

75-5 100021-11-11

SPRINT



1-2 INDUSTRIAL ZONE

APPLICATION FOR PERMIT

Class of Building or Type of Structure _____

Portland, Maine, July 28 1960

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish install the following building structure equipment 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 Terminalway - (Assess. Lot 431-C-5) 124-130 Forester St. Within Fire Limits? _____ Dist. No. _____

Owner's name and address Portland Terminal Co, 222 St. John St. Telephone _____

Lessee's name and address _____ Telephone _____

Contractor's name and address John F Donnelly & Son 116 Ocean St., So. Portland Telephone 2-6050

Architect _____ Specifications _____ Plans _____ No. of sheets _____

Proposed use of building _____ No. families _____

Last use _____ No. families _____

Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____

Other buildings on same lot _____

Estimated cost \$ _____ Fee \$ 2.00

General Description of New Work

To erect (2) 25' x 12' poster panels as per plans.
(back to back)

8/14/60 - 20' x 12' x 2' panels

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** _____ contractor

Details of New Work

Is any plumbing involved in this work? _____ Is any electrical work involved in this work? _____

Is connection to be made to public sewer? _____ If not, what is proposed for sewage? _____

Has septic tank notice been sent? _____ Form notice sent? _____

Height average grade to top of plate _____ Height average grade to highest point of roof _____

Size, front _____ depth _____ No. stories _____ solid or filled land? _____ earth or rock? _____

Material of foundation _____ Thickness, top _____ bottom _____ cellar _____

Kind of roof _____ Rise per foot _____ Roof covering _____

No. of chimneys _____ Material of chimneys _____ of lining _____ Kind of heat _____ fuel _____

Framing Lumber—Kind _____ Dressed _____ size? _____ Corner posts _____ Sills _____

Size Girder _____ 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 _____, 2nd _____, 3rd _____, roof _____

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? _____

APPROVED:

Miscellaneous

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 observed? yes

John F Donnelly & Sons

CS 301

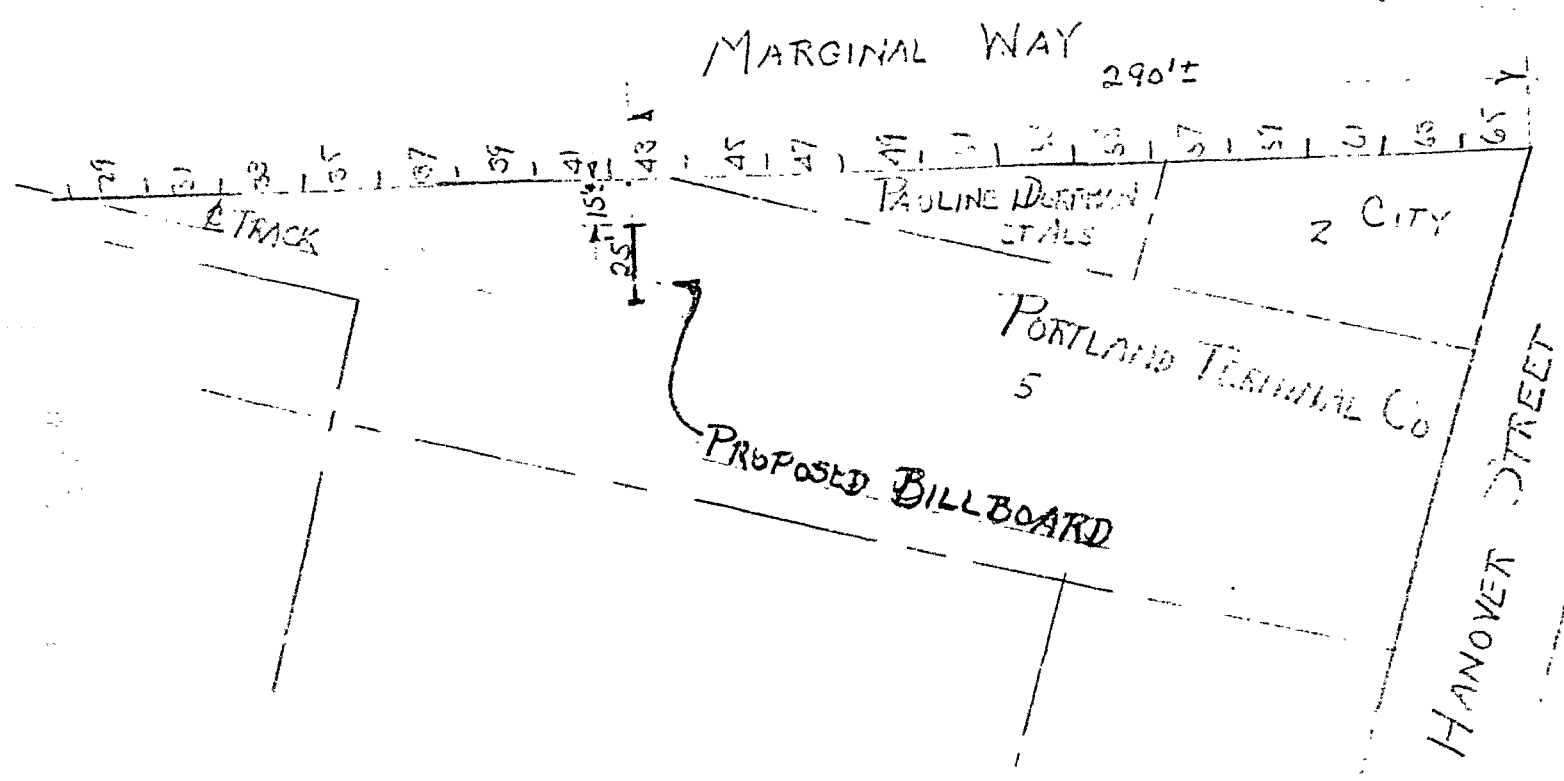
INSPECTION COPY

Signature of owner

by:

James J. Doolley

FM



CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Graham W. Watt, City Manager
FROM: Albert J. Sears, Building Inspection Director
DATE: Feb. 6, 1963
SUBJECT: Order for approval of permit for billboard at 25-43 Marginal Way

Attached herewith is an order for consideration by the Municipal Officers involving approval of a permit for erection of a billboard 25 feet long by 12 feet high at this location. This location is on the side of Marginal Way toward Kennebec Street and the board is to be located about 95 feet back from the street line at Marginal Way and about 125 feet northeast of the existing service station building on the adjoining lot.

The property is located in an I-2 Industrial Zone where a detached billboard is an allowable use. However, because the board is to be only 11 feet instead of 25 feet from a side lot line (here is another example of yard space requirements in Industrial Zones), approval of the Board of Appeals is needed. Hearing on the appeal is scheduled for February 14th, so that if the appeal is sustained (which seems likely), the order might well be put in order for action at the meeting of the Council on February 18th.

Albert J. Sears
Building Inspection Director

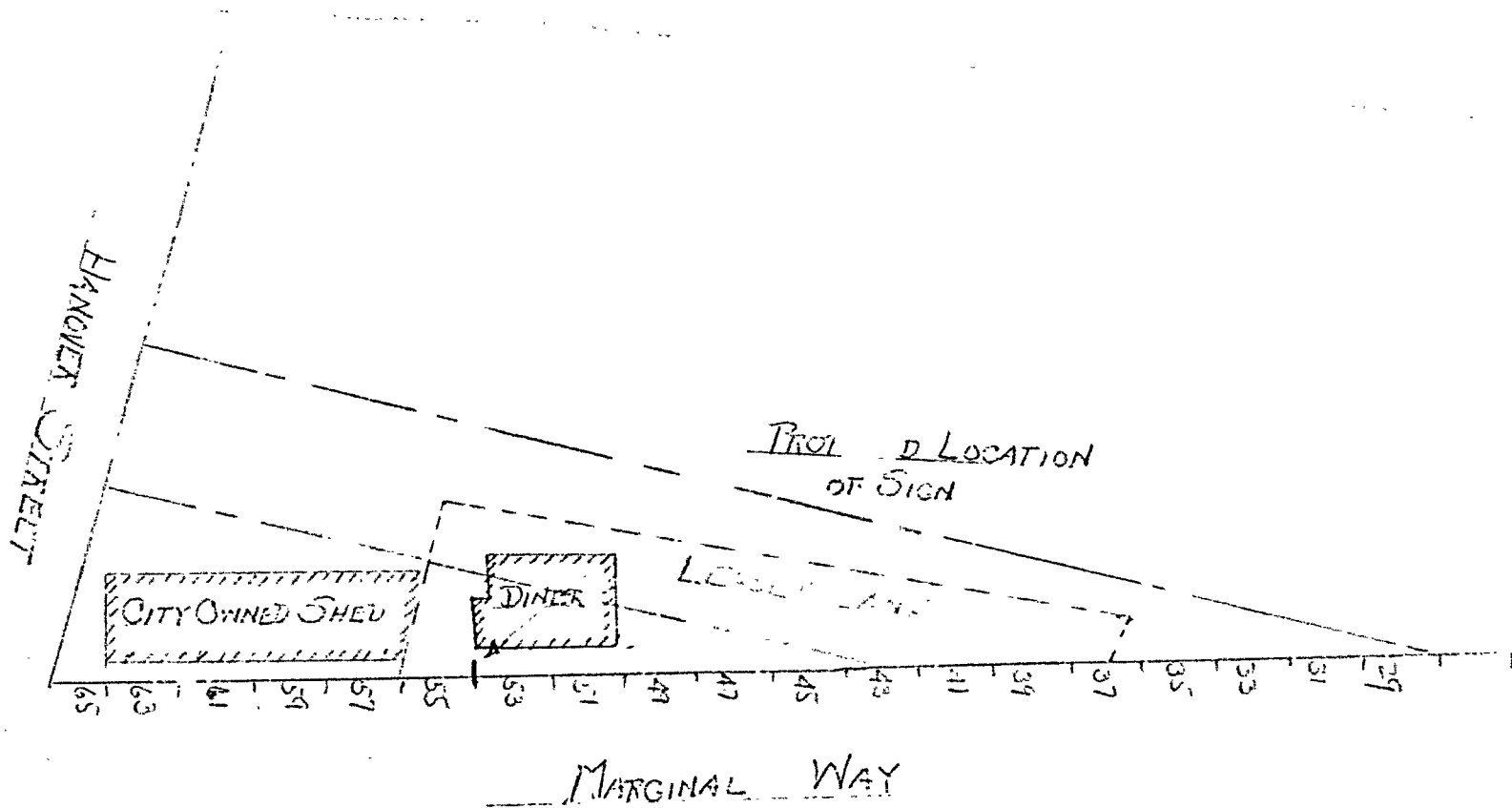
AJS:m

City of Portland, Maine

IN BOARD OF MUNICIPAL OFFICERS

Ordered,

That a building permit for erection of a detached poster panel 12 feet by 25 feet with top 27 feet above the ground by John Donnelly & Sons on property of the Portland Terminal Company at 25-43 Marginal Way be and hereby is approved as per Section 103-C-1.3 of the Building Code, subject to full compliance with all pertinent requirements thereof.





1-2 INDUSTRIAL ZONE
 size of plastic signs to be attached to building
 pierce glass to be attached to building
 Label No.
**APPLICATION FOR PERMIT TO ERECT
 SIGN OVER PUBLIC SIDEWALK OR STREET**

PERMIT ISSUED
 00899
 JUL 30 1964

Portland, Maine, June 15, 1964

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect the following described sign extending over a public sidewalk or street in accordance with the Building Code of the City of Portland, and the following specifications:

Location 35-55 Marginal Way Within Fire Limits? land Dist. No. land
 Owner of building to which sign is to be attached Miss Portland Diner, Albert Karas, Marginal Way
 Name and address of owner of sign " " " " " "
 Contractor's name and address Portland Sign Co., 181 Brackett St. Telephone 775-2592
 When does contractor's bond expire? Dec. 31, 1964 Appeal Sustained conditionally 7/2/64
 To erect 8'6" x 6' detached Information Concerning Building flashing lighting
 No. stories 1 Material of wall to which sign is to be attached cool sign **Permit Issued with Letter**

Details of Sign and Connections

Building owner's consent and agreement filed with application no
 Electric? yes Vertical dimension after erection 12' Horizontal 8'6"
 Weight 400 lbs. Will there be any hollow spaces? yes Any rigid frame? yes
 Material of frame channel iron No. advertising faces 2 material plastic
 No. rigid connections 10 Are they fastened directly to frame of sign? yes
 No. through bolts 1 Size 1/2" Location top or bottom
 No. guys 1 material 1/2" Size 1/2"
 Minimum clear height above sidewalk or street 12'
 Maximum projection into street 2'

Signature of contractor by:

Robert Milgrom

Fee \$ 2.00
 1.6-15-64

INSPECTION COPY

H. E. M. W/CHAND

Mc

911
Permit No. 641899
Location 35-55 Marginal Way
Owner This Portland Line
Date of permit 7/30/64
Sign Contractor
Final Inspn. 9/2/64

NOTES

8-12-64 Footing 70" x
12" x 12" pour
9/2/64 -- rework done
P. R. A.

PERMIT TO INSTALL PLUMBING

14581

PERMIT NUMBER

Date Issued 10-15-64
 PORTLAND PLUMBING INSPECTOR
 By J. P. Welch

Address 49 Marginal Way
 Installati. For Miss Portland Diner
 Owner of Bldg Miss Portland Diner
 Owner's Address: Same
 Plumber: Ralph Blake Date: 10-13-64

NEW	REPL	PROPOSED INSTALLATIONS	NUMBER	FEE
1	✓	SINKS	1	\$ 2.00
		LAVATORIES		
		TOILETS		
		BATH TUBS		
		SHOWERS		
		DRAINS		
		HOT WATER TANKS		
		TANKLESS WATER HEATERS		
		GARBAGE GRINDERS		
		SEPTIC TANKS		
		HOUSE SEWERS		
		ROOF LEADERS (Conn. to house drain)		

APPROVED FIRST INSPECTION
 Date 10-19-64
 By J. P. Welch
 APPROVED FINAL INSPECTION
 Date JOSEPH P. WELCH
 CHIEF PLUMBING INSPECTOR
 By

TYPE OF BUILDING
 COMMERCIAL
 RESIDENTIAL
 SINGLE
 MULTI FAMILY
 NEW CONSTRUCTION
 REMODELING

PORTLAND HEALTH DEPT. PLUMBING INSPECTION TOTAL ► \$ 2.00

Date 7-17-64
 By J. P. Welch
 APPROVED FINAL INSPECTION
 Date JOSEPH P. WELCH
 CHIEF PLUMBING INSPECTOR
 By

TYPE OF BUILDING
 COMMERCIAL
 RESIDENTIAL
 SINGLE
 MULTI FAMILY
 NEW CONSTRUCTION
 REMODELING

		TOILETS		
		BATH TUBS		
		SHOWERS		
		DRAINS		
		HOT WATER TANKS	1	\$ 2.00
		TANKLESS WATER HEATERS		
		GARBAGE GRINDERS		
		SEPTIC TANKS		
		HOUSE SEWERS		
		ROOF LEADERS (Conn. to house drain)		

PORTLAND HEALTH DEPT. PLUMBING INSPECTION TOTAL ► \$ 2.00

TYPE OF BUILDING
 SINGLE
 MULTI FAMILY
 NEW CONSTRUCTION
 REMODELING

PORTLAND HEALTH DEPT. PLUMBING INSPECTION TOTAL ► \$2.00

TYPE OF BUILDING
 SINGLE
 MULTI FAMILY
 NEW CONSTRUCTION
 REMODELING

PORTLAND HEALTH DEPT. PLUMBING INSPECTION TOTAL ► \$11.80

REMODELING
 REMODELING

PORTLAND HEALTH DEPT. PLUMBING INSPECTION TOTAL ► \$ 2.00

PERMIT TO INSTALL PLUMBING

Date Issued: 5/12/64

PORTLAND PLUMBING INSPECTOR

By: J. P. Welch

APPROVED FIRST INSPECTION

Date: 6-15-64

By: J. P. Welch

APPROVED FINAL INSPECTION

By: JOSEPH F. WELSH

CHIEF PLUMBING INSPECTOR

- TYPE OF BUILDING
- COMMERCIAL
 - RESIDENTIAL
 - SINGLE
 - MULTI FAMILY
 - NEW CONSTRUCTION
 - REMODELING

Address: 47 Marginal Way
 Installation For: Miss Portland Diner, Inc.
 Owner of Bldg.: Miss Portland Diner, Inc.
 Owner's Address: Miss Portland Diner, Inc.
 Plumber: Portland Gas Light Co.

12994
 PERMIT NUMBER

NEW	REPL	PROPOSED INSTALLATIONS	PLUMBER	FL.	Date:
		SINKS			<u>5/12/64</u>
		LAVATORIES			
		TOILETS			
		BATH TUBS			
		SHOWERS			
		DRAINS			
		HOT WATER TANKS			
		TANKLESS WATER HEATERS	<u>1</u>	<u>22.00</u>	
		GARBAGE GRINDERS			
		SEPTIC TANKS			
		HOUSE SEWERS			
		ROOF LEADERS (Conn. to house drain)			

PORTLAND HEALTH DEPT. PLUMBING INSPECTION TOTAL ▶ 22.00

- SINGLE
- MULTI FAMILY
- NEW CONSTRUCTION
- REMODELING

PORTLAND HEALTH DEPT. PLUMBING INSPECTION TOTAL ▶ \$11.80

- REMODELING

PORTLAND HEALTH DEPT. PLUMBING INSPECTION TOTAL ▶ \$ 2.00

PERMIT TO INSTALL PLUMBING

Date Issued: 4-7-64
 PORTLAND PLUMBING INSPECTOR

Address: 45-55 Marginal Way
 Installation For: Albert Karas
 Owner of Bldg: Albert Karas
 Owner's Address: Same

13851
 PERMIT NUMBER

By: J. P. Welch

Plumber: Maurice Colton

APPROVED FIRST INSPECTION

Date: Apr 29 1964
 By: JOSEPH P. WELCH

APPROVED FINAL INSPECTION

Date: 5-17-64
 By: JOSEPH P. WELCH

- CHIEF PLUMBING INSPECTOR
- COMMERCIAL BUILDING
 - RESIDENTIAL
 - SINGLE
 - MULTI FAMILY
 - NEW CONSTRUCTION
 - REMODELING

PROPOSED INSTALLATIONS		NUMBER	FEE
WATER TANKS		1	\$ 2.00
TANKLESS WATER HEATERS		2	4.00
GARBAGE GRINDERS		2	4.00
SEPTIC TANKS			
HOUSE SEWERS			
ROOF LEADERS (Conn. to house drain)			
WATER TANKS		2	1.20
TANKLESS WATER HEATERS		1	.60

PORTLAND HEALTH DEPT. PLUMBING INSPECTION TOTAL ▶ \$11.80

REMODELING
 PORTLAND HEALTH DEPT. PLUMBING INSPECTION TOTAL ▶ \$ 2.00

FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, March 5, 1965

PERMIT ISSUED

00200

MAR 5 1965

CITY OF PORTLAND

to the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to install the following heating, cooking or power equipment in accordance with the Laws of Maine, the Building Code of the City of Portland, and the following specifications:

Location 49 Marginal Way Use of Building Restaurant No. Stories 1 New Building Existing "
Name and address of owner of appliance Miss Portland Diner, 49 Marginal Way
Installer's name and address Portland Gas Light Co. 5 Temple St. Telephone

General Description of Work

To install (1) gas-fired heavy duty fry top Vulcan restaurant range Model #6160A (replacement). (1) gas-fired heavy duty open top range Model 6145A (both in place of one range). (2) gas-fired heavy duty hot plates Model #5120 (new installations).

IF HEATER, OR POWER BOILER

Location of appliance Any burnable material in floor surface or beneath?
If so, how protected? Kind of fuel?
Minimum distance to burnable material, from top of appliance or casing top of furnace
From top of smoke pipe From front of appliance From sides or back of appliance
Size of chimney flue Other connections to same flue
If gas fired, how vented? Rated maximum demand per hour
Will sufficient fresh air be supplied to the appliance to insure proper and safe combustion?

IF OIL BURNER

Name and type of burner Labelled by underwriters' laboratories?
Will operator be always in attendance? Does oil supply line feed from top or bottom of tank?
Type of floor beneath burner Size of vent pipe
Location of oil storage Number and capacity of tanks
Low water shut off Make No.
Will all tanks be more than five feet from any flame? How many tanks enclosed?
Total capacity of any existing storage tanks for furnace burners

IF COOKING APPLIANCE

Location of appliance first floor Any burnable material in floor surface or beneath? none
If so, how protected? Height of Legs, if any 4"
Skirting at bottom of appliance? none Distance to combustible material from top of appliance? over 3'
From front of appliance over 3' From sides and back over 3' From top of smokepipe
Size of chimney flue Other connections to same flue
Is hood to be provided? existing If so, how vented? thru roof Forced or gravity? forced
If gas fired, how vented? into hood Rated maximum demand per hour 45,000-ovens

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Gas-fired ovens are automatically equipped with device which will automatically shut off all gas supply in case pilot flame is extinguished,
80,000-fry top
60,000-open top
24,000-each on hot plates.

Amount of fee enclosed? 5.00 (\$2.00 for one heater, etc., \$1.00 additional for each additional heater, etc., in same building at same time.)

APPROVED:

OK 3-5-65 [Signature]

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes

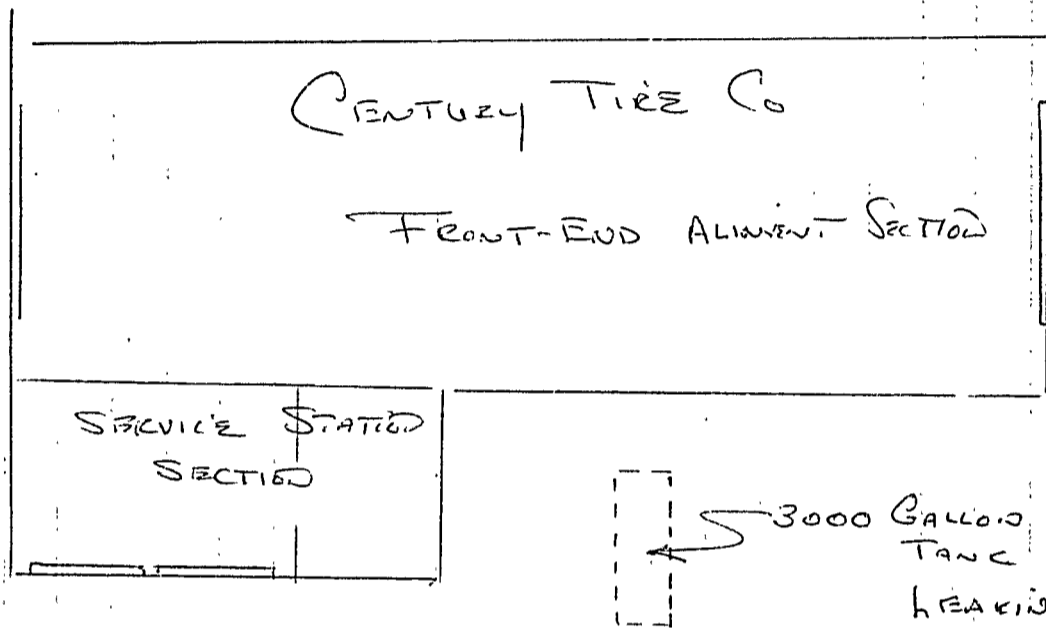
Portland Gas Light Company

Signature of Installer by: [Signature]

CS 300

INSPECTION COPY

[Handwritten initials]



PUMP ISLAND

RECEIVED
JUN 27 1972
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

47 MARGINAL WAY



APPLICATION FOR PERMIT

Class of Building or Type of Structure
Portland, Maine, June 27, 1972

PERMIT ISSUED
JUN 30 1972
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish install the following building structure equipment 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 47 Marginal Way
Owner's name and address Century Tire Service St., same
Contractor's name and address Portland Pump Co. 321 Lincoln St., S. Portland
Estimated cost \$5.00

General Description of New Work

To replace leaking gas. tank (5000 gal.) with new 3,000 gal. tank. Will bear underwriter's label. Tanks to be anchored. Will be 3' underground and painted with asphaltum

Sent to Fire Dept. 6/27/72
Rec'd from Fire Dept. 6/29/72

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 contractor

Details of New Work

Is any plumbing involved in this work? Is any electrical work involved in this work?
Height average grade to top of plate
Material of foundation
Kind of roof
No. of chimneys
Framing Lumber-Kind
Size Girder
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.

If a Garage

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

APPROVED:
[Signatures and dates]

Miscellaneous

Will work require disturbing of any tree on a public street?
Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? Yes

Portland Pump Co.

CS 301

INSPECTION COPY

Signature of owner

By:

[Signature]

*Granted 7/2/64
cond.
64/77*

DATE: July 2, 1964

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Albert Karas

AT 37-55 Marginal Way

Public Hearing on the above appeal was held before the Board of Appeals.

BOARD OF APPEALS

	YES	NO
Franklin G. Hancock William B. Kirkpatrick	(x)	()
Ralph L. Young	(x)	()
Harry M. Schwartz	(x)	()

Record of Hearing

Granted provided that no part of said sign shall project over the inside edge of the street line of Marginal Way.

No opposition.

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

MISCELLANEOUS APPEAL

Albert Karas, owner of property at 37-55 Marginal Way
under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit: erection in front of restaurant of a detached plastic faced pole sign with overall dimensions of six feet in height and eight and one-half feet in length and top about eighteen feet above the ground, and projecting about two feet over the public sidewalk. This permit is presently not issuable under the Zoning Ordinance because it will be an unlawful encroachment upon the ten-foot front yard previously authorized by the Board of Appeals in the I-2 Industrial Zone in which the property is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the board of Appeals finds that enforcement of the terms of the Ordinance would result in undue hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Ordinance.



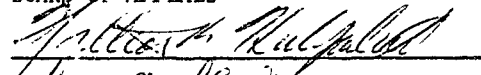
APPELLANT

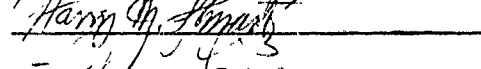
DECISION

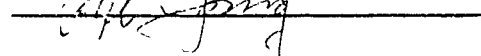
After public hearing held July 2, 1964 the Board of Appeals finds that enforcement of the terms of the Ordinance would result in undue hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Ordinance, provided that no part of said sign shall project over the inside edge of the street line of Marginal Way.

It is, therefore, determined that such permit may be issued, provided that no part of said sign shall project over the inside edge of the street line of Marginal Way.

BOARD OF APPEALS







June 29, 1964

Mr. Albert Karas
51 Marginal Way
Portland, Maine

Dear Mr. Karas:

July 2, 1964,

June 29, 1964

Portland Sign Company
181 Brackett Street
Portland, Maine

Gentlemen:

July 2, 1964

to 37-55 Marginal Way.

relating

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

June 29, 1964

Portland Terminal Co.
232 St. John Street
Portland, Maine

Gentlemen:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, July 2, 1964, at 4:00 p.m. to hear the appeal of Albert Karas requesting an exception to the Zoning Ordinance to permit erection in front of restaurant of a detached plastic faced pole sign with overall dimensions of six feet in height and eight and one-half feet in length and top about eighteen feet above the ground, and projecting about two feet over the public sidewalk at 37-55 Marginal Way.

This permit is presently not issuable under the Zoning Ordinance because it will be an unlawful encroachment upon the ten-foot front yard previously authorized by the Board of Appeals in the I-2 Industrial Zone in which the property is located.

All persons interested either for or against this appeal will be heard at the above time and place.

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

ALBERT J. SEARS
INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE
Department of Building Inspection

... - 57-59 Marginal Way

June 15, 1964

Mr. Albert Sears
51 Marginal Way
Portland Sign Company
181 Prescott Street

cc to: Corporation Counsel

Gentlemen:

Permit for erection in front of restaurant at the above named location of a detached plastic face pole sign with overall dimensions of six feet in height and eight and one-half feet in length and top about eighteen feet above the ground, and projecting about two feet over the public sidewalk, is not issuable under the zoning ordinance because it will be an unlawful encroachment upon the ten foot front yard previously authorized by the Board of Appeals in the I-2 Industrial Zone in which the property is located.

We understand that you would like to exercise your appeal rights in this matter. Accordingly we are certifying the case to the Corporation Counsel to whose office in Room 203, City Hall, you should go to file the appeal.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

COPY



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, June 9, 1964

PERMIT ISSUED

JUN 9 1964

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to install the following heating, cooking or power equipment in accordance with the Laws of Maine, the Building Code of the City of Portland, and the following specifications:

Location 47 Marginal St Use of Building Restaurant No. Stories 1 New Building Existing
Name and address of owner of appliance Les Portland Diner, Albert Kuras, 47 Marginal St
Installer's name and address Portland Gas Light Co. 5 Temple St. Telephone

General Description of Work

To install (1) gas-fired restaurant range Garland model G233-2-R and (1) gas-fired broiler (Luzon model 115)

IF HEATER, OR POWER BOILER

Location of appliance Any burnable material in floor surface or beneath?
If so, how protected? Kind of fuel?
Minimum distance to burnable material, from top of appliance or casing top of furnace
From top of smoke pipe From front of appliance From sides or back of appliance
Size of chimney flue Other connections to same flue
If gas fired, how vented? Rated maximum demand per hour
Will sufficient fresh air be supplied to the appliance to insure proper and safe combustion?

IF OIL BURNER

Name and type of burner Labelled by underwriters' laboratories?
Will operator be always in attendance? Does oil supply line feed from top or bottom of tank?
Type of floor beneath burner Size of vent pipe
Location of oil storage Number and capacity of tanks
Low water shut off Make No.
Will all tanks be more than five feet from any flame? How many tanks enclosed?
Total capacity of any existing storage tanks for furnace burners

IF COOKING APPLIANCE

Location of appliance First floor Any burnable material in floor surface or beneath? non-combustible
If so, how protected? Height of Legs, if any 4"
Skirting at bottom of appliance? none Distance to combustible material from top of appliance? over 3"
From front of appliance over 3" From sides and back over 3" From top of smokepipe
Size of chimney flue Other connections to same flue
Is hood to be provided? Yes If so, how vented? thru roof Forced or gravity? gravity (2)
If gas fired, how vented? into hood Rated maximum demand per hour 2,000 each-oven 20,000-broiler

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Hood by Therex - etc.

Amount of fee enclosed: 3.00 (\$2.00 for one heater, etc., \$1.00 additional for each additional heater, etc., in same building at same time.)

APPROVED:

OK. 6-9-64 [Signature]

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes

Portland Gas Light Company

CS 300

INSPECTION COPY

Signature of Installer by: [Signature]

[Handwritten mark]

NOTES

Permit No. 641648
Location 477 Magazine Hwy
Owner *Mr. [unclear]*
Date of permit 6/9/64
Approved _____

[Handwritten scribble]

<p>[Lined area for notes]</p>	<p>[Lined area for notes]</p>
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Memorandum from Department of Building Inspection, Portland, Maine

A.P.- 35-55 marginal way

June 8, 1954

Robert N. Thayer
Thayer Engineers
505 Fore Street

cc to: Albert Karas
35-55 marginal way

Dear Mr. Thayer:

Permit to install hood and duct work of cooking appliances as per your plan is being issued subject to our discussion in which it is understood that you are to fill the void space between the 16x16-inch duct and thimble with glass wool from the ceiling to where this space is vented above the roof curb.

Very truly yours,

Gerald J. Mayberry
Deputy Building Inspection Director

GEM:m

1-2 INDUSTRIAL ZONE



APPLICATION FOR PERMIT

Class of Building or Type of Structure Installation
Portland, Maine, June 4, 1964

PERMIT ISSUED
00638
JUN 8 1964
PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish install the following building structure equipment 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 22-55 ... Within Fire Limits? ... Dist. No.
Owner's name and address ... Telephone
Lessee's name and address ... Telephone
Contractor's name and address Thayer Engineers, 50 ... Telephone 774-9495
Architect ... Specifications ... Plans yes ... No. of sheets 1
Proposed use of building ... No. families
Last use ... No. families
Material ... No. stories ... Heat ... Style of roof ... Roofing
Other buildings on same lot
Estimated cost \$... Fee \$ 5.00

General Description of New Work

To install hood and duct work for cooling appliances as per plan.

Permit issued with Memo

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 contractor

Details of New Work

Is any plumbing involved in this work? ... Is any electrical work involved in this work?
Is connection to be made to public sewer? ... If not, what is proposed for sewage?
Has septic tank notice been sent? ... Forth notice sent?
Height average grade to top of plate ... Height average grade to highest point of roof
Size, front ... depth ... No. stories ... solid or filled land? ... earth or rock?
Material of foundation ... Thickness, top ... bottom ... cellar
Kind of roof ... Rise per foot ... Roof covering
No. of chimneys ... Material of chimneys ... of lining ... Kind of heat ... fuel
Framing Lumber-Kind ... Dressed or full size? ... Corner posts ... Sill
Size Girder ... 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 ... 2nd ... 3rd ... roof
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?

APPROVED:

J. E. M. w/ memo

Miscellaneous

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 observed? yes

Thayer Engineers

CS 301

INSPECTION COPY

Signature of owner by:

[Signature]

[Signature]

Permit No. 641 639
Location 3555 Macgregor Hwy
Owner Allen K. Howard
Date of permit 6/8/64
Notif. closing-in _____
Inspn. closing-in _____
Final Notif. _____
Final Inspn. _____
Cert. of Occupancy issued _____
Staking Out Notice _____
Form Check Notice _____

NOTES

6-15-64 Completed

Handwritten notes and a large checkmark on a lined background.



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

PERMIT ISSUED

MAY 5 1964

PORTLAND, ME.

Portland, Maine, May 4, 1964

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to install the following heating, cooking or power equipments in accordance with the Laws of Maine, the Building Code of the City of Portland, and the following specifications:

Location 47 Marginal Way Use of Building restaurant No. Stories 1 New Building
 Existing
 Name and address of owner of appliance Miss Portland Miner, 47 Marginal Way Telephone 472-3321
 Installer's name and address Portland Gas Light Co., Temple St.

General Description of Work

To install 1- gas-fired 155 Bpurothem forced hot water boiler in place of gas-fired furnace.

IF HEATER, OR POWER BOILER

Location of appliance basement Any burnable material in floor surface or beneath? no
 If so, how protected? Kind of fuel? gas
 Minimum distance to burnable material, from top of appliance or casing top of furnace 2' From sides or back of appliance 6"
 From top of smoke pipe 12" From front of appliance 12"
 Size of chimney flue 8x8 Other connections to same flue gas-fired water heater
 If gas fired, how vented? to chimney Rated maximum demand per hour 2200
 Will sufficient fresh air be supplied to the appliance to insure proper and safe combustion? yes

IF OIL BURNER

Name and type of burner Labelled by underwriters' laboratories?
 Will operator be always in attendance? Does oil supply line feed from top or bottom of tank?
 Type of floor beneath burner Size of vent pipe
 Location of oil storage Number and capacity of tanks
 Low water shut off Make
 Will all tanks be more than five feet from any flame? How many tanks enclosed?
 Total capacity of any existing storage tanks for furnace burners

IF COOKING APPLIANCE

Location of appliance Any burnable material in floor surface or beneath?
 If so, how protected? Height of Legs, if any
 Skirting at bottom of appliance? Distance to combustible material from top of appliance?
 From front of appliance From sides and back From top of smokepipe
 Size of chimney flue Other connections to same flue
 Is hood to be provided? If so, how vented? Forced or gravity?
 If gas fired, how vented? Rated maximum demand per hour

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

plan has device for automatic shut off of gas supply in case automatic heat control demands heat and the supply of gas fails to ignite

Amount of fee enclosed? 2.00 (\$2.00 for one heater, etc., 1.00 cents additional for each additional heater, etc., in same building at same time.)

APPROVED:
OK 5-4-64

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? Yes

Miss Portland Miner
 Portland Gas Light Co.
 By: Ray H. Spaulding Jr.

NOTES

Permit No. 641 461
Location 41 Macquarie Bay
Owner Mr. Pettit and Son
Date of permit 5/5/64
Approved _____

<p>Blank lined area for notes.</p>	<p>Blank lined area for notes.</p>
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APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. #1

Portland, Maine, March 9, 1964

RECEIVED
CITY OF PORTLAND
MAY 11 1964

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 64/202 pertaining to the building or structure comprised in the original application 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 45-55 Marginal Way Within Fire Limits? Dist. No.

Owner's name and address Albert Karas, 175 Forest Ave. Telephone

Lessee's name and address Telephone

Contractor's name and address Fusco & Richio, 54 Gertrude Ave. Telephone

Architect Plans filed Yes No. of sheets 5

Proposed use of building X Restaurant No. families

Last use No. families

Increased cost of work Additional fee .50

Description of Proposed Work

To change size of addition from 30'x34' to 16'x42' as per plans

Permit Issued with Letter

Approved 4/2/64

Details of New Work Fusco & Richio

Is any plumbing involved in this work? Is any electrical work involved in this work?

Height average grade to top of plate Height average grade to highest point of roof

Size, front depth No. stories solid or filled land? earth or rock?

Material of foundation Thickness, top bottom cellar

Material of underpinning Height Thickness

Kind of roof Rise per foot Roof covering of lining

No. of chimneys Material of chimneys

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 , 2nd , 3rd , roof

On centers: 1st floor , 2nd , 3rd , roof

Maximum span: 1st floor , 2nd , 3rd , roof

Approved:

Signature of Owner Albert Karas
Fusco & Richio

By: Albert J. Sears
Approved: Inspector of Buildings

MEMORANDUM FROM DEPARTMENT OF BUILDING INSPECTION, PORTLAND, MAINE

December 2, 1963
Moving requirements approved
Department of Public Works

Date November 14, 1963

TO: Commissioner of Public Works

FROM: Inspector of Buildings

SUBJECT: Moving building from #175 Forest Ave.

TC

#45-55 Marginal Way

We have application for permit to move 1-story steel building(diner)
as above.

We are checking the proposition against Zoning Ordinance and Building Code and will delay issuance of the permit until we hear from you that the permit for moving through the streets is cleared sufficiently. When that point is reached, will you be kind enough to write "OK to issue building permit" on the bottom of this memorandum and return.

Albert J. Sease
Inspector of Buildings

ALBERT KARAN
OWNER

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thence N 89° 15' E along the ...
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All bearings given in this description are true bearings.
The LESSEE shall erect and maintain a barrier at its expense along the

... of the land hereby leased to prevent automobiles or other
vehicles from encroaching on other land of the LESSOR situated adjacent to
the land hereby leased.
The LESSEE shall have the right to construct, erect and maintain at its
own expense upon said premises, such buildings, structures or other install-
ations as it in its sole discretion may determine for its general business.
Said buildings, structures or other installations shall not interfere with
or be detrimental to the use of said premises for the purposes herein
purposes.

Any such buildings, structures or other installations shall be removed

personal property and belong to the LESSEE and may be removed by the LESSEE from said premises at any time before or within ninety (90) days after termination of the term or any renewal of the term of this lease and if not so removed within said time, the title thereto shall rest in the LESSOR without the payment of any consideration therefor to the LESSEE. The LESSEE covenants and agrees in case it removes any such building, structure or other installation to leave said premises in a good and neat condition.

The LESSOR herein reserves the right to continue to maintain all water, drainage, electric and communication services as they may now exist or may hereafter be required for the benefit of remaining land of the LESSOR over, under and across the aforesaid premises hereby demised and also the right to enter upon said premises to perform the necessary work therefor; provided that any future services or facilities shall not interfere with or be detrimental to the use by the LESSEE of the premises hereby demised; and further provided that in the event of repairs being made to any of the aforesaid services or facilities, the premises shall be restored by the LESSOR within a reasonable time to their previous state.

The LESSEE shall not install, construct or completely reconstruct any building, structure or other object, nor permit any material to be placed above the top of rail within the space five feet eight inches (5'-8") outside the nearest rail of any straight portion of track (or an additional one inch (1") for each degree of curve on curve), or within the space twenty-two feet (22') above the plane of the tops of rails. Exceptions to the aforesaid clearance requirements shall be permitted only upon written authority of the Chief Engineer of the LESSOR and compliance with all legal requirements. No structures, wire or cable shall be placed or strung at any height over such tracks without a separate agreement to cover the same.

TO HAVE AND TO HOLD the above described premises hereby demised for the term of ten (10) years from the 1st day of March, 1964.

The said LESSEE shall have the right to renew this lease for an additional ten (10) year term upon giving written notice to the LESSOR of its intention to renew at least six (6) months prior to the end of the term hereof. Upon failure to give such notice to the LESSOR as aforesaid, the LESSEE shall forfeit its right of renewal for a further term.

The said LESSEE covenants and agrees to pay rent for the premises hereby leased at the rate of three hundred and Fifty Dollars (\$350.00) per annum, said payments to be made annually in advance on the 1st day of March each year during said term. The LESSEE also hereby agrees to reimburse the LESSOR annually for taxes assessed by the City of Portland on said land starting as of April 1, 1964.

The rent for renewal of said term in the event the LESSEE decides to take up its option shall be determined in the following manner:

Immediately upon giving written notice of intention to renew, the parties hereto shall confer and shall endeavor to agree upon the rent for the renewal term. If the parties are unable to agree on the rental for the renewal term, the question of the amount shall be submitted to an impartial Board of Arbitration to be composed of three members, one to be chosen by the LESSOR, one to be chosen by the LESSEE, and the two so chosen to select a third member. If the two arbitrators thus chosen are unable to agree upon a third, the selection of such arbitrator shall be determined by a Justice of the Superior Court of Maine. The decision of a majority of the arbitrators shall be final and binding on the parties.

Said LESSEE covenants and agrees to take upon itself all risk of loss by fire and neither he nor any person claiming under him shall have, or make, any claim upon the LESSOR for any damage to any building, structure, or other installation, any part of which is on said leased land and/or to any property stored in or on said building, structure or other installation, or on said leased land, from fire, however caused; and further covenants and agrees to indemnify the LESSOR and save it harmless from any claim that may arise or be made for death, injury, loss or damage, however caused, to the LESSEE or to its employees or property and/or to employees or property of the LESSOR and/or to other persons or their property on or in connection with said use and occupation of said land.

And said LESSEE does covenant to quit and deliver up the said premises to the LESSOR or any person duly authorized by it, peacefully and quietly, at the end of the term aforesaid, in as good order and condition as the same now are, and not to make or suffer any waste thereof; and that said

LESSEE will not assign or underlet the premises of any part thereof without the written consent of the LESSOR; and that the LESSOR may enter to expel the said LESSEE and repossess the said premises as of its former estate if the said LESSEE shall fail to pay the rent, as aforesaid, or if the said LESSEE shall make or suffer any strip or waste thereof, or shall fail to quit and surrender the premises to the LESSOR at the end of said term, in manner aforesaid, or shall violate any of the covenants in this lease by said LESSEE to be performed.

The covenants and conditions herein contained shall apply to and bind the successors and assigns of each of the parties hereto.

This agreement is made subject to the terms and conditions of the pertinent mortgage indentures and supplements thereto placed upon said premises by the LESSOR and/or to the terms and conditions of mortgage indentures and supplements thereto on said premises assumed by the LESSOR.

IN WITNESS WHEREOF, the PORTLAND TERMINAL COMPANY has caused this instrument to be signed and its corporate seal affixed hereto by E. S. Miller, its President hereunto duly authorized, and BAYSIDE FOOD CORPORATION has caused this instrument to be signed and its corporate seal affixed hereto by Albert J. Kafas its Treasurer hereunto duly authorized, both as of the day and year first above written.

WITNESS:

[Signature]

PORTLAND TERMINAL COMPANY

By E. S. Miller
President

WITNESS:

Fredrick A. Johnson

BAYSIDE FOOD CORPORATION

By Albert J. Kafas
Treas.

State of Maine)
County of Cumberland) ss

March 23, 1964.

Personally appeared the above named E. S. Miller and acknowledged the above instrument to be the free act and deed of Portland Terminal Company and of himself as said President.

Before me

[Signature]
Notary Public

FORM APPROVED: _____

EXECUTION APPROVED: _____



APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. #1
Portland, Maine, March 9, 1964

PERMIT ISSUED
APR 6 1964
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 64/202 pertaining to the building or structure comprised in the original application 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 35-55 Marginal Way Within Fire Limits? Dist. No.
Owner's name and address Albert Karas, 175 Forest Ave. Telephone
Lessee's name and address Telephone
Contractor's name and address Fusco & Richio, 54 Gertrude Ave. Telephone
Architect Plans filed Yes No. of sheets 5
Proposed use of building * Restaurant No. families
Last use " No. families
Increased cost of work Additional fee .50

Description of Proposed Work

To change size of addition from 30'x34' to 16'x42' as per plans

Address substituted 4/3/64

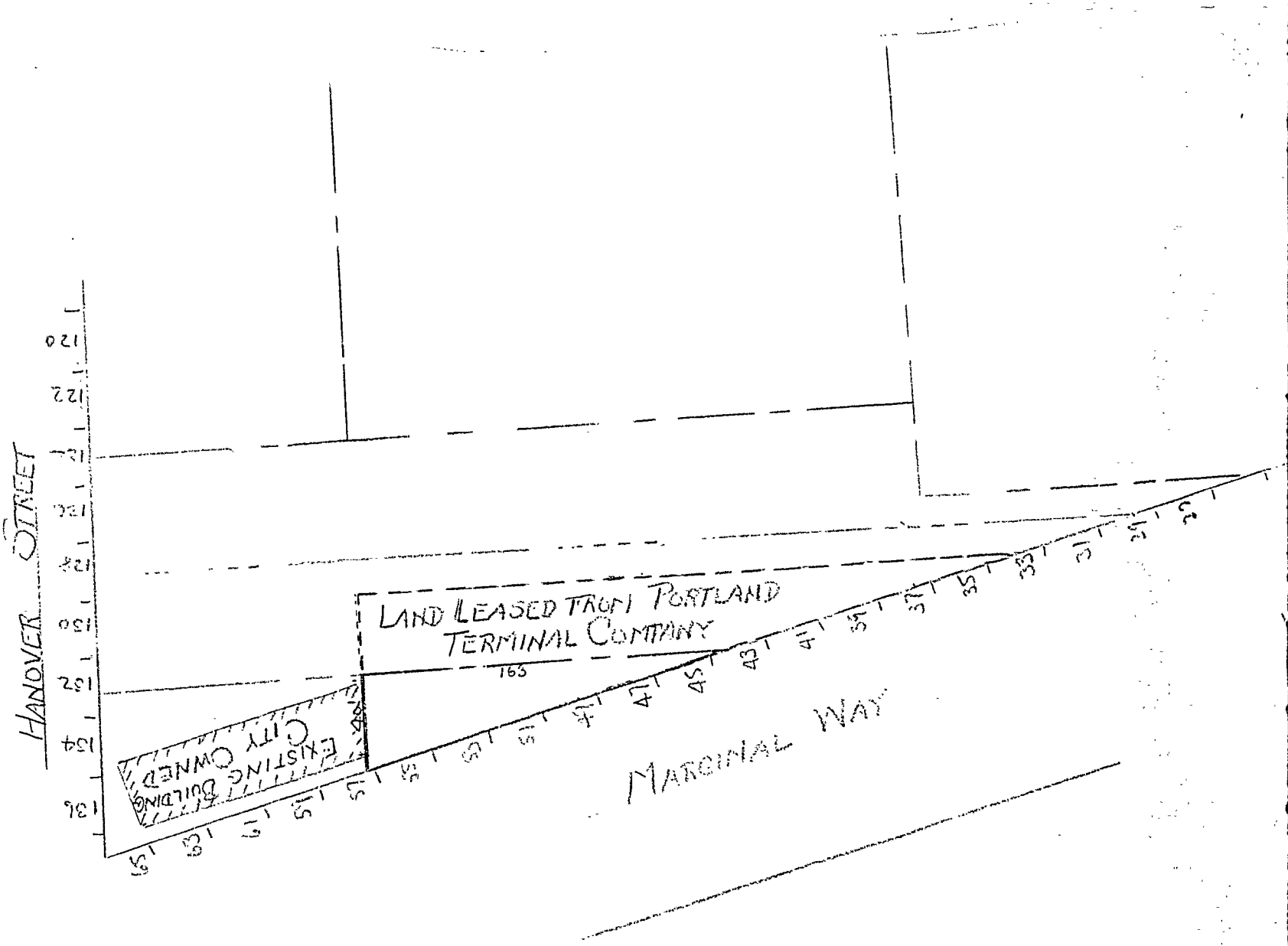
Details of New Work Fusco & Richio

Is any plumbing involved in this work? Is any electrical work involved in this work?
Height average grade to top of plate Height average grade to highest point of roof
Size, front depth No. stories solid or filled land? earth or rock?
Material of foundation Thickness, top bottom cellar
Material of underpinning Height Thickness
Kind of roof Rise per foot Roof covering of lining
No. of chimneys Material of chimneys
Framing lumber—Kind Dressed or full size? 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, 2nd, 3rd, roof
On centers: 1st floor, 2nd, 3rd, roof
Maximum span: 1st floor, 2nd, 3rd, roof

Approved:

Signature of Owner By: Albert Karas, Fusco & Richio

Approved: Inspector of Buildings



HANOVER STREET

LAND LEASED FROM PORTLAND
TERMINAL COMPANY

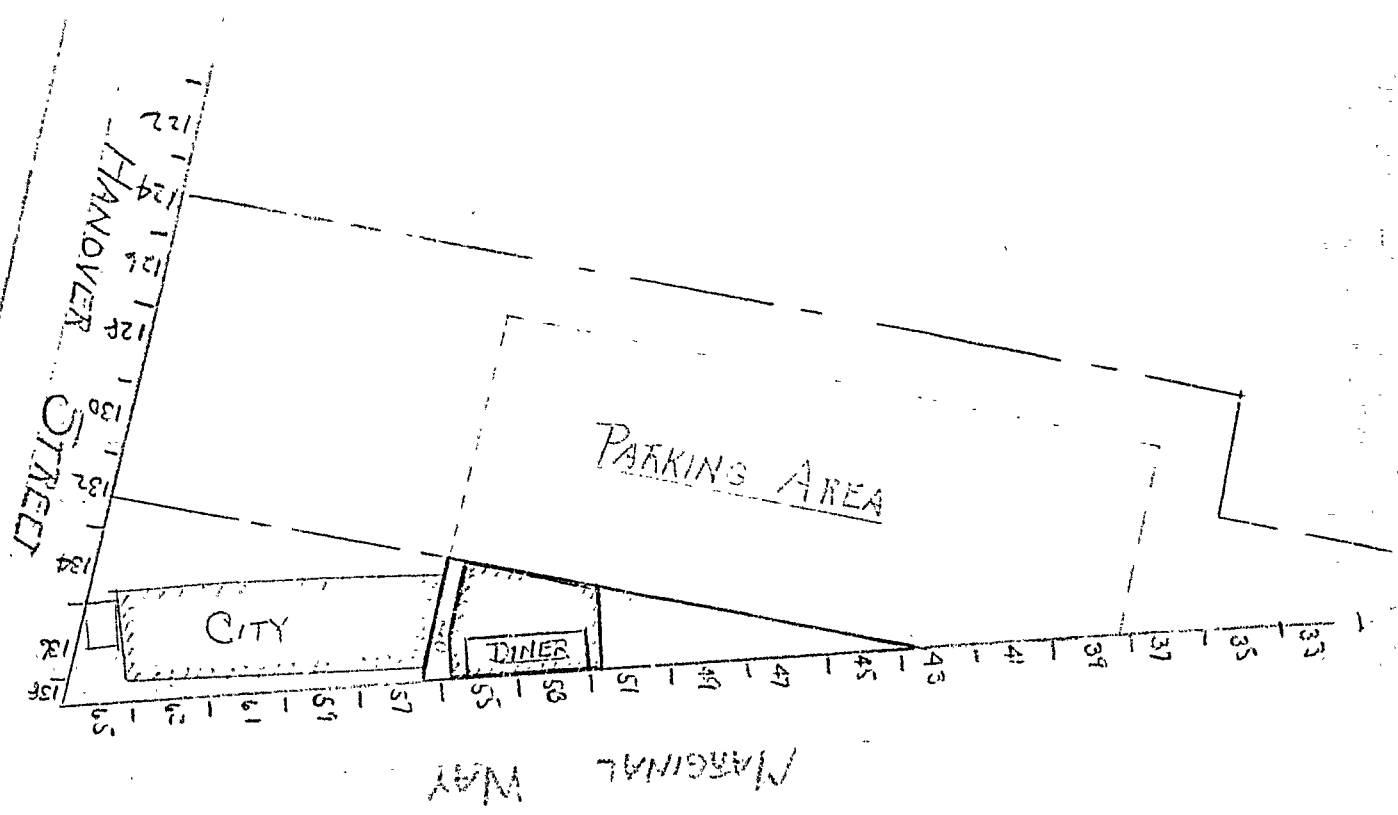
163

EXISTING BUILDING
CITY OWNED

MARGINAL WAY

120
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*Granted 4/2/64
64/38*

DATE: April 2, 1964

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Albert Karas

AT 35-55 Marginal Way

Public Hearing on the above appeal was held before the Board of Appeals.

BOARD OF APPEALS	VOTE	
	YES	NO
Franklin G. Hinckley	(x)	()
Ralph L. Young	(x)	()
Harry M. Shwartz	(x)	()

Record of Hearing

No opposition.

Granted

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

MISCELLANEOUS APPEAL

Albert Karas, owner of property at 35-55 Marginal Way
under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit: changing site and shape of concrete block addition to be constructed on rear of restaurant (diner) to be moved from its present location at 175 Forest Avenue to the above named location (the addition to be located partly on land of owner of the diner and partly on land at the rear to be leased from the Portland Terminal Company). This permit is presently not issuable under the Zoning Ordinance for the following reasons: 1) The rear corner of the addition towards Hanover Street is to be only about 5 feet from the side lot line instead of a minimum of 6 feet 6 inches authorized by the Appeal Board under a previous appeal; 2) The rear wall at the other corner of the addition is to be only about 8 feet from the rear line of the leased land instead of 10 feet (height of addition) required for a minimum rear yard by Section 12-C-4 of the Ordinance applying to the I-2 Industrial Zone in which the property is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that enforcement of the terms of the Ordinance would result in undue hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Ordinance.

Frederick A. Johnson
APPELLANT ATTORNEY

DECISION

After public hearing held April 2, 1964 the Board of Appeals finds that enforcement of the terms of the Ordinance would result in undue hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Ordinance.

It is, therefore, determined that such permit may be issued.

BOARD OF APPEALS

Franklin G. Hildley
Henry M. Hennessey
John W. Jones

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

March 30, 1964

Portland Terminal Company
232 St. John Street
Portland, Maine

Gentlemen:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, April 2, 1964, at 4:00 p.m. for the appeal of Albert Karas requesting an exception to the Zoning Ordinance to permit changing size and shape of concrete block addition to be constructed on rear of restaurant (diner) to be moved from its present location at 175 Forest Avenue to 35-55 Marginal Way (the addition to be located partly on land of owner of the diner and partly on land at the rear to be leased from the Portland Terminal Company).

This permit is presently not issuable under the Zoning Ordinance for the following reasons: 1) The rear corner of the addition towards Hanover Street is to be only about 5 feet from the side lot line instead of a minimum of 6 feet 6 inches authorized by the Appeal Board under a previous appeal; 2) The rear wall at the other corner of the addition is to be only about 8 feet from the rear line of the leased land instead of 10 feet (height of addition) required for a minimum rear yard by Section 12-C-4 of the Ordinance applying to the I-2 Industrial Zone in which the property is located.

All persons interested either for or against this appeal will be heard at the above time and place.

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

March 30, 1964

Frederick A. Johnson, Esq.
142 Federal Street
Portland, Maine

Dear Mr. Johnson:

April 2, 1964,

March 30, 1964

Mr. Albert Karas
175 Forest Avenue
Portland, Maine

Dear Mr. Karas:

~~March~~
April 2, 1964

ALBERT J. SEARS
INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE
Department of Building Inspection

(B.P. 64/202)35-55 Marginal Way

March 10, 1964

Mr. Albert Sears
175 Forest Avenue
Fusco & Richio
54 Gertrude Avenue

cc to: Frederick A. Johnson, Esq.
142 Federal Street
cc to: Corporation Counsel

Gentlemen:

Permit amendment for changing size and shape of concrete block addition to be constructed on rear of restaurant (diner) to be moved from its present location at 175 Forest Avenue to the above named location (the addition to be located partly on land of owner of the diner and partly on land at the rear to be leased from the Portland Terminal Company) is not issuable under the Zoning Ordinance for the following reasons:

1. The rear corner of the addition towards Hanover Street is to be only about 5 feet from the side lot line instead of a minimum of 6 feet 6 inches authorized by the Appeal Board under a previous appeal.
2. The rear wall at the other corner of the addition is to be only about 8 feet from the rear line of the leased land instead of 10 feet (height of addition, required for a minimum rear yard by Section 12-5-4 of the Ordinance applying to the 1-2 Industrial Zone in which the property is located.

We understand that the owner would again like to exercise his appeal rights in this matter. Accordingly we are certifying the case to the Corporation Counsel, to whose office in Room 208, City Hall, he or an authorized representative should go to file the appeal.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

*Granted 10/31/63
63/99*

DATE: October 31, 1963

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Constance Hoffert and Janet Kaplan
AT 45-55 Marginal Way

Public Hearing on the above appeal was held before the Board of Appeals.

BOARD OF APPEALS

Franklin G. Hinckley
Ralph L. Young
Harry M. Schwartz

VOTE	
YES	NO
(x)	()
(x)	()
(x)	()

Record of Hearing

No opposition.

Granted, provided that the building shall be located at least ten feet from the street line and no closer to lot lines than specified in the appeal.

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

MISCELLANEOUS APPEAL

Constance Hoffert & Janet Kaplan, owner of property at 45-55 Marginal Way under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit: moving existing restaurant (diner) from its present location at 175 Forest Avenue, and construction of a one-story addition on the rear. This permit is presently not issuable under the Zoning Ordinance for the following reasons: 1) The end of the structure towards Hanover Street is to be only 6-1/2 feet from the side lot line instead of the side yard of 12 feet (height of building) required by Section 12-C-1 of the Ordinance applying to the I-2 Industrial Zone; 2) The building is to be located practically on the street line instead of the minimum front yard setback of 25 feet being provided as required by Section 12-C-2 of the Ordinance; 3) The structure is to be built practically on the rear lot line instead of the minimum rear yard distance of 12 feet being provided as required by Section 12-C-4 of the Ordinance.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that enforcement of the terms of the Ordinance would result in undue hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Ordinance.

Constance Hoffert and Janet Kaplan

By: Seamus W. Thayer
APPELLANT

DECISION

After public hearing held October 31, 1963 the Board of Appeals finds that enforcement of the terms of the Ordinance would result in undue hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Ordinance, provided that the building shall be located at least ten feet from the street line and no closer to lot lines than specified in the appeal.

It is, therefore, determined that such permit may be issued, provided that the building shall be located at least ten feet from the street line and no closer to lot lines than specified in the appeal.

BOARD OF APPEALS
Franklin D. Hinkle
Harvey M. Hinkle
Richard L. Jones

October 10, 1963

Frederick A. Johnson, Esq.
142 Federal Street
Portland, Maine

Dear Fred:

In accordance with your telephone conversation with this office yesterday, we are addressing this letter to you in connection with the appeal now pending before the Board of Appeals to permit moving the diner now on the premises at 175 Forest Avenue to 45-55 Marginal Way, which will also include the construction of a one-story addition on the rear of the diner after it has been moved to the new location.

The Board of Appeals continued this case and has asked for further information as follows:

1. They will require a plot plan of the entire new location showing location of the diner and addition with respect to side, front, and rear lot lines, and also showing location of off-street parking facilities, including means of ingress and access to the parking area and from the parking area to the diner.
2. They would also like to know whether the owner plans any improvements at the new location, such as plantings, which might tend to make the area more attractive. You are undoubtedly familiar with the many new buildings which have been constructed on Marginal Way, and the Board is extremely hesitant about granting a variance from yard space requirements which would tend to detract from the appearance of the entire area.

For your further information, we would also call to your attention the fact that under another ordinance, the moving of the diner to the Marginal Way location will require the owner to provide a sidewalk constructed of bituminous concrete, portland cement, concrete, brick, or other paving material and granite curbing along the street wherever his use shall abut such street. The City will assume one-half of this cost but the owner will be required to pay the remaining half. There is a provision in that ordinance permitting request to the City Council to waive these requirements. However, as can be seen from the new construction in the area, the Council, while waiving sidewalks, has required curb construction in all cases, and, of course, could require sidewalks if they felt they were needed as a means of access to the diner.

Frederick A. Johnson, Esq.

-2-

October 10, 1963

The Board is scheduled to meet again on October 17 and, if you could get the required information to this office before that date, we would submit it to the Board following the hearings which will be held on that date.

If you have any questions, please feel free to contact this office and we will attempt to get them answered for you.

Very truly yours,

Robert W. Donovan
Assistant Corporation Counsel

M

cc: Building Inspector

COPY

October 2, 1963

Sidney W. Thaxter, Esq.
192 Middle Street
Portland, Maine

Dear Mr. Thaxter:

Tuesday,
xxxx:xxxx October 8, 1963,

, relating to 45-55 Marginal Way.

October 2, 1963

Myer Marcus, Esq.
Marcus & Marcus
97-A Exchange Street
Portland, Maine

Dear Mr. Marcus:

Tuesday,
XXXXXXXXX October 8, 1963,

, relating to 45-55 Marginal Way.

October 2, 1963

Mr. Albert Karas
175 Forest Avenue
Portland, Maine

Dear Mr. Karas:

Tuesday,
~~XXXXXXXXXX~~ October 8, 1963,

, relating to 45-55 Marginal Way.

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

October 2, 1963

Portland Terminal Company
222 St. John Street
Portland, Maine

Gentlemen:

The Board of Appeals will hold a public hearing in the Council Chamber City Hall, Portland, Maine, on Tuesday, October 8, 1963, at 4:00 p. m. to hear the appeal of Constance Hoeffert and Janet Kaplan requesting an exception to the Zoning Ordinance to permit moving existing restaurant (diner) from its present location at 175 Forest Avenue, and constructing a one-story addition on the rear, to 45-55 Marginal Way.

This permit is presently not issuable under the Zoning Ordinance for the following reasons: 1) The end of the structure towards Hanover Street is to be only 6-1/2 feet from the side lot line instead of the side yard of 17 feet (height of building) required by Section 12-C-1 of the Ordinance applying to the I-2 Industrial Zone; 2) The building is to be located practically on the street line instead of the minimum front yard setback of 25 feet being provided as required by Section 12-C-2 of the Ordinance; 3) The structure is to be built practically on the rear lot line instead of the minimum rear yard distance of 12 feet being provided as required by Section 12-C-4 of the Ordinance.

All persons interested either for or against this appeal will be heard at the above time and place.

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

ALBERT J. SEARS
INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE
Department of Building Inspection

AP- 45-55 Marginal Way
Sept. 23, 1963

Mr. Albert Karas
175 Forest Avenue

cc to: Constance Hoffert & Janet Kaplan
c/o Sidney W. Thaxter, Esq.
192 Middle Street
cc to: Corporation Counsel

Dear Mr. Karas:

Building permit to move existing restaurant (diner) from its present location at 175 Forest Avenue to the above named location, and to construct a one story addition on the rear is not issuable under the Zoning Ordinance for the following reasons:

1. The end of the structure towards Marginal Street is to be only 6 1/2 feet from the side lot line instead of the side yard of 12 feet (height of building) required by Section 12-C-1 of the Ordinance applying to the I-2 Industrial Zone in which the property is located.
2. The building is to be located practically on the street line instead of the minimum front yard setback of 25 feet being provided as required by Section 12-C-2 of the Ordinance.
3. The structure is to be built practically on the rear lot line instead of the minimum rear yard distance of 12 feet being provided as required by Section 12-C-4 of the Ordinance.

We understand that you would like to have a zoning appeal filed concerning these discrepancies. Accordingly we are certifying the case to the Corporation Counsel, to whose office in Room 208, City Hall, an authorized representative should go to file the appeal. If you are only a prospective purchaser of the land at this location, it is necessary that the appeal be made out in the name of the present owners and signed by them or their authorized agent.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

October 10, 1963

Frederick A. Johnson, Esq.
142 Federal Street
Portland, Maine

Dear Fred:

In accordance with your telephone conversation with this office yesterday, we are addressing this letter to you in connection with the appeal now pending before the Board of Appeals to permit moving the diner now on the premises at 175 Forest Avenue to 45-55 Marginal Way, which will also include the construction of a one-story addition on the rear of the diner after it has been moved to the new location.

The Board of Appeals continued this case and has asked for further information as follows:

1. They will require a plot plan of the entire new location showing location of the diner and addition with respect to side, front, and rear lot lines, and also showing location of off-street parking facilities, including means of ingress and access to the parking area and from the parking area to the diner.
2. They would also like to know whether the owner plans any improvements at the new location, such as plantings, which might tend to make the area more attractive. You are undoubtedly familiar with the many new buildings which have been constructed on Marginal Way, and the Board is extremely hesitant about granting a variance from yard space requirements which would tend to detract from the appearance of the entire area.

For your further information, we would also call to your attention the fact that under another ordinance, the moving of the diner to the Marginal Way location will require the owner to provide a sidewalk constructed of bituminous concrete, portland cement, concrete, brick, or other paving material and granite curbing along the street wherever his use shall abut such street. The City will assume one-half of this cost but the owner will be required to pay the remaining half. There is a provision in that ordinance permitting request to the City Council to waive these requirements. However, as can be seen from the new construction in the area, the Council, while waiving sidewalks, has required curb construction in all cases, and, of course, could require sidewalks if they felt they were needed as a means of access to the diner.

Frederick A. Johnson, Esq.

-2-

October 10, 1963

The Board is scheduled to meet again on October 17 and, if you could get the required information to this office before that date, we would submit it to the Board following the hearings which will be held on that date.

If you have any questions, please feel free to contact this office and we will attempt to get them answered for you.

Very truly yours,

Robert W. Donovan
Assistant Corporation Counsel

M

cc: Building Inspector

COPY

RECEIVED
OCT 11 1963
CORPORATION COUNSEL
CITY OF CHICAGO

At- 45-55 Marginal Way

Sept. 23, 1963

Mr. Albert Aaras
175 Forest Avenue

cc to: Constance Hoffert & Janet Kaplan
c/o Wilney L. Baxter, Esq.
192 Middle Street
cc to: Corporation Counsel

Dear Mr. Aaras:

Building permit to move existing restaurant (diner) from its present location at 175 Forest Avenue to the above named location, and to construct a one story addition on the rear is not issuable under the Zoning Ordinance for the following reasons:

1. The end of the structure towards Hanover Street is to be only 6½ feet from the side lot line instead of the side yard of 12 feet (height of building) required by Section 12-C-1 of the Ordinance applying to the I-2 Industrial Zone in which the property is located.
2. The building is to be located practically on the street line instead of the minimum front yard setback of 25 feet being provided as required by Section 12-C-2 of the Ordinance.
3. The structure is to be built practically on the rear lot line instead of the minimum rear yard distance of 12 feet being provided as required by Section 12-C-4 of the Ordinance.

We understand that you would like to have a zoning appeal filed concerning these discrepancies. Accordingly we are certifying the case to the Corporation Counsel, to whose office in Room 208, City Hall, an authorized representative should go to file the appeal. If you are only a prospective purchaser of the land at this location, it is necessary that the appeal be made out in the name of the present owners and signed by them or their authorized agent.

Very truly yours,

Albert J. Sears
Building Inspection Director

ASJ:m

AP - 45-55 Marginal Way

Nov. 4, 1963

Mr. Albert Karas
175 Forest Avenue

cc to: Harry Marcus, Esq.
97a Exchange Street

Dear Mr. Karas:

The zoning appeal involving moving existing restaurant (diner) to the above named location and constructing an addition to it has been sustained by the Board of Appeals subject to the condition that the building shall be located at least 10 feet from the street line and no closer to other lot lines than specified in the appeal. No further action can be taken by this department towards issuance of a building permit until the application already filed has been completed by furnishing an estimated cost of the work and paying the permit fee based thereon and by furnishing new site plan and architectural plans for checking and approval by this department. A permit from the Public Works Department, besides that from this department, will be required for moving the diner through the public streets.

Rights granted by the appeal will expire unless actual work is started on the project within six months of the date on which the appeal was sustained. It also seems best to call to your attention the fact that, under the City Sidewalk Ordinance, sidewalk and curbing will be required along the entire street front of the property unless relief from compliance with such requirements is granted by the City Council. Information as to the application of this Ordinance to the situation can be obtained from the Public Works Department in City Hall.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m