

**CITY OF PORTLAND, MAINE**  
ZONING BOARD OF APPEALS



MERRILL S. SELTZER  
Chairman

JOHN C. KNOX  
Secretary

PETER F. MORELLI  
THOMAS F. JEWELL  
DAVID L. SILVERMAIL  
MICHAEL E. WESTORT  
CHRISTOPHER DINAN

April 3, 1989

RE: ~~169 Broadway~~

Mr. Ben J. Nappi  
169 Broadway  
Portland, Maine 04103-1943

Dear Mr. Nappi:

As you know, at its meeting of March 23, 1989, the Board of Appeals voted 6 to 0 to permit the change of use at the above location from a single family to a single family with an attached dwelling unit.

A copy of the Board's decision is enclosed for your records.

Receipt of your change of use dated March 28, 1989 is also acknowledged.

Sincerely,

  
William Giroux  
Zoning Codes Enforcement Officer

/el

Enclosure

cc: Merrill S. Selter, Chairman of the Board of Appeals  
Joseph E. Gray, Jr., Director of Planning and Urban Development  
Alexander Jaegerman, Chief Planner  
P. Samuel Hoffses, Chief of Inspection Services  
Warren J. Turner, Administrative Assistant  
Merle Leary, Code Enforcement Officer

874-8300

CITY OF PORTLAND, MAINE

389 CONGRESS STREET  
PORTLAND, MAINE 04101  
(207)874-8300



DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

P. SAMUEL HOFFSES, CHIEF  
INSPECTION SERVICES DIVISION

169 Broadway

February 2, 1989

Mr. Ben Napp  
169 Broadway  
Portland, Maine 04103

Dear Mr. Napp:

This office has been advised that you have an apartment in your attached garage, which is not permitted in the R-3 Residence Zone without approval by the Board of Appeals.

In the R-3 Residence Zone, there are certain requirements which must be met before a property owner is entitled to apply for a conditional use appeal to obtain approval for a second apartment. These requirements include the following criteria in Section 14-88(1)b. of the City Zoning Ordinance:

Alteration of a detached single family dwelling existing as of June 5, 1957, with floor area exceeding fifteen hundred (1,500) square feet, to accommodate one (1) additional dwelling unit, provided that:

- i. No additional dwelling unit shall have less than six hundred (600) square feet of floor area, exclusive of common hallways and storage in basement and attic;
- ii. No open outside stairways or fire escapes above the ground floor shall be or have been constructed in the immediately preceding five (5) years;
- iii. The alteration will not result in a total cubical volume increase of more than ten (10) percent within the five (5) years immediately preceding the date of alteration;
- iv. Any building additions or exterior alterations such as facade materials, building form, or roof pitch shall be designated to be compatible with the architectural style and to maintain the single family appearance of the dwelling;
- v. A lower level dwelling unit shall have a minimum two-thirds of its floor to ceiling height above the average adjoining ground level;

**CITY OF PORTLAND, MAINE**

ZONING BOARD OF APPEALS



169 Broadway

MERRILL S. SELTZER  
Chairman

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PETER F. MORELLI  
THOMAS F. JEWELL  
DAVID L. SILVERMAN  
MICHAEL E. WESTORT  
CHRISTOPHER ANAN

February 7, 1989

Mr. Ben J. Nappi  
169 Broadway  
Portland, Maine 04103

Dear Mr. Nappi:

Records in this office show that a permit for alterations was issued on September 9, 1980 for your residence at 169 Broadway in Portland. This permit did not include any change of use to establish a second apartment use in your building, which was a single family dwelling in the R-3 Residence Zone. Such a change requires approval by the Board of Appeals.

As we detected there was no change of use from a single to a two family dwelling, but merely a permit for alterations to the dwelling. Conversion of a single family to a two family is only approved by a conditional use appeal through the Board of Appeals. There is no record that this change was ever processed through the Board of Appeals.

We understand that you may wish to apply for a conditional use appeal in order to obtain approval for the second apartment which already exists in your residence as a former attached garage. To assist you in making such an application for review by the Board of Appeals, we are enclosing the necessary forms for you to process this conditional use application.

Sincerely,

*Warren J. Turner*  
Warren J. Turner  
Administrative Assistant

Enclosure: Conditional use appeal forms

cc: Merrill S. Seltzer, Chairman, Board of Appeals  
Joseph E. Gray, Jr., Director, Planning & Urban Development  
Alexander Jaegeman, Chief Planner  
P. Samuel Hoffes, Chief, Inspection Services  
Merlin Leary, Code Enforcement Officer  
Charles A. Lane, Associate Corporation Counsel  
William D. Giroux, Zoning Enforcement Officer

**CITY OF PORTLAND, MAINE**  
ZONING BOARD OF APPEALS



MERRILL S. SELTZER  
Chairman

JOHN C. KNOX  
Secretary

PETER F. MORILLI  
THOMAS F. JEWELL  
DAVID L. SILVERNAIL  
MICHAEL E. WESFORD  
CHRISTOPHER DINAN

March 8, 1989

RE: 169 Broadway

Mr. Ben J. Nappi  
169 Broadway  
Portland, Maine 04103-1943

Dear Mr. Nappi:

Receipt of your application for a conditional use appeal is acknowledged. This is a request for a change of use from a single family dwelling to a two family dwelling at 169 Broadway which is in the R-3 Residence Zone.

This request for a variance will be scheduled for review at the meeting of the Board of Appeals on Thursday evening, March 23, 1989, at 7 P.M. in Room 209, City Hall, Portland, Maine. You or your authorized representative should plan to attend this meeting.

A copy of the agenda for this meeting will be sent to you as soon as copies become available for distribution.

Sincerely,

*William D. Giroux*  
By *W.D.G.*

William D. Giroux  
Zoning Codes Enforcement Officer

/el

cc: Merrill S. Seltzer, Chairman of the Board of Appeals  
Joseph E. Gray, Jr., Director of Planning & Urban Development  
Alexander Jaegerman, Chief Planner  
P. Samuel Hoffses, Chief of Inspection Services  
Warren J. Turner, Administrative Assistant  
Charles Lane, Associate Corporation Counsel  
Merle Leary, Code Enforcement Officer



CITY OF PORTLAND, MAINE  
Department of Building Inspection

# Certificate of Occupancy

LOCATION 169 Broadway

Issued to Ben Nappi

Date of Issue April 10, 1989

This is to certify that the building, premises, or part thereof, at the above location, built—altered—changed as to use under Building Permit No. 89/1829, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Entire

APPROVED OCCUPANCY

2 Family

Limiting Conditions:

None

This certificate supersedes  
certificate issued.

Approved:

(Date)

Inspector

Inspector of Buildings

Notice: This certificate identifies lawful use of a building or premises, and ought to be transferred from owner to owner when property changes hands. It will be furnished to owner or lessee for one dollar.

PERMIT # 1250 CITY OF Portland BUILDING PERMIT APPLICATION

MAP # \_\_\_\_\_ LOTS \_\_\_\_\_

Please fill out any part which applies to this project plans must accompany form

Owner: Ben J. Napol - 757-014

Address: 179 Broadway, Portland, ME 04103-1943

LOCATION OF CONSTRUCTION: 152 Broadway Cor Libby

CONTRACTOR: \_\_\_\_\_ SUBCONTRACTORS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

Est. Construction Cost: \_\_\_\_\_ Type of Use: 2-Family

Past Use: Single Family

Building Dimensions: 12' x 12' W Sq. Ft. \_\_\_\_\_ # Stories: \_\_\_\_\_ Lot Size \_\_\_\_\_

Is Proposed Use: 2-Fam Seasonal \_\_\_\_\_ Conditional \_\_\_\_\_ Apartment \_\_\_\_\_  
 Change of Use from 1-fam to 2-fam

Conversion: Explain \_\_\_\_\_

COMPLETE ONLY IF THE NUMBER OF UNITS WILL CHANGE  
 Residential Buildings Only  
 # Of Dwelling Units \_\_\_\_\_ # Of New Dwelling Units \_\_\_\_\_

Foundation:

1. Type of Soil: \_\_\_\_\_
2. Set Backs - Front: \_\_\_\_\_ Rear: \_\_\_\_\_ Sides: \_\_\_\_\_
3. Footings Size: \_\_\_\_\_
4. Foundation Size: \_\_\_\_\_
5. Other: \_\_\_\_\_

Floors:

1. Sills Size: \_\_\_\_\_ Sills must be anchored.
2. Girder Size: \_\_\_\_\_
3. Lally Column Spacing: \_\_\_\_\_ Size: \_\_\_\_\_
4. Joists Size: \_\_\_\_\_ Spacing 16" O.C.
5. Bridging Type: \_\_\_\_\_ Size: \_\_\_\_\_
6. Floor Sheathing Type: \_\_\_\_\_ Size: \_\_\_\_\_
7. Other Material: \_\_\_\_\_

Exterior Walls:

1. Studding Size: \_\_\_\_\_ Spacing \_\_\_\_\_
2. No. windows \_\_\_\_\_
3. No. Doors \_\_\_\_\_
4. Header Sizes: \_\_\_\_\_ Span(s) \_\_\_\_\_
5. Bracing: Yes \_\_\_\_\_ No \_\_\_\_\_
6. Corner Posts Size \_\_\_\_\_
7. Insulation Type \_\_\_\_\_ Size \_\_\_\_\_
8. Sheathing Type \_\_\_\_\_ Size \_\_\_\_\_
9. Siding Type \_\_\_\_\_ Weather Exposure \_\_\_\_\_
10. Masonry Materials \_\_\_\_\_
11. Metal Materials \_\_\_\_\_

Interior Walls:

1. Studding Size: \_\_\_\_\_ Spacing \_\_\_\_\_
2. Header Sizes: \_\_\_\_\_ Span(s) \_\_\_\_\_
3. Wall Covering Type \_\_\_\_\_
4. Fire Wall if required \_\_\_\_\_
5. Other Materials \_\_\_\_\_

**For Official Use Only**

Date: March 7, 1989 Subdivision: \_\_\_\_\_ No. \_\_\_\_\_

Inside Fire Lines: \_\_\_\_\_ Lot \_\_\_\_\_

FD, Code: \_\_\_\_\_ Block \_\_\_\_\_

Time Limit: \_\_\_\_\_ Permit Expiration: \_\_\_\_\_

Estimated Cost: \_\_\_\_\_ Ownership: \_\_\_\_\_ Public \_\_\_\_\_ Private \_\_\_\_\_

Value: \_\_\_\_\_

Fee: 22.00

Callings:

1. Ceiling Joists Size: \_\_\_\_\_
2. Ceiling Strapping Size: \_\_\_\_\_ Spacing \_\_\_\_\_
3. Type Ceiling: \_\_\_\_\_
4. Insulation Type: \_\_\_\_\_ Size \_\_\_\_\_
5. Ceiling Height: \_\_\_\_\_

Roof:

1. Truss or Rafter Size: \_\_\_\_\_
2. Sheathing Type: \_\_\_\_\_
3. Roof Covering Type: \_\_\_\_\_
4. Other: \_\_\_\_\_

Chimneys:

Type: \_\_\_\_\_ Number of Fire Places \_\_\_\_\_

Heating:

Type of Heat: \_\_\_\_\_

Electrical:

Service Entrance Size: \_\_\_\_\_ Smoke Detector Required Yes \_\_\_\_\_ No \_\_\_\_\_

Plumbing:

1. Approval of soil test if required Yes \_\_\_\_\_ No \_\_\_\_\_
2. No. of Tubs or Showers \_\_\_\_\_
3. No. of Flushes \_\_\_\_\_
4. No. of Lavatories \_\_\_\_\_
5. No. of Other Fixtures \_\_\_\_\_

Review:

1. Type: \_\_\_\_\_
2. Pool Size: \_\_\_\_\_ x \_\_\_\_\_ Square Footage \_\_\_\_\_
3. Must conform to National Electrical Code and State Law.

Zoning:

District: R-3 Street Frontage Req: \_\_\_\_\_ Provided \_\_\_\_\_

Required Setbacks: Front \_\_\_\_\_ Back \_\_\_\_\_ Side \_\_\_\_\_ Side \_\_\_\_\_

Review Required:

Zoning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date \_\_\_\_\_

Planning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date \_\_\_\_\_

Conditional Use: \_\_\_\_\_ Variance \_\_\_\_\_ Site Plan \_\_\_\_\_ Subdivision \_\_\_\_\_

Shore and Floodplain Mgmt: \_\_\_\_\_ Special Exempt \_\_\_\_\_

Other: (Explain) \_\_\_\_\_

Date Approved: 3/7/89

**PERMIT ISSUED WITH LETTER**

Received By: Joyce M. Rinaldi

Signature of Applicant: Ben J. Napol Date: 3/7/89

Signature of CEO: \_\_\_\_\_ Date: \_\_\_\_\_

Inspection Dates: \_\_\_\_\_

**PLOT PLAN**



**FEES (Breakdown From Front)**

Base Fee \$ \_\_\_\_\_  
 Subdivision Fee \$ \_\_\_\_\_  
 Site Plan Review Fee \$ \_\_\_\_\_  
 Other Fees \$ 50.00 Appeal Fee  
 (Explain) Change of Use Fee Paid \$25.00 3/28/89 EL  
 Late Fee \$ \_\_\_\_\_

**Type**

**Inspection Record**

**Date**

Type	Inspection Record	Date
_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____
_____	_____	____/____/____

**COMMENTS**

*C<sup>1</sup> for Conf (C) for 2 parcels*

Signature of Applicant *Don J. [Signature]*

Date *3/7/89*

BUILDING PERMIT REPORT

ADDRESS: 169 Broadway DATE: 28/may/89  
REASON FOR PERMIT: Change of use From one Family To Two Family  
BUILDING OWNER: Ben J. Nappi  
CONTRACTOR:    "     
PERMIT APPLICANT:    "     
APPROVED: AG 6/7 DRAWING:    

CONDITION OF APPROVAL OR DENIAL:

- 1.) Before concrete for foundation is placed, approvals from Public Works and Inspection Services must be obtained.
- 2.) Precaution must be taken to protect concrete from freezing.
- 3.) All vertical openings shall be enclosed with construction having a fire rating of at least one(1) hour, including fire doors with self-closers.
- 4.) Each apartment shall have access to two(2) separate, remote and approved means of egress. A single exit is acceptable when it exits directly from the apartment to the building exterior with no communications to other apartment units.
- 5.) The boiler shall be protected by enclosing with one(1) hour fire rated construction including fire doors and ceiling, or by placing over the boiler, two(2) residential sprinkler heads supplied from the domestic water.
- \*6.) Every sleeping room below the fourth story in buildings of Use Groups R and I-1 shall have at least one operable window or exterior door approved for emergency egress or rescue. The units must be operable from the inside opening without the use of separate tools. Where windows are provided as a means of egress or rescue, they shall have a sill height not more than 44 inches (1118 mm) above the floor. All egress or rescue windows from sleeping rooms must have minimum net clear openings of 5.7 square feet (0.53m<sup>2</sup>). The minimum net clear opening height dimension shall be 24 inches (610 mm). The minimum net clear opening width dimension shall be 20 inches (508 mm).
- \*7.) In addition to any automatic fire alarm system required by Sections 1019.3.5, a minimum of one single station smoke detector shall be installed in each guest room, suite of sleeping areas in buildings of Use Groups R-1 and I-1 and in dwelling units in the immediate vicinity of the bedrooms in buildings of Use Group R-2 or R-3. When actuated, the detector shall provide an alarm suitable to warn the occupants within the individual unit (see Section 1717.3.1).



In buildings of Use Groups R-1 and R-2 which have basements, an additional smoke detector shall be installed in the basement. In buildings of Use Group R-3, smoke detectors shall be required on every story of the dwelling unit, including basements.

In dwelling units with split levels, a smoke detector installed on the upper level shall suffice for the adjacent lower level provided the lower level is less than one full story below the upper level. If there is an intervening door between the adjacent levels, a smoke detector shall be installed on both levels.

All detectors shall be installed in an approved location. Where more than one detector is required to be installed within an individual dwelling unit, the detectors shall be wired in such a manner that the actuation of one alarm will actuate all the alarms in the individual unit.

- 8.) Private garages located beneath rooms in buildings of Use Groups R-1, R-2, R-3 or I-1 shall have walls, partitions, floors and ceilings separating the garage space from the adjacent interior spaces constructed of not less than 1-hour fire-resistance rating. Attached private garages shall be completely separated from the adjacent interior spaces and the attic area by means of 1/2-inch gypsum board or equivalent applied to the garage side. The sills of all door openings between the garage and adjacent interior spaces shall be raised not less than 4 inches (102 mm) above the garage floor. The door opening protectives shall be 1 3/4-inch solid core wood doors or approved equivalent.
- 9.) A guardrail system located near the open side of deck or elevated walking surfaces shall be constructed. Guards in buildings of Use Group R-3 shall be not less than 36 inches in height. Open guards shall have intermediate rails, balusters or other construction such that a sphere with a diameter of 6 inches cannot pass through any opening.
- 10.) Section 25-133 of the Municipal Code for the City of Portland states: No person or utility shall be granted a permit to excavate or open any street or sidewalk from the time of November 15 of each year to April 15 of the following year.

Sincerely,



F. Samuel Hoffman  
Chief of Inspection Services

/el  
11/16/88

PI 1 # \_\_\_\_\_ CITY OF Portland BUILDING PERMIT APPLICATION MAP # \_\_\_\_\_ LOT # \_\_\_\_\_  
Please fill out any part which applies to. Proper plans must accompany form.

Owner Bern L. Neppi - 797-7969

Address 169 Broadway, Portland, ME 04103-1943

LOCATION OF CONSTRUCTION 169 Broadway

CONTRACTOR \_\_\_\_\_ SUBCONTRACTORS \_\_\_\_\_

ADDRESS \_\_\_\_\_

Est. Construction Cost: \_\_\_\_\_ Type of Use 2-Family

Past Use Single Family

Building Dimensions L \_\_\_\_\_ W \_\_\_\_\_ Sq. Ft. \_\_\_\_\_ # Stories \_\_\_\_\_ Lot Size \_\_\_\_\_

In Proposed Use: 2-Fam. Seasonal \_\_\_\_\_ Condominium \_\_\_\_\_ Apartment \_\_\_\_\_  
Change of Use from 1-fam. to 2-fam.

Conversion - Explain \_\_\_\_\_

**COMPLETE ONLY IF THE NUMBER OF UNITS WILL CHANGE**

Residential Buildings Only:

# Of Dwelling Units \_\_\_\_\_ # Of New Dwelling Units \_\_\_\_\_

Foundation:

1. Type of Soil: \_\_\_\_\_

2. Set Backs - Front \_\_\_\_\_ Rear \_\_\_\_\_ Side(s) \_\_\_\_\_

3. Footings Size: \_\_\_\_\_

4. Foundation Size: \_\_\_\_\_

5. Other \_\_\_\_\_

Floors:

1. Sills Size: \_\_\_\_\_ Sills must be anchored.

2. Girder Size: \_\_\_\_\_

3. Lally Column Spacing \_\_\_\_\_ Size: \_\_\_\_\_

4. Joists Size: \_\_\_\_\_ Spacing 16" O.C.

5. Bridging Type: \_\_\_\_\_ Size: \_\_\_\_\_

6. Floor Sheathing Type: \_\_\_\_\_ Size: \_\_\_\_\_

7. Other Material: \_\_\_\_\_

Exterior Walls:

1. Studding Size \_\_\_\_\_ Spacing \_\_\_\_\_

2. No. windows \_\_\_\_\_

3. No. Doors \_\_\_\_\_

4. Header Sizes \_\_\_\_\_ Span(s) \_\_\_\_\_

5. Bracing: Yes \_\_\_\_\_ No \_\_\_\_\_

6. Corner Posts Size \_\_\_\_\_

7. Insulation Type \_\_\_\_\_ Size \_\_\_\_\_

8. Sheath Type \_\_\_\_\_ Size \_\_\_\_\_

9. Siding Type \_\_\_\_\_ Weather Exposure \_\_\_\_\_

10. Masonry Materials \_\_\_\_\_

11. Metal Materials \_\_\_\_\_

Interior Walls:

1. Studding Size \_\_\_\_\_ Spacing \_\_\_\_\_

2. Header Size \_\_\_\_\_ Spacing \_\_\_\_\_

3. Wall Covering Type \_\_\_\_\_

4. Fire Wall if required \_\_\_\_\_

5. Other Materials \_\_\_\_\_

For Official Use Only	
Date <u>March 7, 1989</u>	Subdivision: Yes <input type="checkbox"/> No <input type="checkbox"/>
Inside Fire Alarm _____	Name _____
Blgd Code? _____	Lot _____
Time Limit _____	Block _____
Estimated Cost _____	Permit Expiration: _____
Value/Signature _____	Ownership: _____
Fee <u>\$25.00</u>	Public _____ Private <input type="checkbox"/>

Ceilings: **PERMIT ISSUED**

1. Ceiling Joists Size \_\_\_\_\_ Spacing \_\_\_\_\_

2. Ceiling Strapping Size \_\_\_\_\_ Spacing \_\_\_\_\_

3. Type Ceilings \_\_\_\_\_ MAR 28 1989

4. Insulation Type \_\_\_\_\_ Size \_\_\_\_\_

5. Ceiling Height: \_\_\_\_\_

Roof: **City of Portland**

1. Truss or Rafter Size \_\_\_\_\_ Span \_\_\_\_\_

2. Sheathing Type \_\_\_\_\_ Size \_\_\_\_\_

3. Roof Covering Type \_\_\_\_\_

4. Other \_\_\_\_\_

Chimneys: \_\_\_\_\_

Type: \_\_\_\_\_ Number of Fire Places \_\_\_\_\_

Heating: \_\_\_\_\_

Type of Heat: \_\_\_\_\_

Electrical: \_\_\_\_\_

Service Entrance Size: \_\_\_\_\_ Smoke Detector Required Yes  No

Plumbing: \_\_\_\_\_

1. Approval of soil test if required Yes  No

2. No. of Tubs or Showers \_\_\_\_\_

3. No. of Flushes \_\_\_\_\_

4. No. of Lavatories \_\_\_\_\_

5. No. of Cold Water Fixtures \_\_\_\_\_

Swimming Pools: \_\_\_\_\_

1. Type: \_\_\_\_\_

2. Pool Size: \_\_\_\_\_ x \_\_\_\_\_ Square Footage \_\_\_\_\_

3. Must conform to National Electrical Code and State Law.

Zoning: \_\_\_\_\_

District \_\_\_\_\_ Street Frontage Req. \_\_\_\_\_ Provided \_\_\_\_\_

Required Setbacks: Front \_\_\_\_\_ Back \_\_\_\_\_ Side \_\_\_\_\_ Side \_\_\_\_\_

Review Required: \_\_\_\_\_

Zoning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_

Planning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_

Conditional Use: \_\_\_\_\_ Variance \_\_\_\_\_ Site Plan \_\_\_\_\_ Subdivisor \_\_\_\_\_

Shore and Floodplain Mgmt \_\_\_\_\_ Special Exempt \_\_\_\_\_

Other: (Explain) \_\_\_\_\_

Date Approved \_\_\_\_\_

Permit Received By Joyce M. Rinaldi

Signature of Applicant Joyce M. Rinaldi Date 3/7/89

Signature of CEO JML Date \_\_\_\_\_

Inspection Date: \_\_\_\_\_

White-Tax Assessor

Yellow-GPCOG

White Tag -CEO

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