

City of Portland, Maine - Building or Use Permit Application

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

Permit No:	04-0544	Issue Date:		CBR:	340 D004001
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Location of Construction:	1435 Forest Ave	Owner Name:	Filomena's Properties LLC	Owner Address:	27 Winslow Rd	Phone:	
Business Name:		Contractor Name:	Applicant	Contractor Address:	Portland	Phone:	
Lessee/Buyer's Name		Phone:		Permit Type:	Signs - Permanent	Zone:	R3

Past Use:	Restaurant	Proposed Use:	Restaurant/ Add painted sign to side of steps in a 4x4 area	Permit Fee:	\$94.00	Cost of Work:	\$94.00	CEO District:	5
				FIRE DEPT:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied	INSPECTION:	Use Group:	Type:	

Proposed Project Description:	Add painted sign to side of steps in a 4x4 area "Chinese Food"	Signature:		Signature:	
Permit Taken By:	Idobson	Date Applied For:	05/06/2004	Zoning Approval	
				PEDESTRIAN ACTIVITIES DISTRICT (P.A.D.)	
				Action: <input type="checkbox"/> Approved <input type="checkbox"/> Approved w/Conditions <input type="checkbox"/> Denied	Date:
				Signature:	

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

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 _____

Zoning Division
Marge Schmuckel
Zoning Administrator

Department of Planning & Development
Lee Urban, Director



CITY OF PORTLAND

May 13, 2004

Chi Li
1435 Forest Avenue
Portland, ME 04103

RE: 1435 Forest Avenue – 430-D-004 – R-3 Residential Zone – permit #04-0544

Dear Mr. Li,

I am in receipt of your sign application to request to paint signs attached to the entry stairs to the Fortune Garden at 1435 Forest Avenue. Your permit is being denied because these signs were never legally permitted and have expanded your legal nonconformity for signage on this property.

Our records show a permit application on October 7, 2002 for replacing panels in existing building signs. These signs were very specifically denoted for the two wall signs 2.5' x 8' on either side of the entry and for the 5' x 6' projecting sign over the sidewalk. Those were the ONLY approved signs. There was a very specific condition on that permit approval which stated: "This permit is only permitting the changing of the panels within existing signs. Legal nonconforming uses shall NOT allow the increase in the square foot of signage".

According to the area code enforcement officer, these signs are already in place. They are required to be removed within ten (10) days of the receipt of this letter.

You have the right to appeal my decision concerning these signs. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to appeal. If you should fail to do so, my decision is binding and not subject to appeals. Please contact this office for the information on how to appeal.

Very truly yours,

Marge Schmuckel
Marge Schmuckel, Zoning Administrator

Cc: Kevin Carroll, Code Enforcement Officer

6/25/04
No Appeal -
signs
will
be removed

City of Portland
Inspection Services
RETURN OF SERVICE

430-D-004

On the 14th day of May, 2004, I made service of the

Notice of Denial of S&S Permit dated 5/13/04 upon Ch. Li

at 1435 Street NW (430-D-004)

By delivering a copy in hand.

By leaving copies at the individual's dwelling house or usual place of abode with a person of suitable age or discretion who resides therein and whose name is

By delivering a copy to an agent authorized to receive service of process, and whose name is _____

By (describe other manner of service) _____

DATED: 5/14/04

[Signature]
Signature of Person Making Service

Cell Enforcement Officer
Title

I have received the above-referenced documents
Signature of Person Receiving Service

Refused to Sign
 Unable to Sign

Signage/Awning 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.

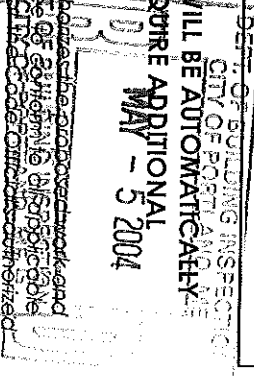
Location/Address of Construction: <u>1435 Pontard Ave Pontard</u>	
Total Square Footage of Proposed Structure <u>ALREADY EXIST, JUST PAINTING</u>	Square Footage of Lot <u>75x 150</u>
Tax Assessor's Chart, Block & Lot Chart# <u>340</u> Block# <u>D</u> Lot# <u>004</u> Owner: <u>CHILI</u>	Telephone: <u>878-8989</u>
Lessee/Buyer's Name (if Applicable) <u>Fortune Graham</u>	Applicant name, address & telephone: <u>1435 Forest Ave Pontard, NC 2703</u>
Current use: <u>RESTAURANT</u>	Total s.f. of signage x \$2.00 per s.f. plus \$30.00/\$65.00 for H.D. signage = Total Fee: \$ <u> </u> Awning Fee = Cost Of Work: \$ <u> </u> Total Fee: \$ <u>94.00</u>
If the location is currently vacant, what was prior use: <u>N/A</u>	
Approximately how long has it been vacant: <u>N/A</u>	
Proposed use: <u>N/A</u>	
Project description: _____	
Contractor's name, address & telephone: _____	
Whom should we contact when the permit is ready: <u>CHILI</u>	
Mailing address: <u>1435 Forest Ave Pontard NC 2703</u>	

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 authorized me to execute this application and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to submit to the City of Post and Vine 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: [Signature] Date: MAY 1 2004

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



SIGNAGE/AWNING PRE-APPLICATION QUESTIONNAIRE

PLEASE COMPLETE ALL INFORMATION

ADDRESS: 1435 FOREST AVE PORTLAND ZONE:

CBL: _____

SINGLE TENANT LOT? YES NO _____ MULTI TENANT LOT? YES _____ NO _____
MORE THAN ONE SIGN TOTAL WITH PROPOSED SIGN? YES NO _____

TENANT/ALLOCATED BUILDING SPACE FRONTAGE (FEET):

Length: 50' Height: 22'

INFORMATION ON PROPOSED SIGN(S):

FREESTANDING (e.g., pole) SIGN? YES _____ NO DIMENSIONS PROPOSED: _____
BLDG. ~~WALL~~ SIGN? (attached to bldg) YES NO _____ DIMENSIONS PROPOSED: 4x4
STAND-ALONE

INFORMATION ON ALREADY EXISTING AND PERMITTED SIGN(S):

FREESTANDING (e.g., pole) SIGN? YES _____ NO DIMENSIONS: _____
BLDG. WALL SIGN(attached to bldg) ? YES NO _____ DIMENSIONS: 5'x6' 2x 2
AWNING? YES _____ NO _____ DIMENSIONS: _____
LOT FRONTAGE (FEET): 75'

AWNING YES _____ NO IS AWNING BACKLIT? YES _____ NO _____
HEIGHT OF AWNING: _____ LENGTH OF AWNING: _____ DEPTH: _____

IS THERE ANY COMMUNICATION, MESSAGE, TRADEMARK OR SYMBOL ON IT? YES _____ NO

IF YES, TOTAL S.F. OF PANELS WITH COMMUNICATIONS/MESSAGE/TRADEMARK/SYMBOL? _____ s.f.

A SITE SKETCH AND BUILDING SKETCH SHOWING EXACTLY WHERE EXISTING AND NEW SIGNAGE IS LOCATED MUST BE PROVIDED. SKETCHES AND/OR PICTURES OF PROPOSED SIGNAGE ARE ALSO REQUIRED.

SIGNATURE OF APPLICANT: [Signature] DATE: 5/3/04

***** FOR OFFICE USE ONLY *****

CHECKLIST FOR SIGN/AWNING APPLICATION

Applicants for a sign or awning permit are required to submit the following information to the Code Enforcement Office at the time of application:

- Certificate of Liability listing the City as additional insured if any portion of the sign abuts or encroaches on any public right of way, or can fall into any public right of way. Amount must equal \$400,000.00.
 - Letter of permission from the owner indicating the permissions granted and the tenant/space building frontage.
 - A sketch plan of lot, indicating location of buildings, driveways, and any abutting streets or rights of way, lengths of building frontages, street frontages, and all existing setbacks. Indicate on the plan all existing and proposed signs with their dimensions and specific locations. Be sure to include distance from the ground and building facade dimensions for any signage attached to a building.
 - A sketch or photo of any proposed sign(s) indicating *content, dimensions, materials, source of illumination, and construction method, as well as specifics of installation/attachment.*
 - Certificate of Flammability required for awning or canopy at time of application.
 - UL# required for lighted signs at the time of Final Inspection. Failure to provide this information will invalidate the Sign Permit.
 - Pre-Application Questionnaire completed and attached. Photos of existing signage attached.
 - Permit Fee for signage or awning-with-signage:
\$30.00 plus \$2.00 per square foot of sign.
 - Permit Fee for awning-without-signage is based on cost of work:
\$30.00 for the first \$1,000.00, plus \$9.00 for each additional \$1,000.00.
- Base Application Fee for any Historic District signage is \$65.00 instead of \$30.00

Sidewalk Signs

Design, Location, and Construction Standards

Quantity

One sign per establishment for each street frontage having a public entrance, provided that all dimension and location standards are met. When standards would not otherwise permit a sign, a sign may consist of multiple listings.

Sign Dimensions

Single Listing: Maximum width is 24 inches or such lesser width sufficient to retain 4 ½ feet of unobstructed sidewalk width perpendicular to major flows. Maximum height is 40 inches to top of sign in place. Minimum height is 30 inches to top of sign in place.

Multiple: Maximum width is 30 inches or such lesser width sufficient to retain 4 ½ feet of unobstructed sidewalk width perpendicular to major flows. Maximum height is 40 inches to top of sign in place. Minimum height is 30 inches to top of sign in place.

Location

Minimum distance between signs is 20 feet. Maximum distance of sign from public entrance of advertiser is 20 feet. The City may vary these distances for exceptional physical circumstances where public safety and streetscape aesthetics will be maintained. However, under no circumstances shall signs obstruct vehicular stops, benches, fire hydrants, or other street visual amenities. Signs shall be located near the curb rather than the building face.

Materials and Graphics

All signs shall be of an A-Frame type design, shall be constructed of durable, weather-resistant materials and finish, shall have no moving parts, and shall be non-electrified. All signs shall be maintained in a clean and original appearance. Sign materials, graphics, and finish shall be of a unified design and shall be compatible with the local streetscape. All signs shall have horizontal braces spanning each side of the sign to assure rigid support. Lettering shall be legible and consistent.

Sign Removal

All signs shall be removed when the business is closed or while any snow or ice exists on the walk within eight feet of the sign in any direction.

Insurance

No permit shall be issued unless the applicant has posted in advance with the City a Certificate of Liability listing the City as additional insured in the amount of \$400,000.00.

Enforcement

A sign may be removed after notice to the owner and the permit, if issued, may be revoked if the sign does not conform to the standards herein.

For a sidewalk sign permit, come to City Hall, 389 Congress Street, Room 315, with:

_____ Certificate of Liability Insurance

_____ Drawing of sign showing dimensions and design work

_____ Payment of \$30.00 plus \$2.00 per s.f. of signage.

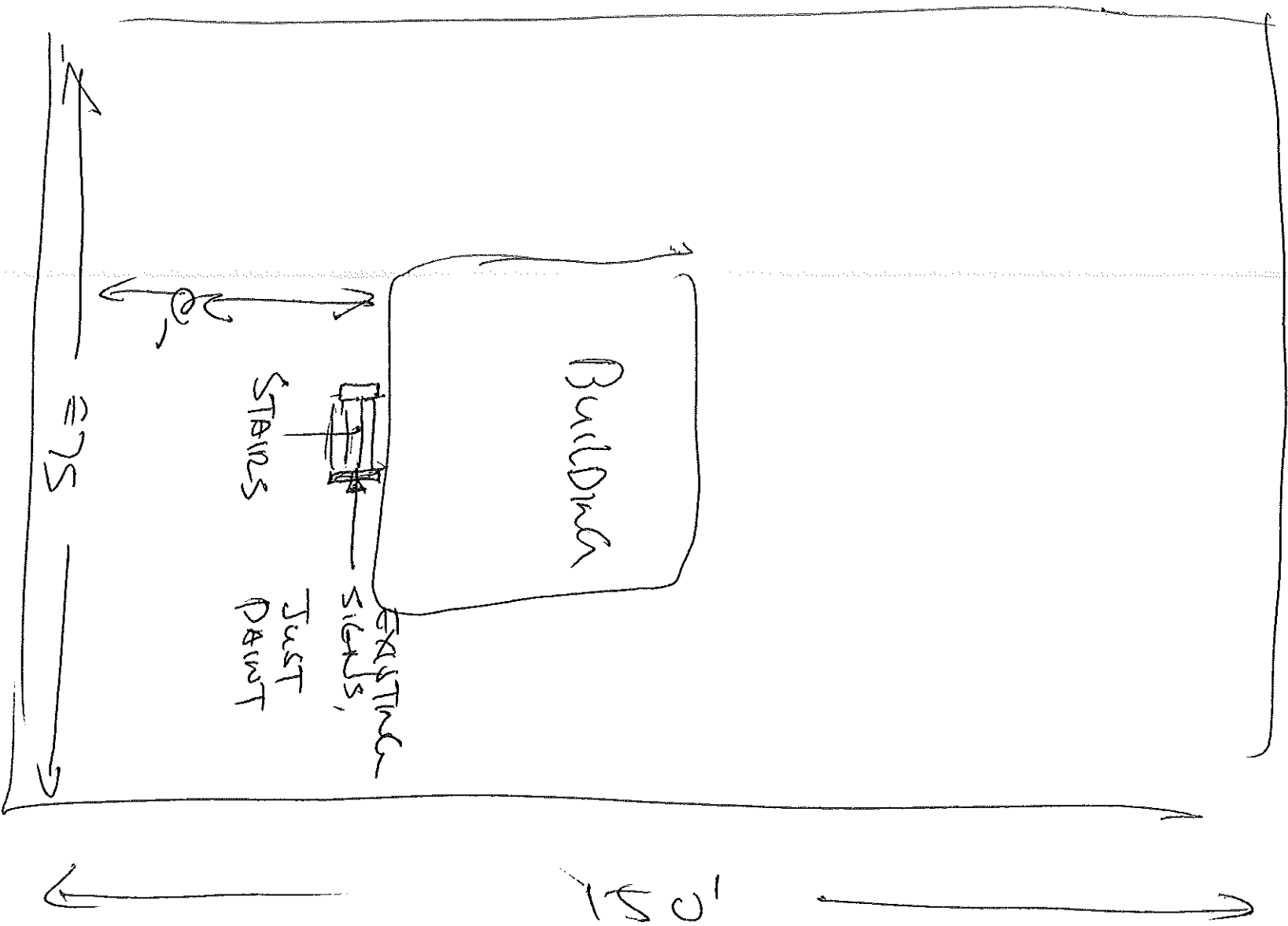
_____ Complete application with pre-application questionnaire and checklist completed.

4

CHINESE

FOOD

4



To = CITY SF PORTLAND

FORTUNE STAIRS IS PERMITTED

To PAINT OVER THE EXISTING
BOARD STRUCTURED TO THE
STAIRCASE.

Thank You.

For M Russell

FICOMENUT M. Russell

5/4/04



never approved
for a permit