

THIS IS NOT A BOUNDARY SURVEY

INSPECTION OF PREMISES

I HEREBY CERTIFY TO <sup>NORTHEAST</sup> LAND TITLE, FLEET AND ITS TITLE INSURANCE

The monumentation is not in harmony with current deed description.

The building setbacks are not in conformity with town zoning requirements.

The land and not the dwelling do not appear to fall within the special flood hazard zone as delineated by the Federal Emergency Management Agency.

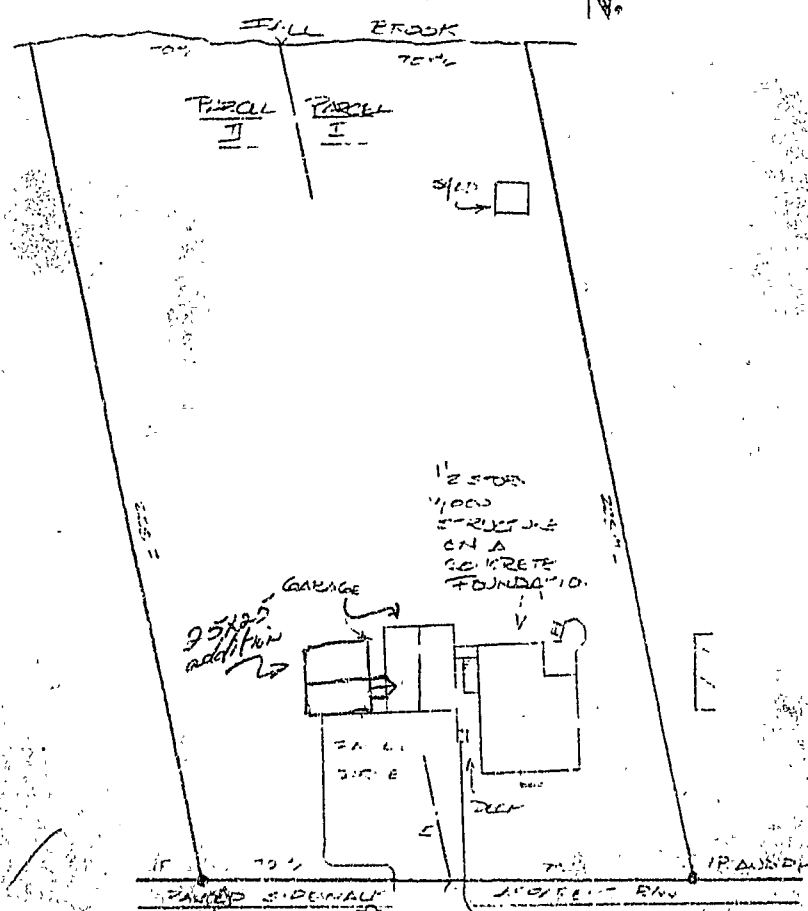
14<sup>1</sup>/<sub>2</sub> AUBURN ST  
PORTLAND, MAINE

Job Number: 57-22

Inspection Date: 02/18/92

Scale: 1" = 40'

OWNER: LEWIS E McDONALD



AUBURN STREET

THIS PROPERTY IS SUBJECT TO ALL RIGHTS AND EASEMENTS OF RECORD THOSE THAT ARE EVIDENT ARE SHOWN. THIS PLAN MIGHT NOT REVEAL CONFLICTS WITHIN ADJUTING DEEDS

BRUCE R. BOWMAN, INC.  
48 Mill Road  
Cumberland, Maine 04021  
Phone: (207) 829-3950

PLAN BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ LOT \_\_\_\_\_  
DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_ COUNTY CUMBERLAND

THIS PLAN IS NOT FOR RECORDING Drawn by: JML

Inspection Services  
Samuel P. Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

December 14, 1993

CITY OF PORTLAND

RE: 145 Auburn Street

Mr. L. McDonald  
145 Auburn St.  
Portland, ME 04103

Dear Mr. McDonald:

This letter is in reference to an application filed in your behalf by Robert Vail of Vail General Contracting Inc. of Cumberland Center on September 30, 1993. The request is to build a 1-1/2 story addition to the building you own at 145 Auburn Street which is used as a single family dwelling with an accounting/home occupation. This permit is not issuable for the following reasons:

1. We have had many discussions in the past about the regulations that apply to home occupations and at one time you had removed your sign as it clearly does not meet those requirements. I now see that the sign has again been placed in the front yard. You are hereby ordered to remove the sign immediately which is in violation of section 14-410(1)d. of the Land Use Code which reads:
  - d. Exterior signs shall be limited to one(1) nonilluminated sign not exceeding a total area of two(2) square feet, affixed to the building and not projecting more than one(1) foot beyond the building;
2. Section 14-410(1)a. which reads:
  - a. A home occupation shall not occupy more than five hundred(500) square feet of floor area or more than twenty-five(25) percent of the total floor area of such a dwelling unit, whichever is less, or in the case of licensed family day care homes, or home babysitting services, to accommodate not more than six(6) children plus two(2) children after school and having no nonresidential employees;This section, in my opinion, is not intended to allow such major additions to exploit the 25% floor area calculation. It also has not been adequately shown that you can meet the 500 square foot restriction. I would consider storage, e.g. ways, bathrooms, hallways, breezeways whose only function is to access or serve the office, and any similar space to be included as part of the "total area". In addition, you have not provided adequate square footage calculations for the entire structure.
3. Section 14-410(1)e. which reads:
  - e. Any exterior alterations to the residence shall be compatible with the architecture of the building and maintain the residential appearance by virtue of exterior materials, lighting, and signs;



McDonald

2

12/14/93

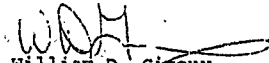
You have not demonstrated compliance with this section. Furthermore, the fact that the new business area will have its own accesses and even yourself as occupant, must pass through the garage to access the office, in my opinion detracts from the residential appearance and conflicts with the stated "Purpose" of a home occupation which reads;

Purpose. The purpose of home occupations is to allow the secondary and incidental use of a residence for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with the residential character of the neighborhood.

The scale and design are not "secondary and incidental" but rather project the use to be as significant if not more dominant than the single family use of the property and takes away from the "residential character" of the property.

All of these are my reasons for denial. I have attached a copy of the applicable section of the ordinance for your review. You have thirty (30) days from date of this letter to appeal the order for removal of the sign and the denial of your permit. Such an appeal is to the Board of Appeals and should be complete and submitted to this office within the thirty day appeal period.

Sincerely,

  
William D. Giroux  
Zoning Administrator

/e1

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
P. Samuel Hoffses, Chief of Inspection Services  
David Jordan, Code Enforcement Officer  
Charles Lane, Associate Corporation Counsel  
Robert Vail, 177 Main St., Cumberland Center, ME 04021

Inspection Services



William D. Giroux  
Zoning Administrator

CITY OF PORTLAND

January 11, 1994


RE: 145 Auburn Street - Portland

Mr. L. McDonald  
145 Auburn St.  
Portland, Maine 04103

Dear Mr. McDonald

This letter is to rescind my previous letter of December 14, 1993 denying the permit application for 145 Auburn Street in Portland. At the meeting in city Hall yesterday, you submitted material demonstrating compliance with the sections of the ordinance identified in my above mentioned letter. Therefore, I am forwarding your application to the Chief of Inspections for his review and approval.

Sincerely,

  
William D. Giroux  
Zoning Administrator

/s/

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
P. Samuel Hoffses, Chief of Inspection Services  
Charles Lane, Associate Corporation Counsel  
David Jordan, Code Enforcement Officer  
Robert Vuil, General Contracting, Inc., 177 Main St., Cumberland Ctr,  
ME, 04021



Vail

General Contracting, Inc.

177 Main Street

Cumberland Center, Maine 04021

207-829-5393

9 Jan. 1994

Portland Planning Dept/ Building Inspection Services;  
William Giroux,

Dear sir,

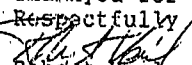
This letter is to follow up with our conversation of last week concerning the application of an addition for Lewis McDonald of 145 Auburn St. Mr. McDonald is an accountant consisting of one full time employee namely himself and on occasion has one part time employee, as has been the case for many years. Mr. McDonald has removed the sign indicated by your letter that was in violation of the sign ordinance and agrees to not put up a sign that does not meet the ordinance. The square foot calculations are as follows, first floor main house 24 x 30 and 19 x 10 second floor 20 x 30 for a total of 1510 sq. ft. The addition is 25 by 25 with a 6 by 6 vestibule or entrance connecting the garage and the addition. The total square footage of the addition and house is 2171 sq. ft. The ordinance requires that a maximum of 25% or 500 sq. ft. be used whichever ever is less. Twenty five percent of the total is 542 sq. ft., therefore the 500 sq. ft. is the number to be used. In the addition there is to be a closet in size 8 by 18 or 144 sq. ft., this area is to be used for storage and is not related to home business use, making the total business 398 sq. ft.

As to the structure itself it will look nearly identical to the garage except the roof will be turned 90 degrees. The construction is to be as follows; concrete slab with steel reinforcing, pressure treated sill, 2 by 6 16 oc framing cross rafters, 1 by 8 shiplap boards for sheathing, asphalt shingles, vinyl insulated windows and vinyl siding to match the existing exterior.

As to the compatibility of the addition with the neighborhood, directly across the street is a church with a day care. Mr McDonald's next door neighbor has a home business as a hair dresser, across from that is New England Telephone, above them is a gas station and back in the other direction is a large accounting business. It is not the intent of Mr McDonald to create a large offending structure and employ a half dozen or so people but merely to build something that is compatible with the neighborhood, provide a measure of privacy within his own home and at the same time maintain a professional atmosphere to his business.

Thankyou for your time and consideration in this matter.

Respectfully

  
Robert Vail

BUILDING PERMIT REPORT

Address 1415 Auburn ST. Date 12/Jan/94

Reason for Permit To construct a 24'x25' addition

Bldg. Owner: L. McDonald

Contractor: Neil- General Cont.

Permit Applicant: 1

Approval: \*1\*2\*6\*7\*8\*9\*10\*13\*14\*15\*16

CONDITION OF APPROVAL:

- \*1. Before concrete for foundation is placed, approvals from Public Works and Inspection Services must be obtained. (A 24 hour notice is required prior to inspection).
- \*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) hr., including fire doors with selfclosers.
4. Each apartment shall have access to (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 providing automatic extinguishment. Sprinkler piping serving not more than six sprinklers may be connected to a domestic water supply system having a capacity sufficient to provide 0.15 gallons per minute, per square foot of floor throughout the entire area. An INDICATING shut-off valve shall be installed in an accessible locations between the sprinkler and the connection to the domestic water supply. Minimum pipe size shall be 3/4 inch copper or 1 inch steel. Maximum coverage area of a residential sprinkler is 144 square feet per sprinkler.
- \*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 room must have 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. All single and multiple station smoke detectors shall be of an approved type and shall be installed in accordance with the provisions of the building code (BOCA National Building Code 1990), and NFPA 101 Chapter 18 & 19.
- \*8. Private garages located beneath rooms in buildings of Use Group 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 (102mm) above the garage floor. The door opening protectives shall be 1 3/4 inch solid core wood doors or approved equivalent.

19. 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 35 inches in height. Open guards shall have intermediate rails, balusters or other construction such that a sphere with a diameter of 4 inches cannot pass through any opening. Handrails on stairs shall be no less than 34 inches nor more than 38 inches. Handrails within individual dwelling units shall not be less than 30 inches nor more than 38 inches. For more detail on guards & handrails see Article 8 section 824.0 and 825.0 of the BOCA National Building Code. All other Use Group shall have guards at least 42" in height.

10. Section 25-135 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".

11. The builder of a facility to which Section 459-A-C of the Maine State Human Rights Act, Title 5 MRSA refers, shall obtain a certification from a design professional that the plans of the facility meet the standards of construction required by this section. Prior to commencing construction of the facility, the builder shall submit the certification to the Division of Inspection Services.

12. Stair construction in Use Group R-3, R-4 is a minimum of 9" tread and 8-1/4" maximum rise.

13. Headroom in habitable space is a minimum of 7'6".

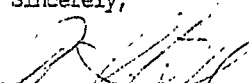
11. The minimum headroom in all parts of a stairway shall not be less than 6 feet 8 inches.

15. All construction and demolition debris must be disposed at the City's authorized reclamation site. The fee rate is attached. Proof of such disposal must be furnished to the office of Inspection Services before final certificate of occupancy is issued or demolition permit is granted.

16. It is strongly recommended that a registered land surveyor check all foundation forms before concrete is placed. This is done to verify that the proper setbacks are maintained.

17. All exit signs, lights and means of egress lighting shall be done in accordance with Article 8 section & subsections 822.0 & 823.0 of the City's building code (The BOCA National Building Code/1990).

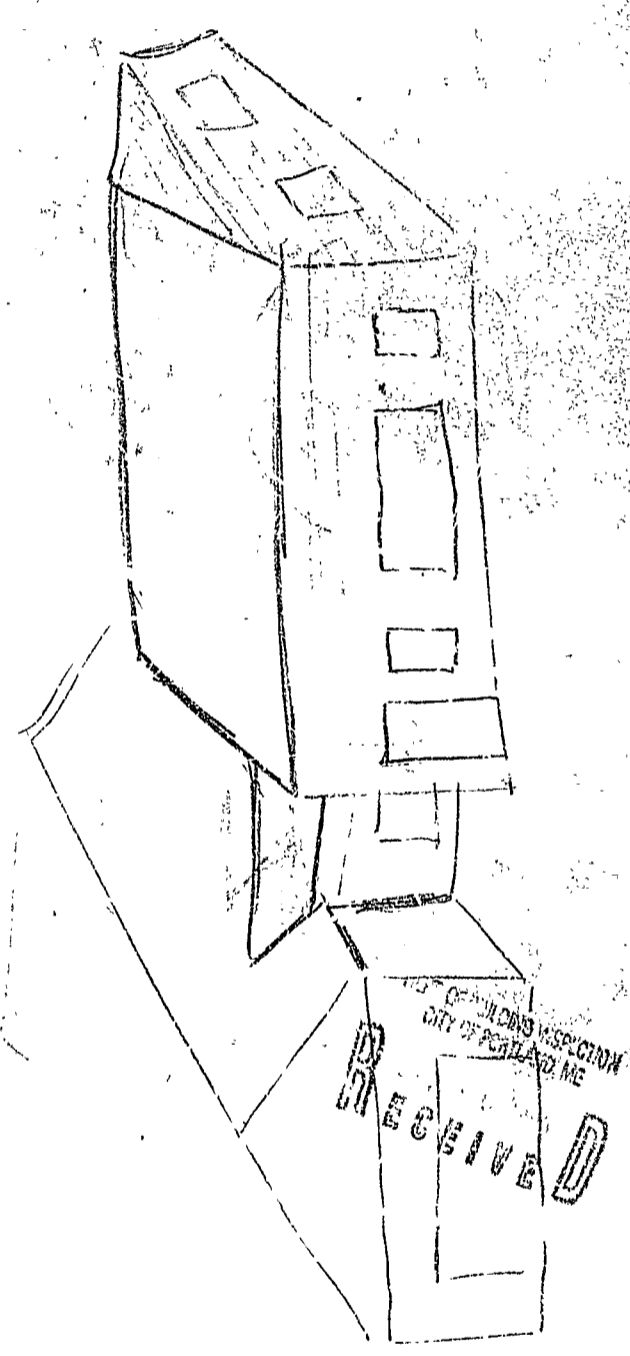
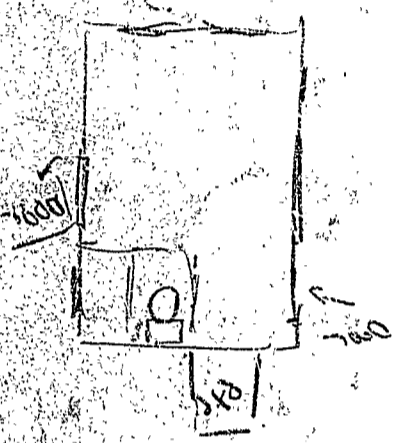
Sincerely,

  
P. Samuel Hoffses

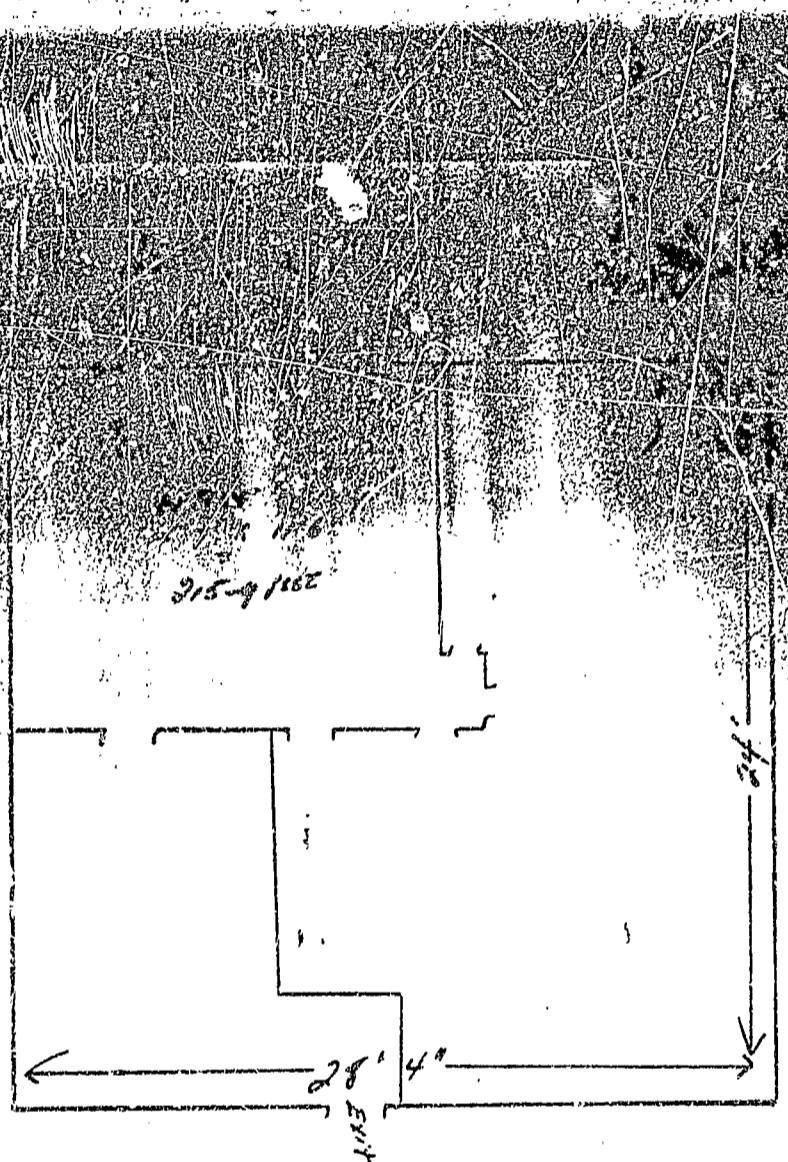
Chief of Inspections

/dm 10/28/93  
(redc w/additions)









Total Floor space 1st Floor:  
 24 x 28 1/2 = 680 sq feet

2nd Floor 24 x 28 1/2 = 680

Total Floor space 1360

Allowed by city 25%

340

RECEIVED

APR 19 1953

February 9, 1968

Mr. Lewis E. McDonald  
143 Auburn Street  
Portland, Maine 04103

Dear Mr. McDonald:

Thank you very much for your letter of February 5th in which you replied to my recent inquiry concerning the use of your property at 143 Auburn Street. If you are using that building as your residence and office as well, then it seems that you should apply for a change of use from single family to single family with home occupation accounting office.

This means that you intend to use about 25 percent of your residence for office purposes. In order to process that change of use permit, we shall need to have floor plans showing the portion of your residence which is being used for office purposes, and no more than one employee not a resident may be employed.

The restrictions on signs and use of the premises are subject to the regulations in the City Zoning Ordinance. No sign larger than 2 square feet may be located within the R-3 Residence Zone in which your residence is located.

In order to obtain approval of the home occupation by the City, you should file an application for a change of use permit and furnish a floor plan showing where the business office is located in relation to outside exits, and that no more than 25 percent of the dwelling is used for office purposes.

Section 14-410 of the Zoning Ordinance contains the regulations concerning the use of a residential structure for office or professional purposes. A copy of Section 14-410 is enclosed with this letter.

Sincerely,

*Warren J. Turner*

Warren J. Turner  
Zoning Enforcement Inspector

cc: Joseph E. Gray, Jr., Director, Planning & Urban Development  
Alexander Jaegerman, Chief Planner  
P. Samuel Hoiffes, Chief, Inspection Services  
Robert Taylor, Code Enforcement Officer



Vail

General Contracting, Inc.

177 Main Street

Cumberland Center, Maine 04031

207-829-5393

18 Oct. 1993

Building Dept, Portland, Me.

Dear Mr. Giroux

This letter is a follow up to our phone conversation of last Friday concerning the addition of 145 Auburn St. of one Lewis McDonald accountant. As per the city ordinances section 14-410 the use is to remain the same, the square footage of the addition while over the 500 ft at 575 the total area of the office space is less than 500 sq. ft. and the total sq. ft. of the home make the office area less than the 25% of the total. At this time there are no employees no change in signage or driveways.

Thankyou for your review of this application.

*Robert Vail*  
Robert Vail

**PLUMBING APPLICATION**

PROPERTY ADDRESS: PORTLAND ME

Town or City: PORTLAND ME

Site Subdivision Lot #: 175 HIGSWAN ST

PROPERTY OWNERS NAME: CAROL RICHMOND & HEATING

Applicant Name: \_\_\_\_\_

Map Address: 158 ST JOHN ST  
PORTLAND ME 04102

*David Jordan*

FORTLAND 5127 TOWN COPY

7.7.94 \$ \_\_\_\_\_ FEB 5 1994

Local Plumbing Inspector Signature: \_\_\_\_\_

**Owner/Applicant Statement**

I certify that the information submitted is correct to the best of my knowledge and I understand that any falsification is reason for the Local Plumbing Inspector to deny a Permit.

*Carol Richmond* 7/94  
 Signature of Owner/Applicant Date

I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules.

*David Jordan* 10-23-74  
 Local Plumbing Inspector Signature Date Approved

Caution: Inspection Required

**PERMIT INFORMATION**

This Application is for:

1.  NEW PLUMBING  
 2.  RELOCATED PLUMBING

Type of Structure To Be Served:

1.  SINGLE FAMILY DWELLING  
 2.  MODULAR OR MOBILE HOME  
 3.  MULTIPLE FAMILY DWELLING  
 4.  OTHER - SPECIFY: OFFICE

Plumbing To Be Installed By:

1.  MASTER PLUMBER  
 2.  OIL BURNERMAN  
 3.  MFG'D. HOUSING DEALER / MECHANIC  
 4.  PUBLIC UTILITY EMPLOYEE  
 5.  PROPERTY OWNER

LICENSE # 116268

Hook-Up & Piping Relocation Maximum of 1 Hook-Up	Column 2		Column 1	
	Number	Type of Fixture	Number	Type of Fixture
HOOK-UP: to public sewer in those cases where the connection is not regulated and inspected by the local Sanitary District.		Hose/boiler/cock	1	Cathub (and Shower)
		Floor Drain		Shower (Separate)
OR		Urinal		Sink
		Drinking Fountain		Wash Basin
HOOK-UP: to an existing subsurface waste/water disposal system		Indirect Waste	1	Water Closet / Toilet
		Water Treatment Softener, Filter, etc.		Clothes Washer
PIPING RELOCATION, of sanitary lines, drains, and piping without new fixtures.		Grease / Oil Separator		Dish Washer
		Dental Cuspidor		Garbage Disposal
Number of Hook-Ups & Relocations		Bidet		Laundry Tub
Hook-Up & Relocation Fee		Other:		Water Heater
TRANSFER FEE (\$6.00)		Fixtures Subtotal		Fixtures Subtotal
		Column 2		Column 1

SEE PERMIT FEE SCHEDULE FOR CALCULATING FEE





CITY OF PORTLAND, MAINE  
Department of Building Inspection

## Certificate of Occupancy

LOCATION 145 Auburn St

Issued to L. McDonald

Date of Issue 13 Oct 94

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. 94/0019, 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

APPROVED OCCUPANCY

Entire

Single Family  
w/home occupation (accounting)

Limiting Conditions:

This certificate supersedes  
certificate issued

Approved:

10-13-94

(Date)

Inspector

Inspector of Buildings

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

940019

Permit # \_\_\_\_\_ City of Portland BUILDING PERMIT APPLICATION Fee 120.00 Zone \_\_\_\_\_ Map # \_\_\_\_\_ Lot# \_\_\_\_\_  
Please fill out any part which applies to job. Proper plans must accompany form.

Owner: L. McDonald Phone # 773-1040  
Address: 145 Auburn St Ptd, ME 0410  
LOCATION OF CONSTRUCTION 145 Auburn St  
Contractor: Vail General Contracting  
Address: 177 Main St Cumberland, ME 04021 829-5353

**For Official Use Only**  
Date: Sept 30, 1993 Subdivision: \_\_\_\_\_  
Name: JAN 12 1994  
Inside Fire Units: \_\_\_\_\_  
Blg Code: \_\_\_\_\_  
Time Limit: \_\_\_\_\_  
Estimated Cost: \_\_\_\_\_  
Ownership: \_\_\_\_\_  
CITY OF PORTLAND

Est. Construction Cost: 20,000.00 Proposed Use: 1-fam w/home occ + addit  
Past Use: 1-fam w/home occ  
# of Existing Res. Units: \_\_\_\_\_ # of New Res. Units: \_\_\_\_\_  
Building Dimensions L \_\_\_\_\_ W \_\_\_\_\_ Total Sq. Ft. \_\_\_\_\_  
# Stories: \_\_\_\_\_ # Bedrooms \_\_\_\_\_ Lot Size: \_\_\_\_\_  
Is Proposed Use: Seasonal \_\_\_\_\_ Condominium \_\_\_\_\_ Conversion \_\_\_\_\_  
Explain Conversion: Construct Addition as per plans

Street Frontage Provided: \_\_\_\_\_  
Provided Setbacks: Front \_\_\_\_\_ Back \_\_\_\_\_ Side \_\_\_\_\_  
Review Required:  
Zoning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_  
Planning Board Approval: Yes \_\_\_\_\_ No \_\_\_\_\_ Date: \_\_\_\_\_  
Conditional Use: \_\_\_\_\_ Variance \_\_\_\_\_ Site Plan \_\_\_\_\_ Subdivision \_\_\_\_\_  
Shoreland Zoning: Yes \_\_\_\_\_ No \_\_\_\_\_ Floodplain: Yes \_\_\_\_\_ No \_\_\_\_\_  
Special Exception: \_\_\_\_\_  
Other: (Explain) 1-11-94

Foundation: 374-B-003  
1. Type of Soil: \_\_\_\_\_  
2. Set Backs - Front \_\_\_\_\_ Rear \_\_\_\_\_ Side(s) \_\_\_\_\_  
3. Footings Size: \_\_\_\_\_  
4. Foundation Size: \_\_\_\_\_  
5. Other: \_\_\_\_\_

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

Floor:  
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: \_\_\_\_\_

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

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 Material \_\_\_\_\_

Chimneys:  
Type: \_\_\_\_\_ Number of Fire Places \_\_\_\_\_  
Heating:  
Type of Heat: \_\_\_\_\_  
Electrical:  
Service Entrance Size: \_\_\_\_\_ Smoke Detector Required for Landmark: HISTORIC PRESERVATION  
Plumbing:  
1. Approval of soil test if required \_\_\_\_\_  
2. No. of Tubs or Showers \_\_\_\_\_  
3. No. of Flushes \_\_\_\_\_  
4. No. of Lavatories \_\_\_\_\_  
5. No. of Other Fixtures \_\_\_\_\_

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

Swimming Pools:  
1. Type: \_\_\_\_\_  
2. Pool Size: \_\_\_\_\_  
3. Must conform to National Electrical Code and State Law \_\_\_\_\_  
Permit Received By: Mary Graakk  
Signature of Applicant: \_\_\_\_\_  
Signature of CEO: Robert Vail  
Inspection Dates: \_\_\_\_\_  
PERMIT ISSUED 20, 1993  
WITH LETTERS  
WITH REQUIREMENTS  
© Copyright GPCOG 1988

White-Tax Assessor \_\_\_\_\_ Yellow-GPCOG \_\_\_\_\_ White Tag: \_\_\_\_\_



PLOT PLAN Lewis E. McDonald C&O  
 (mail to owner slab)



FEES (Breakdown From Front)

Base Fee \$ \_\_\_\_\_

Subdivision Fee \$ \_\_\_\_\_

Site Plan Review Fee \$ \_\_\_\_\_

Other Fees \$ \_\_\_\_\_

(Explain) \_\_\_\_\_

Late Fee \$ \_\_\_\_\_

Type	Inspection Record	Date
Excavation + forms		4 125 1994
Slab pour		5 120 1994
Framing OK		5 127 1994
Final Plumbing + C&O		9 120 1994
		1 1
		1 1

COMMENTS (Set backs appear OK 5-20-94) (7-11-94 Received the Plumbing OK) (First plumber filled 4" line back filled before inspection) 9-20-94 - Must install 1/2" sheetrock on wall attached to garage 10-12-94 smoke detector up + sheetrock on adjacent walls

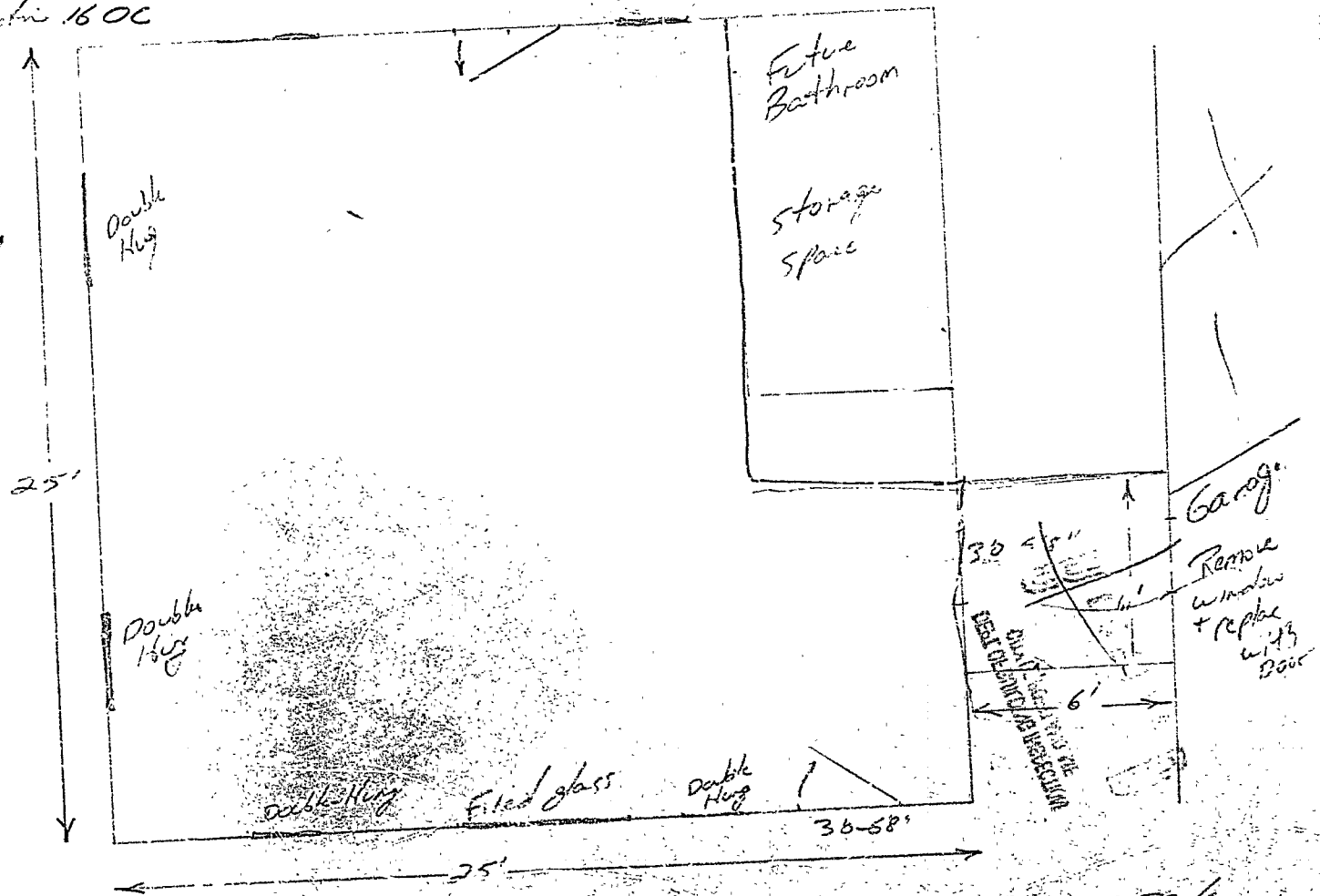
Signature of Applicant *[Handwritten Signature]*

Date 30 Sept 93

145 Albin St.

addition on a concrete slab 6" reinforced.  
2x6 construction 1600

Three Part  
1x10 board  
siding  
asphalt  
shingle  
vinyl siding  
interior  
dupont  
carpet.



scale 1/4" = 1'



Inspection Services  
Samuel P. Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

December 14, 1993

CITY OF PORTLAND

RE: 145 Auburn Street

1-10-94 OK

145 Auburn

Mr. L. McDonald  
145 Auburn St.  
Portland, ME 04103

Dear Mr. McDonald:

This letter is in reference to an application filed in your behalf by Robert Vail of Vail General Contracting Inc. of Cumberland Center on September 30, 1993. The request is to build a 1-1/2 story addition to the building you own at 145 Auburn Street which is used as a single family dwelling with an accounting/home occupation. This permit is not issuable for the following reasons:

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  - d. Exterior signs shall be limited to one(1) nonilluminated sign not exceeding a total area of two(2) square feet, affixed to the building and not projecting more than one(1) foot beyond the building;
2. Section 14-410(1)a. which reads:
  - a. A home occupation shall not occupy more than five hundred(500) square feet of floor area or more than twenty-five(25) percent of the total floor area of such a dwelling unit, whichever is less, or in the case of licensed family day care homes, or home babysitting services, to accommodate not more than six(6) children plus two(2) children after school and having no nonresidential employees;This section, in my opinion, is not intended to allow such major additions to exploit the 25% floor area calculation. It also has not been adequately shown that you can meet the 500 square foot restriction. I would consider storage, entryways, bathrooms, hallways, breezeways whose only function is to access or serve the office, and any similar space to be included as part of the "total area". In addition, you have not provided adequate square footage calculations for the entire structure.
3. Section 14-410(1)e. which reads:
  - e. Any exterior alterations to the residence shall be compatible with the architecture of the building and maintain the residential appearance by virtue of exterior materials, lighting, and signs;



McDonald

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12/14/93

You have not demonstrated compliance with this section. Furthermore, the fact that the new business area will have its own accesses and even yourself as occupant, must pass through the garage to access the office, in my opinion detracts from the residential appearance and conflicts with the stated "purpose" of a home occupation which reads:

Purpose. The purpose of home occupations is to allow the secondary and incidental use of a residence for the conduct of appropriate occupations whose external activity levels and impacts are so limited as to be compatible with the residential character of the neighborhood.

The scale and design are not "secondary and incidental" but rather project the use to be as significant if not more dominant than the single family use of the property and takes away from the "residential character" of the property.

All of these are my reasons for denial. I have attached a copy of the applicable section of the ordinance for your review. You have thirty (30) days from date of this letter to appeal the order for removal of the sign and the denial of your permit. Such an appeal is to the Board of Appeals and should be complete and submitted to this office within the thirty day appeal period.

Sincerely,

  
William D. Giroux  
Zoning Administrator

/el

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
P. Samuel Hoffses, Chief of Inspection Services  
David Jordan, Code Enforcement Officer  
Charles Lane, Associate Corporation Counsel  
Robert Vail, 177 Main St., Cumberland Center, ME 04021

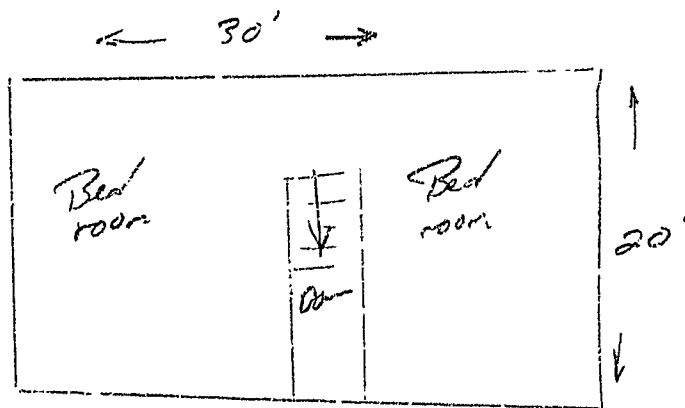
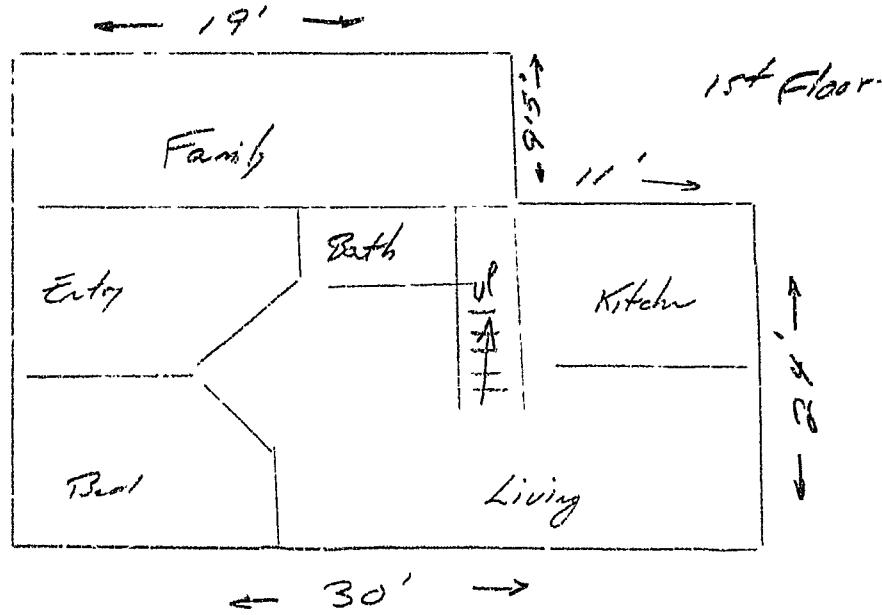
Vail

General Contracting, Inc.

177 Main Street

Cumberland Center, Maine 04021

207-829-5393



Louis McManis'  
residence

145 Auburn St.

2nd Floor



CITY OF PORTLAND  
Planning and Urban Development Department

MEMORANDUM

TO: Joseph E. Gray, Jr., Director of Planning and Urban Development  
DATE: December 20, 1993

FROM: William Giroux, Zoning Administrator *WJG*

SUBJECT: Permit denial for 145 Auburn St.

This memo is to further explain my action on the above mentioned application. A few years ago, after receiving complaints from neighboring property owners regarding the intensity of the business use, I contacted Lewis McDonald, the property owner. Mr. McDonald and I discussed several items of concern first on the telephone and finally in person. We discussed the fact that his sign was in violation of the code and he agreed to remove it and did. We discussed staffing and he agreed to have no more at this address. My other concerns were that too much floor area was being devoted to the business and that he was no longer living there. Mr. McDonald admitted that he was probably spending more time at his wife's house in South Portland but said that he would like to maintain an office on Auburn Street. He said that if it was necessary to comply with the ordinance he would move back to Auburn Street. We talked further about the fact that his business was growing such that he could not meet some of the home occupation criteria regarding floor area and number of employees. Mr. McDonald indicated he was willing to move part of his business to an office on Forest Avenue. He did so and this was field verified by a code enforcement officer.

According to Mr. McDonald's agent, Robert Vail, who has applied for the permit, the Forest Avenue office has been eliminated and the entire business will now be run here on Auburn Street. It concerns me that although we requested more information from Mr. Vail on several occasions, he has still not provided enough to clearly demonstrate that all the home occupation standards will be complied with. It also concerns me that Mr. McDonald's business was at a level that the neighbors found objectionable a few years ago and he now proposes a 25 foot by 25 foot building addition to be used as office space. In my opinion, this use has outgrown the restrictions for a home occupation.

It should be noted that Mr. McDonald unsuccessfully pursued a zone change several years ago and the neighbors feel that his business has been allowed to grow despite this fact.

In summary, I believe he now can choose any of these three options should he intend to pursue this:

- a. request the Board of Appeals review my decision
- b. request a zone change
- c. request a variance from the Board of Appeals

Please call me if there are any further questions.

/el

cc: P. Samuel Hoffses, Chief of Inspection Services  
David Jordan, Code Enforcement Officer