recreation room with a pool table, bar and television viewing area and a table to play board games. Marge is taking issue with the bar. It will consist of a bar sink, a beer dispenser, a refrigerator with ice maker and a dishwasher.

She is calling the bar a kitchen. We went over my reasons for the size of the appliances, which is the cost of full size, is less expensive than under the counter refrigerator with an icemaker and an 18" Dishwasher. She said why you don't just put a dorm fridge in it. I said that I needed and ice maker and this was the most cost effective way to go. She then said it was her duty to make sure that when we go to sell the house that prospective buyers would not look at the space and think that they could easily turn



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Thank you.

Kirsten Martin

**From:** Penny Littell  
**To:** Marge Schmuckal  
**Date:** 11/13/2009 12:05:53 PM  
**Subject:** Fwd: Re: 131 Hope Ave

>>> <kirsten@foresidemanagement.com> 11/12/2009 3:22:54 PM >>>

There is no new entrances when the house was built there was a door to the backyard and a door and stair well to the first floor. These are existing since 2003. My number is 650 6196.

-----Original Message-----

From: Penny Littell  
To: [Kirsten@foresidemanagement.com](mailto:kirsten@foresidemanagement.com)  
Subject: RE: 131 Hope Ave  
Sent: Nov 12, 2009 2:53 PM

Ms. Martin. I have spoken with the Zoning Administrator. I have a couple of follow-up questions. Can you explain to me the need for the second entrance to the basement that is being proposed? Also, can you provide the floor layout for the existing basement entrance and where it connects to the first floor living space.

If you would also email me your telephone number I will follow up with a call after reviewing your additional information. Thank you.

Sent from my Verizon Wireless BlackBerry

*Dwelling, two-family:* A detached building or pair of attached buildings used exclusively for occupancy by two (2) families living independently of each other.

*Dwelling, multifamily:* A building or portion thereof containing three (3) or more dwelling units.

*Dwelling unit:* One (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit.

*Earth moving activity* means any removal or placement, excavation, filling, stockpiling or grading of soil, earth, loam, sand, gravel, rock and other mineral deposits.

*Emergency operations:* Emergency operations shall include operations conducted for the public health, safety or general welfare, such as protection of resources from immediate destruction or loss, law enforcement, and operations to rescue human beings and livestock from the threat of destruction or injury.

*Emergency shelter:* A facility providing temporary overnight shelter to homeless individuals in a dormitory-style or per-bed arrangement.

*Essential services:* The construction, alteration or maintenance of gas, electrical or communication facilities; steam, fuel, electric power or water transmission or distribution lines, towers and related equipment; telephone cables or lines, poles and related equipment; gas, oil, water, slurry or other similar pipelines; municipal sewage lines, collection or supply systems; and associated storage tanks. Such systems may include towers, poles, wires, mains, drains, pipes, conduits, cables, fire alarms and police call boxes, traffic signals, hydrants and similar accessories, but shall not include service drops or buildings which are necessary for the furnishing of such services.

*Fabrication:* Manufacturing, excluding the refining or other initial processing of basic raw materials such as metal ores, lumber or rubber. Fabrication relates to stamping, cutting, or otherwise shaping the processed materials into useful objects.

*Family:* Not more than sixteen (16) individuals living together in a dwelling unit as a single nonprofit housekeeping unit. A group occupying a hotel, fraternity house or sorority house shall not be considered as a family. The family may include necessary servants.



*Dwelling, two-family:* A detached building or pair of attached buildings used exclusively for occupancy by two (2) families living independently of each other.

*Dwelling, multifamily:* A building or portion thereof containing three (3) or more dwelling units.

*Dwelling unit:* One (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit.

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*Family:* Not more than sixteen (16) individuals living together in a dwelling unit as a single nonprofit housekeeping unit. A group occupying a hotel, fraternity house or sorority house shall not be considered as a family. The family may include necessary servants.

games of skill or games of chance licensed either by the city or by the State of Maine.

*Inn:* A building used for more or less temporary occupancy of individuals, who are lodged with or without meals, having ten (10) but not no more than fifty (50) rooms. Guest rooms shall not contain separate kitchen facilities. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and breakfast facility, hotel, inn, lodging house, motel, or tourist home (as defined in this code) may, for direct or indirect economic remuneration, arrange for or provide any housing accommodations including but not limited to long term, short term or overnight accommodations for an actual or potential guest, customer, or patron of the business at any off-premises site in the city, unless such a facility is authorized, under the applicable provisions of Portland's land use code, to offer such accommodations as a bed and breakfast, hotel, inn, lodging house, motel or tourist home.

*Intermediate care facility:* A facility which provides, on a regular basis, health-related care and services to individuals who do not require the degree of care and treatment which a hospital or extended care facility is designed to provide but who, because of their mental or physical condition, require such care and services above the level of room and board. Said facility must be licensed as a board care facility pursuant to the regulations promulgated by the State of Maine Department of Human Services.

*Kitchen facilities:* Facilities used for the preparation of meals, including refrigerators and devices used for the cooking and preparation of food.

*Light manufacturing use:* The fully enclosed assembly or fabrication of materials but excluding basic processes such as smelting, refining, distilling, forging, brewing, and similar processes involving converting raw materials to a finished or semifinished product.

*Lodging house:* A house, building or portion thereof containing two (2) or more rooming units and providing such units, with or without meals, to individuals or not less than a weekly or monthly basis for compensation. A lodging house, except for lodging houses located in the IR-2, IR-3 and I-B zones, shall contain common areas for use by all residents, including a kitchen. A kitchen need not be available as part of the common areas where all meals are provided on a daily basis. No owner, operator, director, employee, shareholder, partner, corporate officer or agent of a bed and