

From: Marge Schmuckal
To: Mark Adelson
Date: Mon, Aug 11, 2003 4:40 PM
Subject: Re: Fox Street

89 Anderson - 12-I-1

Mark,

I've done some reasearch on 89 Anderson. First of all, the zone has not changed recently. My old zoning maps that were updated to 1993 show the area to be an R-6 residential zone, which it still is. There was a zone change a few years back further up on Anderson Street near Cove. It changed to a B-5 zone. But that is a ways away from this property.

The microfiche shows a 1948 appeal to allow an automotive repair garage with the storage of vehicles. The appeal was granted and a permit was issued right after that. Following the permit is a certificate of occupancy for that use. I do not see any recent change of uses.

This legal nonconforming use may continue regardless of owner. It is all by use, not by owner.

Perhaps a letter to the owner explaining the situation may help alleviate the problem. But that is based on the ideals of co-operation. We tend not to get that too often.

Marge

>>> Mark Adelson 08/11 11:04 AM >>>
12-I-1

Can we meet today at to discuss problems at this parcel. I think you've spoken to the Halls of Anderson Street.

Let me know. Thanks

From: Mark Adelson
To: Marge Schmuckal
Date: Mon, Aug 11, 2003 11:04 AM
Subject: Fox Street

12-I-1

89 Anderson St

Can we meet today at to discuss problems at this parcel. I think you've spoken to the Halls of Anderson Street.
Let me know. Thanks

Jessica Brown

R-6

check microfiche

From: <Jessiemae13@aol.com>
To: Portland.CityHall(MES)
Date: Tue, Jul 1, 2003 2:14 PM
Subject: Zoning Research

Hi, I had talked with you this morning about a noisy business, Eurospeed.com, in a residential zone. They have been there a year. The lot they occupy 52-64 Fox Street, went through a zoning change a couple of years ago. The previous tenants, Ridlen's moved to Westbrook last summer. Myself and another neighbor, Charlie Hall of Anderson Street, have run the gauntlet of calling police to complain of squealing tires and go-carts, snowmobiles in winter, burning of hazardous material, to racing car engines with no mufflers and general revving up of motorcycles all day and half the night. The police have done there best. It is quieter after 10PM And noise in general has subsided some. But my neighbor and I fear it will go back to demolition derby, literally, like last summer. After they figure out the police have decided at this point we both need to go to City Hall and deal with it there. I have no problem doing the legwork to find out if there is a zoning issue going on or not.

I left you a note with parcel ID. I am not sure what I need to do next.
 Thank You

Brown
 Street
 Me. 04101

Jessica
 30 Everett
 Portland,
 773-6778
 650-5266

Parcel ID Eurospeed.com
 12 I 1 52-64 Fox Street
 No business licence
 not needed for that
 type of business

From: <Jessiemae13@aol.com>
To: Portland.CityHall(MBA)
Date: Tue, Aug 5, 2003 11:29 PM
Subject: Lower Munjoy Hill residents quality of life, not a city concern

I am a frustrated property owner living directly across the street from a business the moved into a residential zone. These people are loud and reve up souped up car engines and motorcycles outside off and on all day. This becomes constant after 4 or 5 PM and goes on till someone complains. Sometimes till 2 in the morning. It has had a great effect on my stress level, consequently my health. Of course they have connection with people that have police scanners, or the police are there an hour after the fact and have to say there is no cause for call.

My neighbors Charlie and Sharon Hall, of 80 Anderson Street have been fighting this for almost a year to no avail.

The police are telling me they can make as much noise as they want till 11PM. They say there is nothing they can do. I know there was an ordinance just about not being able to just constantly reve up a motorcycle engine. This doesn't apparently apply to them. These people not only do that but also cars with broken header pipes or souped up cars made to be loud.

These people are rude and don't give a hoot about who lives here. We have been to the zoning board. They say it is a behavior problem call the police. And the police say they are not breaking the law because they can do that all day on the business property. We need to go back to zoning.

OK so they are running a loud industrial enterprise in a residential zone. Which according to my neighbor 52-64 Fox Street was rezoned in 1996. Charlie Hall and I have both been down to talk to Marge Schmuckal. What she told me was they couldn't legally be there in a residential zone. But Charlie Hall told me he e-mailed her and she said it was OK for a retail business which they are not.

I am totally baffled?

My ulcer has been in full throttle. I have tried to sell but know one what's to hear that kind of racket when they get off work. And have had no luck there. I am currently looking into other living arrangements. As this seems to be a none issue with the City of Portland.

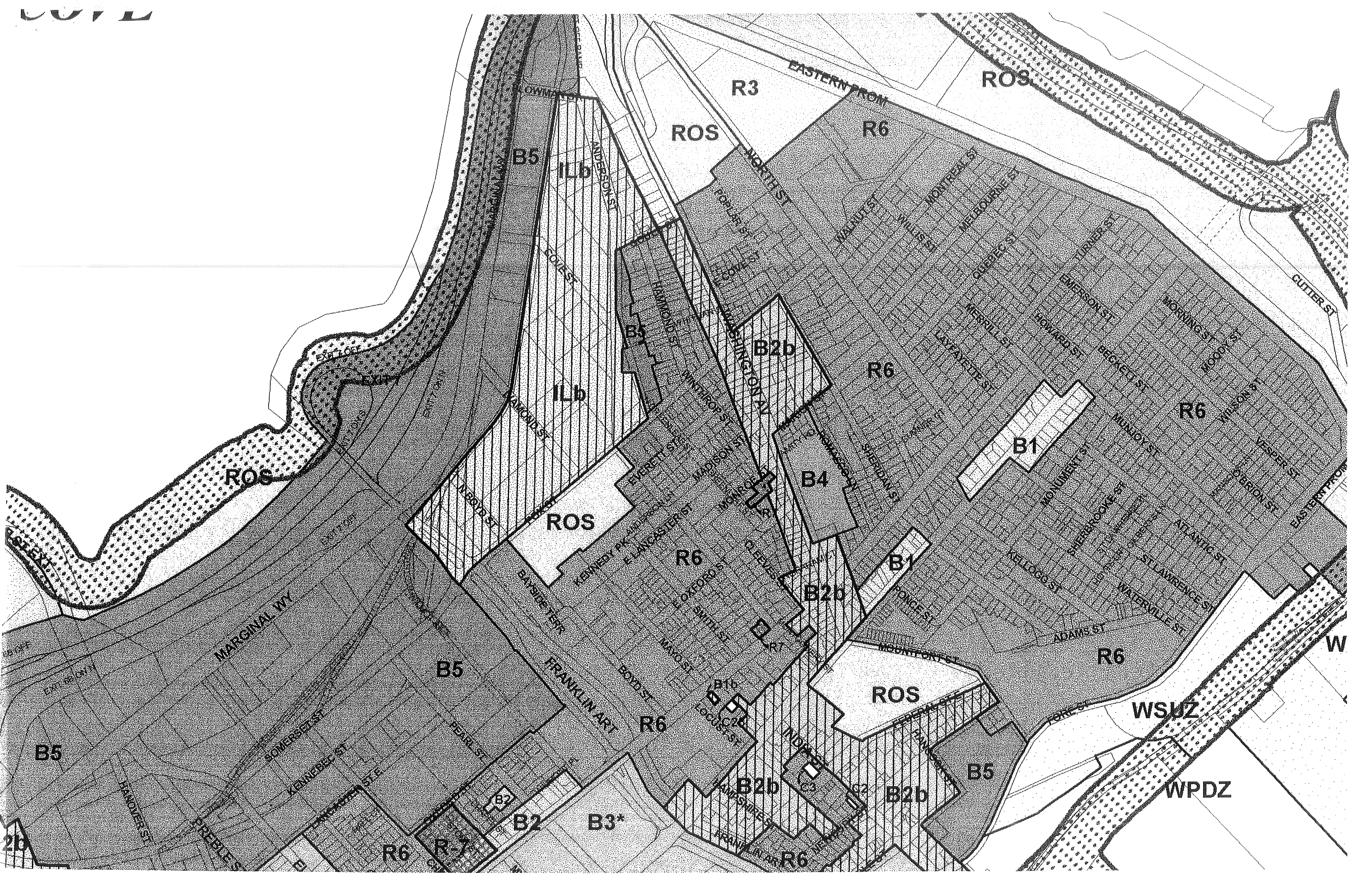
Janine Kastlemann told Charlie and myself to e-mail you about this dilemma.

Sincerely Jessica Brown
30 Everett Street
Portland, Me. 04101
650-5266

Charlie & Sharon Hall
80 Anderson Street
Portland, Me. 04191
775-3068



NOTE: For further reference see Cumberland County Registry of Deeds. Declaration recorded 23rd March 1914 St. Dec. 1913-14.



This page contains a detailed description of the Parcel ID you selected. Press the **New Search** button at the bottom of the screen to submit a new query.

Current Owner Information

Card Number 2 of 2
Parcel ID 012 I001001
Location 89 ANDERSON ST
Land Use MANUFACTURING & CONSTRUCTION

Owner Address LEE PATRICK JOHN & SHARON ANN JTS
 453 EAST ELM ST
 YARMOUTH ME 04096

Book/Page 8401/332
Legal 12-1-1
 ANDERSON ST 89-99
 EVERETT ST 25-37 EX 29
 FOX ST 52-64 20440 SF

Valuation Information

| | | |
|-------------|-----------------|--------------|
| Land | Building | Total |
| \$95,550 | \$88,310 | \$183,860 |

Building Information

| | | | | |
|---------------|-------------------|----------------|---------------------|------------------------|
| Bldg # | Year Built | # Units | Bldg Sq. Ft. | Identical Units |
| 2 | 1930 | 2 | 784 | 1 |

| | | | |
|--------------------|--------------------------------|----------------------------|----------------------|
| Total Acres | Total Buildings Sq. Ft. | Structure Type | Building Name |
| 0.469 | 6482 | OFFICE BUILDING - LOW-RISE | |

Exterior/Interior Information

| | | | |
|----------------|---------------|-------------|--------------|
| Section | Levels | Size | Use |
| 1 | 01/01 | 374 | SUPPORT AREA |
| 1 | 01/01 | 410 | SUPPORT AREA |

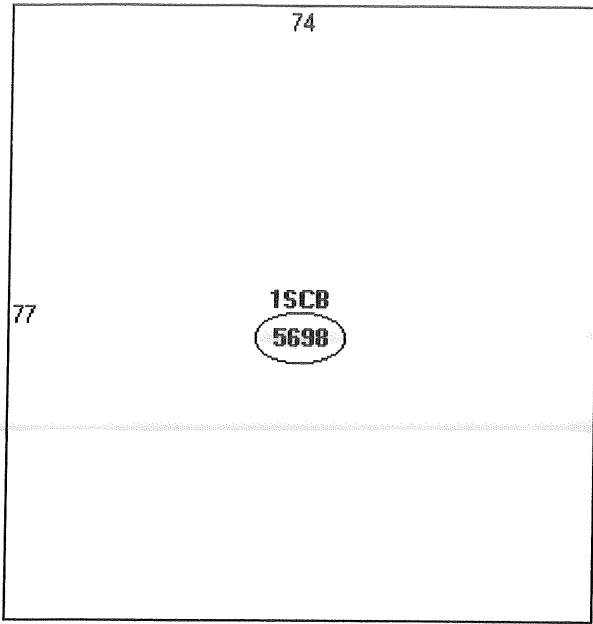
| | | | |
|---------------|--------------|----------------|------------|
| Height | Walls | Heating | A/C |
| 5 | BRICK/STONE | | |
| 7 | | | |

Building Other Features

| | | |
|-------------|-----------------------|------------------------|
| Line | Structure Type | Identical Units |
|-------------|-----------------------|------------------------|

Yard Improvements

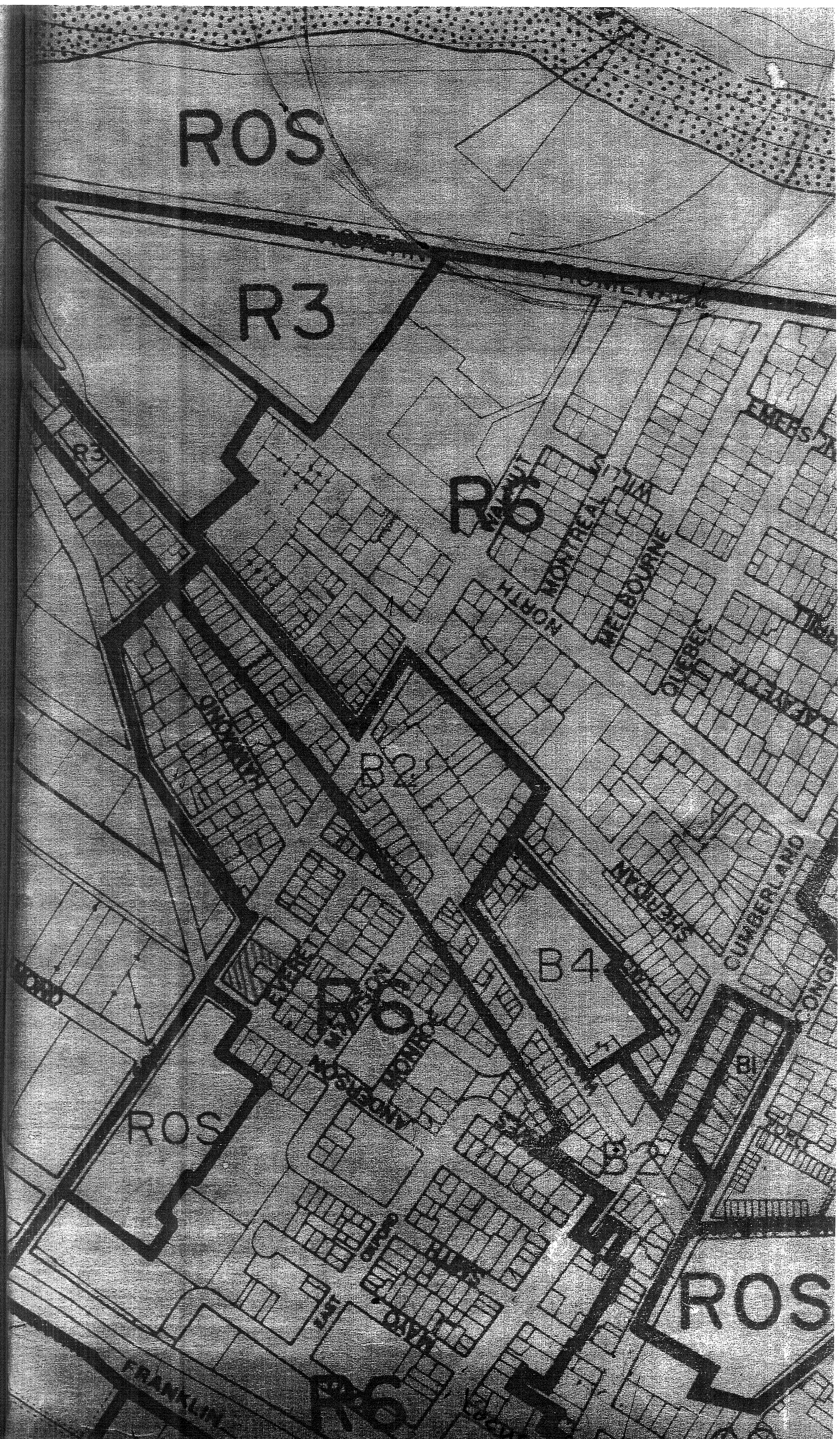
| | | | |
|-------------------|-----------------------|--------------------------|----------------|
| Year Built | Structure Type | Length or Sq. Ft. | # Units |
|-------------------|-----------------------|--------------------------|----------------|



Descriptor/Area

A: 1SCB
5698 sqft

OLD MAP UP DATED
Jan 1993



COPY

CITY OF PORTLAND, MAINE
Department of Building Inspection



Certificate of Occupancy

Issued to - **Thomas Aceto**

Date of Issue **August 10, 1948**

This is to certify that the building, premises, or part thereof, indicated below, and built—
~~allowed—checked as to use at~~ **52-56 Fox Street (see 89 Hudson St)**
under Building Permit No. **48/734**, has had final inspection, has been found to conform substan-
tially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved
for occupancy, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Entire Building

APPROVED OCCUPANCY

**Repair Garage with storage
of more than one commercial
vehicle allowed as per zoning
appeal granted May 3, 1948**

Limiting Conditions:

This certificate supersedes
certificate issued

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.



(B) LIMITED BUSINESS ZONE
APPLICATION FOR PERMIT

PERMIT ISSUED
00734
MAY 14 1948
CITY OF PORTLAND

Class of Building or Type of Structure Second Class

Portland, Maine, April 17, 1948

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect ~~and to alter~~ the following building ~~structure~~ in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 52-56 Fox Street (See 89 Anderson St.) Within Fire Limits? yes Dist. No. _____
Owner's name and address Thomas Aceto, 89 Anderson Street Telephone _____
Lessee's name and address _____ Telephone _____
Contractor's name and address Aceto & Sons, 89 Anderson Street Telephone 3-0714
Architect _____ Specifications _____ Plans yes No. of sheets 2
Proposed use of building Repair Garage and storage of more than one commercial vehicle No. families _____
Last use _____ No. families _____
Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot _____ office _____
Estimated cost \$ 7,000. Fee \$ 4.00

General Description of New Work

To construct 1 story concrete block building 73'x77'.

Permit Issued with Letter

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor.

PERMIT TO BE ISSUED TO

Aceto & Sons, 89 Anderson St.

Details of New Work

Appeal sustained 5/3/48

Is any plumbing work involved in this work? yes Is any electrical work involved in this work? yes
Height average grade to top of plate _____ Height average grade to highest point of roof 13'
Size, front _____ depth _____ No. stories 1 solid or filled land? solid earth or rock? earth
Material of foundation concrete at least 4' below grade Thickness, top _____ bottom _____ cellar _____
Material of underpinning _____ Height _____ Thickness _____
Kind of roof flat Rise per foot _____ Roof covering tar and gravel
No. of chimneys NONE 1 Material of chimneys brick of lining tile Kind of heat ? fuel _____
Framing lumber—Kind _____ Dressed or full size? _____
Corner posts _____ Sills _____ Girt or ledger board? _____ Size _____
Girders _____ Size _____ Columns under girders _____ Size _____ Max. on centers _____
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters: 1st floor concrete, 2nd _____, 3rd _____, roof as per plan
On centers: 1st floor _____, 2nd _____, 3rd _____, roof _____
Maximum span: 1st floor _____, 2nd _____, 3rd _____, roof _____
If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

No. cars now accommodated on same lot _____ to be accommodated _____ number commercial cars to be accommodated _____
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

Miscellaneous

APPROVED:

Will work require disturbing of any tree on a public street? no
Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are _____

City of Portland, Maine
Board of Appeals

—ZONING—

Decision

Public hearing was held on the 3rd day of May, 1948,
on petition of Thomas Acete, owner of property at
52-56 Fox Street, seeking to be permitted an exception to the regulations of
the Zoning Ordinance relating to this property.

Building permit for construction of proposed Repair Garage and storage
of more than one commercial motor vehicle is not issuable under the
Zoning Ordinance because the property is located in a Limited Business
Zone in which Sections 5A4 and 10 stipulate that use as a repair garage
or for storage of more than one commercial motor vehicle is not allowable
unless first authorized by the Board of Appeals after usual appeal
procedure.

The Board finds that an exception is necessary in this case to grant reasonable
use of property and can be granted without substantially departing from the
intent and purpose of the Zoning Ordinance.

It is, therefore, determined that exception to the Zoning Ordinance may be permitted
in this specific case.

Joseph R. Mitchell
B. Wm. Halbrook
Helen C. Frost

Edwin J. Colley
Gerald A. Cole

Board of Appeals

granted 5/3/48
4/27

City of Portland, Maine
Board of Appeals
—ZONING—

April 22, 1948

To the Board of Appeals:

Your appellant, Thomas Acete, who is the owner of property at 52-56 Fox Street, respectfully petitions the Board of Appeals of the City of Portland to permit an exception to the regulations of the Zoning Ordinance relating to this property, as provided by Section 17, Paragraph E of the Zoning Ordinance,

Building permit for construction of proposed Repair Garage and storage of more than one commercial motor vehicle is not issuable under the Zoning Ordinance because the property is located in a Limited Business Zone in which Sections 5A4 and 10 stipulate that use as a Repair Garage or for storage of more than one commercial motor vehicle is not allowable unless first authorized by the Board of Appeals after usual appeal procedure.



The facts and conditions which make this exception legally permissible are as follows:—

An exception is necessary in this case to grant reasonable use of property and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

Thomas Acete
Appellant

September 11, 1975

89-95 Anderson St., corner of
Fox Street & Everett Street

Mr. Walter Mills
Stornaway Road
Cumberland Foreside, Maine

Dear Mr. Mills:

As per your letter and our conversation on this date, you are asking to erect a chain link fence 6' high to replace existing fence approximately 6' high that is made out of sheet metal. As this is a replacement and the chain link fence would increase the visibility at the corner we will allow this change with the understanding that there will be no barb wire at the top of the fence and that no temporary buildings, piles of material or motor vehicles will be allowed in at the 2 corners of Anderson and Everett and Anderson and Fox Streets as set forth under Section 602.19.M of the Zoning Ordinance. This is an area of a triangle formed by a line intersecting street lines of the intersecting streets at a point 25' from the corner.

Very truly yours,

A. Allan Soule, Assistant Director
Building Inspection Services

AAS:sk