

447-449 CUMBERLAND AVENUE



Full cut #9206 - Half cut #9202H - Third cut #9203R - Full cut #9205R

**CITY OF PORTLAND, MAINE  
SITE PLAN REVIEW**

270

Processing Form

Applicant Weston Assoc. Inc. Date 11-20-81  
11 Beacon St., Boston 447-457 Cumberland Ave.  
 Mailing Address Address of Proposed Site  
43 unit apt. bldg 36-F-20, 21, 23  
 Proposed Use of Site Site Identifier(s) from Assessors Maps  
15,200 sq. ft. / 7380 sq. ft. R-6  
 Acreage of Site / Ground Floor Coverage Zoning of Proposed Site

Site Location Review (DEP) Required: ( ) Yes ( ) No Proposed Number of Floors 4  
 Board of Appeals Action Required: ( x ) Yes ( ) No Total Floor Area 34,416<sup>sq</sup>  
 Planning Board Action Required: ( x ) Yes ( ) No

Other Comments: Appeal granted conditionally 11-12-81

Date Dept. Review Due: \_\_\_\_\_

**BUILDING DEPARTMENT SITE PLAN REVIEW**  
(Does not include review of construction plans)

- Use does NOT comply with Zoning Ordinance
  - Requires Board of Appeals Action
  - Requires Planning Board/City Council Action

Explanation \_\_\_\_\_

- Use complies with Zoning Ordinance — Staff Review Below

Zoning: SPACE & BULK, as applicable	DATE	ZONING LOCATION (INTERIOR OR CORNER LOT)	40 FT. SETBACK AREA (SEC 21)	USL	S. WAGE DISPOSAL	REAR YARDS	SIDE YARDS	FRONT YARD	PROJECTIONS	HEIGHT	LOT AREA	BUILDING AREA	AREA PER FAMILY	WIDTH OF LOT	LOT FRONTAGE	OFF-STREET PARKING	LOADING BAYS	
COMPLIES		R-6	NA	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
COMPLIES CONDITIONALLY																		CONDITIONS SPECIFIED BELOW
DOES NOT COMPLY																		REASONS SPECIFIED BELOW

REASONS: Board of Appeals requested one off-street parking space be used as a drop-off/pick-up space nearest entrance way (7 spaces to be provided on-site and three additional to be arranged by lease.) Harold J. Turner

SIGNATURE OF REVIEWING STAFF/DATE

BUILDING DEPARTMENT - ORIGINAL

**CITY OF PORTLAND, MAINE  
SITE PLAN REVIEW  
Processing Form**

Applicant \_\_\_\_\_ Date \_\_\_\_\_

Mailing Address \_\_\_\_\_ Address of Proposed Site \_\_\_\_\_

Proposed Use of Site \_\_\_\_\_ Site Identifier(s) from Assessors Maps \_\_\_\_\_

Acreage of Site \_\_\_\_\_ Ground Floor Coverage \_\_\_\_\_ Zoning of Proposed Site \_\_\_\_\_

Site Location Review (DEP) Required: ( ) Yes ( ) No Proposed Number of Floors \_\_\_\_\_

Board of Appeals Action Required: ( ) Yes ( ) No Total Floor Area \_\_\_\_\_

Planning Board Action Required: ( ) Yes ( ) No

Other Comments: \_\_\_\_\_

Date Dept. Review Due: \_\_\_\_\_

**FIRE DEPARTMENT REVIEW**

(Date Received) \_\_\_\_\_

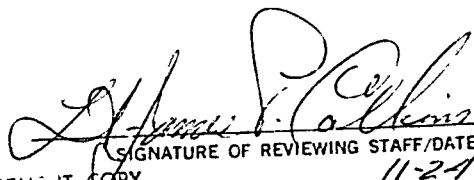
	ACCESS TO SITE	ACCESS TO STRUCTURES	SUFFICIENT VEHICLE TURNING ROOM	SAFETY HAZARDS	HYDRANTS	SIAMMSE CONNECTIONS	SUFFICIENCY OF WATER SUPPLY	OTHER	
APPROVED	✓	✓	✓		✓		✓		CONDITIONS SPECIFIED BELOW
APPROVED CONDITIONALLY									
DISAPPROVED									

REASONS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Attach Separate Sheet if Necessary)

  
 SIGNATURE OF REVIEWING STAFF/DATE  
 FIRE DEPARTMENT COPY 11-24-81

**CITY OF PORTLAND, MAINE  
SITE PLAN REVIEW  
Processing Form**

Applicant _____	Date _____
Mailing Address _____	Address of Proposed Site _____
Proposed Use of Site _____	Site Identifier(s) from Assessors Maps _____
Acreage of Site / Ground Floor Coverage _____	Zoning of Proposed Site _____
Site Location Review (DEP) Required: ( ) Yes ( ) No	Proposed Number of Floors _____
Board of Appeals Action Required: ( ) Yes ( ) No	Total Floor Area _____
Planning Board Action Required: ( ) Yes ( ) No	
Other Comments: _____	
Date Dept. Review Due: _____	

**PLANNING DEPARTMENT REVIEW**

\_\_\_\_\_  
(Date Received)

- Major Development — Requires Planning Board Approval: Review Initiated
- Minor Development — Staff Review Below

	LOADING AREA	PARKING	CIRCULATION PATTERN	ACCESS	PEDESTRIAN WALKWAYS	SCREENING	LANDSCAPING	SPACE & BULK OF STRUCTURES	LIGHTING	CONFLICT WITH CITY PROJECTS	FINANCIAL CAPACITY	CHANGE IN SITE PLAN	
APPROVED													CONDITIONS SPECIFIED BELOW
APPROVED CONDITIONALLY													
DISAPPROVED												REASONS SPECIFIED BELOW	

REASONS: APPROVED BY PLANNING BOARD 12/8/81

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Attach Separate Sheet if Necessary)

*Richard Knowledge* 12/10/81  
SIGNATURE OF REVIEWING STAFF/DATE

PLANNING DEPARTMENT COPY

**CITY OF PORTLAND, MAINE  
SITE PLAN REVIEW  
Processing Form**

Applicant \_\_\_\_\_ Date \_\_\_\_\_

Mailing Address \_\_\_\_\_ Address of Proposed Site \_\_\_\_\_

Proposed Use of Site \_\_\_\_\_ Site Identifier(s) from Assessors Maps \_\_\_\_\_

Acreage of Site \_\_\_\_\_ Ground Floor Coverage \_\_\_\_\_ Zoning of Proposed Site \_\_\_\_\_

Site Location Review (DEP) Required: ( ) Yes ( ) No Proposed Number of Floors \_\_\_\_\_

Board of Appeals Action Required: ( ) Yes ( ) No Total Floor Area \_\_\_\_\_

Planning Board Action Required: ( ) Yes ( ) No

Other Comments: \_\_\_\_\_

Date Dept. Review Due: \_\_\_\_\_

**PUBLIC WORKS DEPARTMENT REVIEW**

(Date Received) \_\_\_\_\_

	TRAFFIC CIRCULATION	ACCESS	CURB CUTS	ROAD WIDTH	PARKING	SIGNALIZATION	TURNING MOVEMENTS	LIGHTING	CONFLICT WITH CITY CONSTRUCTION PROJECT	DRAINAGE	SOIL TYPES	SEWERS	CURBING	SIDEWALKS	OTHER	
APPROVED	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	CONDITIONS SPECIFIED BELOW
APPROVED CONDITIONALLY																
DISAPPROVED																

REASONS: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

(Attach Separate Sheet if Necessary)

*William F. [Signature]* 12/4/81

SIGNATURE OF REVIEWING STAFF/DATE

PUBLIC WORKS DEPARTMENT COPY

CITY OF PORTLAND, MAINE  
BUILDING & INSPECTION SERVICES

Date Dec. 13, 1982

To: DiRenzo & Son., Co., Inc.  
contractor

Rochester St. Westbrook

With relation to permit applied for to demolish a 2 1/2 story multi family  
at (address) 453 Cumberland Avenue belonging to

(owner) Weston Associates. It is unlawful to commence de-  
molition work until a permit has been issued from this department.

3/3.  
Section 6 of the Ordinance for rodent and vermin control provides, "It shall be  
unlawful to demolish a building or structure unless provision is made for rodent  
and vermin eradication. No permit for the demolition of a building or structure  
shall be issued by the Building and Inspection Services Department until and  
unless provisions for rodent and vermin eradication have been carried out under  
supervision of a pest control operator registered with the Health Department."

The building permit for demolition cannot be issued until the provisions of this  
section have been satisfied. It is the obligation of owner or demolition contrac-  
tor or both to take up with the Health Department the matter of complying with  
this section, being prepared to inform that department what registered pest control  
operator is to be employed.

Very truly yours,

NOTICE - PER MUNICIPAL CODE  
A PERMIT TO DEMOLISH OR REMOVE A  
STRUCTURE SHALL EXPIRE THIRTY (30)  
DAYS AFTER THE DATE OF ISSUANCE.

P. Samuel Hoffses  
Chief of Inspection Services

Health Department comments: 12-15-82 - NO EVIDENCE INDICATIVE  
OF RODENT/VERMIN ACTIVITY PL. WILLIAMS, M.W.

Copies to:

- 2 - Health - Environ. (Mr. Vancolic. )
- 1 - Health - (Mr. Noyes)
- 1 - Public Works
- 1 - Fire Dept.

RECEIVED  
DEC 13 1982  
DEPT. OF BLDG. INSP.  
CITY OF PORTLAND

CITY OF PORTLAND, MAINE  
DIVISION OF INSPECTION SERVICES  
DEMOLITION CALL LIST

D. K. 1170 - 4 form Co. Inc. hereby request  
permission to open DEMOLITION 453 Lombard Avenue  
beginning on the following date: DEC. 16, 1982 for the following  
work as described: DEMOLITION BUILDING

UTILITY APPROVAL

Central Maine Power Ext. 290-91-92 DEC. 7, 1982 line + meter removed  
Meter Department 772-7411 R. Gray Date DEC. 13, 1982  
New England Telephone 800-225-4977 DIG Safe Center file # 82500082  
"PAT" Date DEC. 13, 1982 773-9901

Northern Utilities  
797-8002 Distribution Dept. Has Service - 11/10. Cote will get it out tomorrow  
Mr. Gray Date DEC. 13, 1982

Portland Water District  
John Libby 774-5961  
Ext. 205 Please removed + Curb Fee shut off  
John Libby Date DEC. 13, 1982

Public Cable T.V.  
George Grisby 775-2381 "Christy" will have message for George  
Date DEC. 13, 1982

CITY OF PORTLAND

Sewer Division  
797-5302/775-5451 Ext. 463 MEANS will seal when building is removed  
Date DEC. 13, 1982

Traffic Division  
775-5451 Ext. 496 468  
469 Pratt only Date DEC. 13, 1982

Fire Alarm  
Sam Allen 775-6361  
Ext. 378 Shop 321/22  
Leave Message Fred Cleave only Date DEC. 13, 1982

Forestry  
Anne Grimes 773-2921 Ext. 33 Anne N. Grimes no meter available  
Date DEC. 13, 1982

Inspection Services  
775-5451 Ext. 375  
Rodent/Vermin/Asbestos Fred Williams Date DEC. 13, 1982

I have contacted "ALL" the above utility companies and/or City Departments  
for locations.

Signature: Eugene Cole Jr. Date DEC. 13, 1982

56 Rochester St. Westbrook  
854-8588 854-5162

APPLICATION FOR PERMIT

B.O.C.A. USE GROUP .....
B.O.C.A. TYPE OF CONSTRUCTION ..... 01124
ZONING LOCATION ..... PORTLAND, MAINE .. Dec. 13, 1982

PERMIT ISSUED

DEC 16 1982

CITY of PORTLAND

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications.

LOCATION 453 Cumberland Avenue, Weston Assoc. - Suite 903 - 11 Beacon St. Boston, Telephone 854-8588
1. Owner's name and address
2. Lessee's name and address
3. Contractor's name and address DiRenzo & Sons Co., Inc. - 56 Rochester St., Westbrook, Telephone 854-8588

Proposed use of building
Last multi family
Material No. stories Heat Style of roof Roofing
Other buildings on same lot
Estimated contractual cost \$
FIELD INSPECTOR - Mr. @ 775-5451

Appeal Fees
Base Fee 25.00
Late Fee 25.00
TOTAL \$

To demolish 2 1/2 story multi family dwelling utilities called from office.

Stamp of Special Conditions

Send permit to # 3 0409

Sent to Health Dept 12-13-82
Rec'd from Health Dept 12-13-82

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

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 or full 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
Or. 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?

APPROVALS BY: DATE
BUILDING INSPECTION--PLAN EXAMINER
ZONING:
BUILDING CODE:
Fire Dept.
Health Dept.
Others.

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?

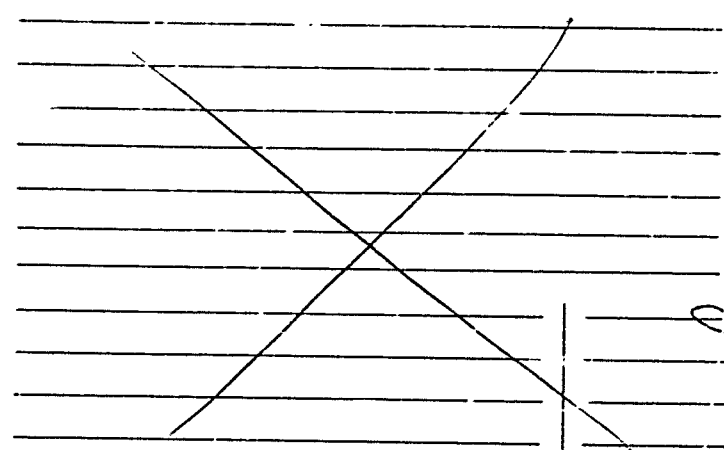
Signature of Applicant Eugene Cole, Jr. Phone # same
Type Name of above Eugene Cole, Jr. for 1 2 3 4
DiRenzo & Sons Co., Inc. Other and Address

FIELD INSPECTOR'S COPY APPLICANT'S COPY OFFICE FILE COPY

NOTES

12/20/82 - demo started - GB

12/18/82 - bldg demo fall demo removed - GB



Permit no. 82/1424

Location 1573 Lincoln Road

Owner ~~12-19-82~~ P. Wilson

Date of permit 12-18-82

Approved 12-16-82

Dwelling

Garage

Alteration

Classified as Demolition

Classified as

Blank lined area for notes, divided into two columns by a vertical line.

CITY OF PORTLAND, MAINE  
ZONING BOARD OF APPEALS



MICHAEL E. WESTORY  
Chairman

EUGENE S. MARTIN  
Secretary

J. COUPLINE COHEN  
TIMOTHY E. FLAHERTY  
THOMAS J. MURPHY  
MERRILL S. SELTZER  
GAIL D. ZAYAC

November 19, 1982

447-457 Cumberland Avenue

Weston Associates Inc.  
11 Beacon Street  
Boston, MA 02108

cc: Winton Scott, Architect  
165 Commercial Street  
Portland, Maine 04111

Dear Sir:

Building permit and Certificate of Occupancy to construct a 4-story, 43 unit apartment building, at the above named location, are not issuable under the Zoning Ordinance for the following reasons:

- (1) The distance between the proposed building and the right side lot line will be about 1 ft. rather than the 12 ft. minimum required by Section 602.7.B.2.
- (2) The building area is 7,380 sq. ft. rather than the 6,080 sq. ft. maximum allowed. Section 602.7.B.6.
- (3) The area of this lot is about 15,200 sq. ft. rather than the 43,000 sq. ft. minimum required by Section 602.7.B.8 (1,000 sq. ft. per dwelling unit).
- (4) Seven off-street parking spaces will be provided rather than the forty-three required by Section 602.14.B.1 of the ordinance applying to the R-6 Residential Zone in which this property is located.

We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office, Room 317, City Hall, to file the appeal on forms which are available here. A fee of \$50.00 for a Space & Bulk appeal shall be paid at this office at the time the appeal is filed. If fee has been paid, and appeal filed prior to this letter, then consider this letter as a matter of formality. Section 602.24.C.3.b.1.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Malcolm G. Ward".

Malcolm G. Ward  
Zoning Enforcement Officer

MW/jmr

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



MICHAEL E. WESTORT  
Chairman

EUGENE S. MARTIN  
Secretary

JACQUELINE COHEN  
TIMOTHY E. FLAHERTY  
THOMAS J. MURPHY  
MERRILL S. SELTZER  
GAIL D. ZAYAC

All persons interested either for or against this Space & Bulk Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday, December 2, 1982 at 3:30 p.m. This notice of required public hearing has been sent to the owners of property directly abutting, and directly across a street or alley from the property as required by Ordinance.

Weston Associates Inc. developer of the property at 447-457 Cumberland Avenue, under the provisions of Section 602.24.C of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit the construction of a 4-story, 43 unit apartment building, at the above named location, not issuable under the Zoning Ordinance for the following reasons:

- (1) The distance between the proposed building and the right side lot line will be about 1 ft. rather than the 12 ft. minimum required by Sec. 602.7.B.2.
- (2) The building area is 7,380 sq. ft. rather than the 6,080 sq. ft. maximum allowed. Sec. 602.7.B.6.
- (3) The area of this lot is about 15,200 sq. ft. rather than the 43,000 sq. ft. minimum required by Sec. 602.7.B.8 (1,000 sq. ft. per dwelling unit).
- (4) Seven off-street parking spaces will be provided rather than the forty-three required by Sec. 602.14.B.1 of the ordinance applying to the R-6 Residential Zone in which this property is located.

**LEGAL BASIS OF APPEAL:** Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24.C (3) (b) (1) of the Zoning Ordinance have been met.

Eugene S. Martin  
Secretary

36-F-5 YMCA Assoc. of Portland - 70 Forest Ave  
46-A-5 Wong Park Wing & Eileen Yung - 458 Cumberland Ave. 04101 - *Returned*  
46-B-1 Harold L. Andrews Post - #17 Amer Legion - 23 Deering St.  
46-B-2 Donald H & Helaine M. Spear- 40 Old Colony Lane; Cape Eliz. 04107  
46-B-3 - repeat.  
46-B-5 Constance A Porter - 12 Mountain Rd. Falmouth 04105  
46-B-6 Conald P. & Penelope E. Skofield - 97 Lincoln St.

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

SPACE AND BULK VARIANCE ( OTHER THAN FOR DWELLING UNIT CONVERSIONS)

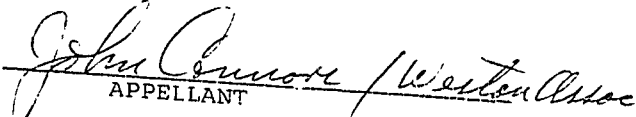
Weston Associates Inc., Developer of property at 447-457 Cumberland Avenue

under the provisions of Section 602.24 C of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit:

Construction of a 4-story, 43 unit apartment building, at the above named location, not issuable under the Zoning Ordinance for the following reasons: (1) The distance between the proposed building and the right side lot line will be about 1 ft. rather than the 12 ft. minimum required by Section 602.7.B.2. (2) The building area is 7,380 sq. ft. rather than the 6,080 sq. ft. maximum allowed. Section 602.7.B.6. (3) The area of this lot is about 15,200 sq. ft. rather than the 43,000 sq. ft. minimum required by Section 602.7.B.8 (1,000 sq. ft. per dwelling unit). (4) Seven off-street parking spaces will be provided rather than the forty-three required by Section 602.14.B.1 of the ordinance applying to the R-6 Residential Zone in which this property is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24 C(3)(b)(1) of the Zoning Ordinance have been met. (See reverse side hereof for said conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If Site Plan approval is required, a preliminary or final site plan is attached hereto as Exhibit A.

  
APPELLANT

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



MICHAEL E. WESTORT  
Chairman

EUGENE S. MARTIN  
Secretary

JACQUELINE COHEN  
TIMOTHY E. FLAHERTY  
THOMAS J. MURPHY  
MERRILL S. SELTZER  
GAIL D. ZAYAC

December 20, 1982

Mr. Louis A. Wood, Attorney  
Two Canal Plaza  
Portland, Maine 04112

Re: Weston Associates  
447-457 Cumberland Avenue

Dear Mr. Wood:

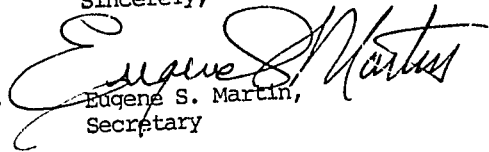
This is in response to a request by Mr. Kolb for clarification of the conditions of the Board of Appeals approval regarding the 5-story Cumberland Park Apartments for the elderly at 447-457 Cumberland Avenue. The Board approved variances and a site for 43 units of elderly housing on December 2, 1982, subject to the following condition:

That seven (7) off street parking spaces will be provided on-site.

In addition, all requirements outlined by the Chief of Inspection Services in his letter to Weston Associates (see copy attached) will be met.

Such approval by the Board was based on the information presented at a previous public hearing on October 26, 1981, when the site plan was originally approved by the Board of Appeals for this same location and satisfactory testimony offered at the December 2nd hearing to support the variances.

Sincerely,

  
Eugene S. Martin,  
Secretary

ESM/jmr

Enclosure

cc: P. Samuel Hoffses, Chief of Inspection Services  
File



## CITY OF PORTLAND

JOSEPH E. GRAY, JR.  
DIRECTOR OF PLANNING  
AND URBAN DEVELOPMENT

December 16, 1982

Weston Assoc. Inc.  
11 Becon Street  
Boston, Massachusetts

Dear Sir:

Your application for a building permit to construct a 5 story 43 unit apartment building at 447-457 Cumberland Avenue can be issued with the following requirements.

1. The Board of Appeals requested one offstreet parking space be used as a drop-off/pick up space nearest entranceway (7 space to be provided on-site.)
2. First floor doors #13& 14 must be 1 hr. fire rated with self closers.
3. First floor E-1 drawing-electrical room needs second means of egress at rear of room
4. In building more than three stories in height except those with a roof slope greater than 4 units vertical in 12 unit horizontal access to the roof shall be provided by means of a stairway or a ladder and trap door.
5. That all Planning Board Requirements of the Planing Report #98-81 be met.
6. All mechanical permits must be obtained before work is started.

If you have any questions on these requirements, please call this office.

Sincerely,

P. Samuel Hoffses  
Chief of Inspection Services

cc: Winton Scott, Architect

CITY OF PORTLAND, MAINE  
ZONING BOARD OF APPEALS



MICHAEL E. WESTORT  
Chairman

EUGENE S. MARTIN  
Secretary

JACQUELINE COHEN  
TIMOTHY E. FLAHERTY  
THOMAS J. MURPHY  
MERRILL S. SELTZER  
GAIL D. ZAYAC

December 3, 1982

Weston Associates, Inc.  
11 Beacon Street  
Boston, Mass. 02108

cc to: Winton Scott, Architect  
165 Commercial Street  
Portland, Maine 04111

RE: Appeal at 447-457 Cumberland Avenue

Dear Sir:

Attached is the decision of the Board of Appeals regarding your petition to construct a 4 story, 43 unit apartment building at the above named location. Please note that your appeal was granted.

Also, before your permit can be issued, you must pay the permit fee itself. Please make all checks payable to City of Portland.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Malcolm G. Ward".

Malcolm G Ward  
Zoning Enforcement Officer

MGN/t

December 11, 1961

Weston Assoc. Inc.  
11 Beacon St.  
Boston, Mass.

Dear Sir:

Your application to construct a 34,216 sq. ft., five story building (43 units) at 447-457 Cumberland Ave. has been approved by both Planning and Appeal Board with conditions, but before a building permit can be issued a complete (2) sets of plans must be submitted to this office.

If you have any question on electric, plumbing or building fees, please contact this office.

Sincerely,

P.S. Hoffses  
Chief of Inspection Services

PSH:k

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



THOMAS J. MURPHY  
Chairman

GAIL D. ZAYAC  
Secretary

JACQUELINE COHEN  
TIMOTHY E. FLAHERTY  
EUGENE S. MARTIN  
MERRILL S. SELTZER  
MICHAEL E. WESTORT

October 26, 1981

447-457 Cumberland Avenue

Weston Associates Inc.  
11 Beacon Street  
Boston, MA 02108

cc: Winton Scott, Architect  
165 Commercial Street  
Portland, Maine 04111

Dear Sir:

Building permit and Certificate of Occupancy to construct a 4-story 43 unit apartment building, at the above named location, are not issuable under the Zoning Ordinance for the following reasons:

- (1) The distance between the proposed building and the right side lot line will be about 1 ft. rather than the 12 ft. minimum required by Section 602.7.B.2.
- (2) The building area is 7,380 sq. ft. rather than the 6,080 sq. ft. maximum allowed. Section 602.7.B.6.
- (3) The area of this lot is about 15,200 sq. ft. rather than the 43,000 sq. ft. minimum required by Section 602.7.B.8 (1,000 sq. ft. per dwelling unit).
- (4) Seven off-street parking spaces will be provided rather than the forty-three required by Section 602.14.B.1 of the ordinance applying to the R-6 Residential Zone in which this property is located.

We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office, Room 317, City Hall to file the appeal on forms which are available here. A fee of \$25.00 for a Space & Bulk appeal shall be paid at this office at the time the appeal is filed. If fee has been paid, and appeal filed prior to this letter, then consider this letter as a matter of formality. Section 602.24.C.3.b.1.

Very truly yours,

*Malcolm G. Ward*  
Malcolm G. Ward  
Zoning Enforcement Officer

MGW, j...

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

SPACE AND BULK VARIANCE APPEAL

I. Findings of Fact

A. Applicant Weston Associates Inc.

B. Property Location 447-457 Cumberland Avenue

C. Applicant's Interest in Property:

- Owner  
 Tenant  
 Other DEVELOPER

D. Property Owner Weston Associates Inc.

E. Owner's Address 11 Beacon Street, Boston, MA 02108

F. Zone (Circle One):

- R-1 R-2 R-3 R-5 R-6 R-4  
R-P B-1 B-2 B-3 A-B  
I-P I-I I-2 I-2b I-3 I-3b I-4  
RPZ W-1

G. Site Plan Approval required yes

H. Present Use of Property \_\_\_\_\_

I. Section(s) to Which Variance Related Section 602.7.B.2., 602.7.B.6.  
602.7.B.8 & 602.14.B.1.

J. Reasons Why Permit Cannot be Issued Rt. side lot line 1' rather than 12' min  
Bldg. area 7,380 sq. ft. rather than  
6,080 sq. ft., lot area 15,200 sq. ft. rather than 43,000 sq. ft. min., seven off-street  
parking spaces rather than 43 in the R-6 Residential Zone (lot area 1,000 sq. ft. per dwell  
Unit).

K. Requested Variance Would Permit Construction of a 4-story 43 unit  
apartment building, at the above named location.

L. Notice Sent to \_\_\_\_\_ Adjacent Property Owners

II. Appearances

A. Those Advocating Variance

B. Those Opposing Variance

George Reese  
John Comas  
Walter Scott  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attachments, As Necessary)

III. Exhibits (Any documents, photos, plans, further findings of fact, etc. presented to the Board as part of its record.)

plans, drawings  
\_\_\_\_\_  
\_\_\_\_\_

IV. Reasons for Decisions - Undue Hardship (The following checklist relates with the Board of Appeals hardship definitions for Space and Bulk variances as contained in Section 602.24C 3.b.(1) (a) through (e)

A. The parcel is exceptional due to physical characteristics or topographic features which amount to more than a mere inconvenience

Yes/Agreement with statement

No/Disagreement with statement

Reasons existing building now conforming shall be.  
\_\_\_\_\_

B. If yes, the unique physical conditions: (Check One)  
Sec. 602.24C 3.b.(1) (b)

Existed at the time of the enactment of the provision from which a variance is sought; or

Were caused by natural forces; or

Were the result of governmental action

C. Pertinent ordinance provision deprives owner of substantial use or enjoyment of property in the manner commonly enjoyed by owners of property subject to the same provisions (Sec. 602.24C 3.b. (1) (c))

- Yes/Agreement with statement  
 No/Disagreement with statement

Reasons cannot economically build on this lot  
with constraints upon this

D. As evidenced by affirmative answers to either IV. A. or IV. C. above, the variance will not create a special privilege for the applicant. Sec. 602.24C 3.b. (1) (d)

- Yes/Agreement with statement  
 No/Disagreement with statement

Reasons \_\_\_\_\_

E. The variance will not adversely affect neighborhood property in the same zone and will not be detrimental to the general public health and safety Sec. 602.24C 3.b. (1) (e)

- Yes/Agreement with statement  
 No/Disagreement with statement

Reasons \_\_\_\_\_

V. Specific Relief Granted

After a public hearing held on 11/12/81, the Board of Appeals finds that: (Check One)

- Approval - All of the conditions required by Sec. 602.24C 3.b.(1) exist with respect to this property, as evidenced by affirmative responses to all statements set forth in IV. A. through IV. E above, and that a space and bulk variance be granted in this case.

Conditions of Approval (If any) They 1 ~~approved~~ <sup>on sign</sup> parking  
space be allocated for passenger pick ups.

a total of 10 car spaces to be provided (7 on site & 3 leased) M.T.

( ) Disapproval - All conditions required by Sec.602.24C 3.b. (1) do not exist with respect to this property, as evidenced by one or more negative responses to statements set forth in IV. A. through IV. E. above, and that a space and bulk variance should not be granted in this case.

*approved.*

VI. Signatures of Board

*Paul D. Zayac* Chairman  
*Michael E. Winkler*  
*Jacqueline G. Lyons*  
*Eugene S. Hartman*  
*Marshall A. Kettle*  
*Gregory E. O'Connell*  
*Thomas J. Murphy*

36-F-5 YMCA Assoc. of Portland - 70 Forest Ave  
46-A-5 Wong Park Wing & Eileen Yung - 458 Cumberland Ave. 04101  
46-B-1 Harold L. Andrews Post - #17 Amer Legion - 23 Deering St.  
46-B-2 Donald H & Helaine M. Spear- 40 Old Colony Lane; Cape Eliz. 04107  
46-B-3 - repeat  
46-B-5 Constance A Porter - 12 Mountain Rd. Falmouth 04105  
46-B-6 Conald P. & Penelope E. Skofield - 97 Lincoln St.

This has to go to  
Planning Board for  
site plan review

We need additional  
copies of the site  
plan for distribution  
to depts. and payment  
of the fee for site  
Plan Review.

AK

447-457 Cumberland Ave.

November 16, 1961

Weston Associates, Inc.  
11 Beacon St.  
Boston, Mass.

Following is the decision of the Board of Appeals regarding your petition to construct a 4-story, 43 unit apartment building at the above location. Please note that your appeal was granted with the condition that ten parking spaces be provided. Seven will be on site and three will be leased. One parking space should be reserved on site for passenger pick up.

Also, before your permit can be issued, you must pay for the permit fee itself. Please make all checks payable to City of Portland.

Very truly yours,

Warren J. Turner  
Zoning Specialist

WJT:k

602.24 C(3)(b)(1) Space and Bulk Variances other than for Dwelling Unit Conversions:

(a) The subject lot or parcel is exceptional as compared to other lots or parcels subject to the same provision by reason of unique physical condition, including irregularity, narrowness, shallowness, or substandard or marginal size; exceptional topographical features; and other extraordinary physical conditions peculiar to and inherent in the lot or parcel in question, which amount to more than a mere inconvenience to the owner.

(b) The aforesaid unique physical condition existed at the time of the enactment of the provision from which a variance is sought or were created by natural forces or were the result of governmental action.

(c) The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the lot or parcel in question of substantial use and enjoyment of this property in the manner commonly enjoyed by owners of other lots or parcels subject to the same provision.

(d) The hardship is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots or parcels subject to the same provision.

(e) Property in the same zone or neighborhood will not be adversely affected by the granting of the variance and the granting of the variance will not create conditions which would be detrimental to the public health or safety.

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS


SPACE AND BULK VARIANCE ( OTHER THAN FOR DWELLING UNIT CONVERSIONS)

Weston Associates Inc., owner of property at 447-457 Cumberland Avenue  
under the provisions of Section 602.24 C of the Zoning Ordinance of the City  
of Portland hereby respectfully petitions the Board of Appeals to permit:

Construction of a 4-story 43 unit apartment building, at the above named location, not issuable under the Zoning Ordinance for the following reasons: (1) The distance between the proposed building and the right side lot line will be about 1' rather than the 12' min. required by Sec. 602.7.B.2, (2) The building area is 7,380 sq. ft. rather than the 6,080 sq. ft. max. allowed. Sec. 602.7.B.6, (3) Area of lot is about 15,200 sq. ft. rather than the 43,000 sq. ft. min. required by Sec. 602.7.B.8 (1,000 sq. ft. per dwelling unit), and (4) Seven off-street parking spaces will be provided rather than forty-three required by Sec. 602.24.B.1 in the R06 Residential Zone in which property is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24 C(3)(b)(1) of the Zoning Ordinance have been met. (See reverse side hereof for said conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If Site Plan approval is required, a preliminary or final site plan is attached hereto as Exhibit A.

  
Weston Associates, Inc.  
APPELLANT



# APPLICATION FOR PERMIT

B.O.C.A. USE GROUP .....

B.O.C.A. TYPE OF CONSTRUCTION .....

ZONING LOCATION PORTLAND, MAINE, May 22, 1981

To the DIRECTOR OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION 447-457 Cumberland Avenue Fire District #1  #2

1. Owner's name and address Prospective owner Weston Assoc. Inc. - 11 Beacon St. Boston, Mass. 02108 Telephone 617-227-7370

2. Lessee's name and address .....

3. Contractor's name and address .....

4. Architect .....

Proposed use of building .....

Material .....

Number of stories .....

Heat .....

Style of roof .....

Roofing .....

Number of buildings on same lot .....

Estimated contractual cost \$ .....

Fee \$ .....

FIELD INSPECTOR- Mr. GENERAL DESCRIPTION 25.00 appeal fee pd. 5-22-81

and specifications for: @ 775-5451 Ext. 234

Dwelling .....

Garage .....

Masonry Bldg. ....

Other Bldg. ....

Use .....

Other .....

Appeal sustained check 6-11-81

To construct 16,500 square ft. 4 story addition to the existing 3 story apt house

Stamp of Special Conditions

This application is not valid until the receipt of the appeal fee. In the event the appeal is sustained, the applicant shall be responsible for the cost of the appeal.

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

PERMIT IS TO BE ISSUED TO 1  2  3  4  Other .....

### 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 or full 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 car habitually stored in the proposed building? .....

APPROVALS BY: DATE MISCELLANEOUS

BUILDING INSPECTION—PLAN EXAMINER .....

Will work require disturbing of any tree on a public street? .....

ZONING: .....

BUILDING CODE: .....

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

Fire Dept.: .....

Health Dept.: .....

Others: .....

Signature of Applicant George Reese Phone # same

Type Name of above Weston Assoc. Inc. 1  2  3  4

George Reese Other and Address .....

FIELD INSPECTOR'S COPY

CITY OF PORTLAND, MAINE  
BUILDING & INSPECTION SERVICES

Date Dec. 13, 1982

To: DiBenzo & Sons Co., Inc.  
contractor  
56 Rochester St. - Westbrook

With relation to permit applied for to demolish a 2 1/2 Story Multi Family  
at (address) 447 Cumberland Avenue belonging to

(owner) Weston Associates. It is unlawful to commence de-  
molition work until a permit has been issued from this department.

<sup>33</sup>Section 6 of the Ordinance for rodent and vermin control provides, "It shall be  
unlawful to demolish a building or structure unless provision is made for rodent  
and vermin eradication. No permit for the demolition of a building or structure  
shall be issued by the Building and Inspection Services Department until and  
unless provisions for rodent and vermin eradication have been carried out under  
supervision of a pest control operator registered with the Health Department."

The building permit for demolition cannot be issued until the provisions of this  
section have been satisfied. It is the obligation of owner or demolition contrac-  
tor or both to take up with the Health Department the matter of complying with  
this section, being prepared to inform that department what registered pest control  
operator is to be employed.

NOTICE - PER MUNICIPAL CODE  
A PERMIT TO DEMOLISH OR REMOVE A  
STRUCTURE SHALL EXPIRE THIRTY (30)  
DAYS AFTER THE DATE OF ISSUANCE.

Very truly yours,

P. Samuel Hoffses  
Chief of Inspection Services

Health Department comments: 12-15-82 NO EVIDENCE INDICATIVE  
OF RODENT/VERMIN ACTIVITY PLUMBING, MILLING

Copies to:

- 2 - Health - Environ. (Mr. Vancolowski)
- 1 - Health - (Mr. Noyes)
- 1 - Public Works
- 1 - Fire Dept.

6-3  
7746254

CITY OF PORTLAND, MAINE  
BUILDING & INSPECTION SERVICES

Date 10.11.1982

To: ~~Dipert & Sons Co., Inc.~~  
Contractor

55 Rochester St. - Westbrook

With relation to permit applied for to demolish a 2 1/2 story multi family  
at (address) 447 Cumberland Avenue belonging to

(owner) Weston Associates. It is unlawful to commence de-  
molition work until a permit has been issued from this department.

<sup>3/3</sup>Section 6 of the Ordinance for rodent and vermin control provides, "It shall be  
unlawful to demolish a building or structure unless provision is made for rodent  
and vermin eradication. No permit for the demolition of a building or structure  
shall be issued by the Building and Inspection Services Department until and  
unless provisions for rodent and vermin eradication have been carried out under  
supervision of a pest control operator registered with the Health Department."

The building permit for demolition cannot be issued until the provisions of this  
section have been satisfied. It is the obligation of owner or demolition contrac-  
tor or both to take up with the Health Department the matter of complying with  
this section, being prepared to inform that department what registered pest control  
operator is to be employed.

NOTICE - PER MUNICIPAL CODE  
A PERMIT TO DEMOLISH OR REMOVE A  
STRUCTURE SHALL EXPIRE THIRTY (30)  
DAYS AFTER THE DATE OF ISSUANCE.

Very truly yours,

P. Samuel Hoffses  
Chief of Inspection Services

Health Department comments: 10.15.82  
10.15.82

Copies to:

- 2 - Health - Environ. (Mr. Vandolovski)
- 1 - Health - (Mr. Noyes)
- 1 - Public Works
- 1 - Fire Dept.

RECEIVED  
DEC 13 1982  
DEPT. OF BLDG. INSP.  
CITY OF PORTLAND

CITY OF PORTLAND, MAINE  
DIVISION OF INSPECTION SERVICES  
DEMOLITION CALL LIST

D. RENZI & SONS CO INC. hereby request  
permission to open DEMOLISH 447 Cumberland Avenue  
beginning on the following date: DEC. 11, 1982 for the following  
work as described: DEMOLISH BUILDING

UTILITY APPROVAL

Central Maine Power Ext. 290-91-92 4474553 No. 3192 - have meter removed  
Meter Department 772-7411 Rodney Hamilton Date DEC. 13, 1982

New England Telephone 1-800-225-4977 DIG Safe Center file # 82500082  
"787" Date DEC. 13, 1982 773-9901

Northern Utilities 4474553 - Mr. Cole will give it out this week  
797-8002 Distribution Dept. Mr. Gorey Date DEC. 13, 1982

Portland Water District Mr. Remond - call him that off  
John Libby 774-5961 John Libby Date DEC. 13, 1982  
Ext. 205

Public Cable T.V. will be arranged for lease  
George Grisby 775-2381 "Curity" Date DEC. 13, 1982

CITY OF PORTLAND

Sewer Division will call when building removed  
797-5302/775-5451 Ext. 463 MIC ANN Date DEC. 13, 1982

Highway  
Avon Traffic Division OKAY  
775-5451 Ext. 496 4684 Preston Date DEC. 13, 1982

Fire Alarm OKAY  
Sam Allen 775-6361 Fireman Clever Date DEC. 13, 1982  
Ext. 378 Shop 321/22  
Leave Message

Forestry will be arranged for work  
Anne Grimes 773-2921 Ext. 33 Anne not for work Date DEC. 13, 1982

Inspection Services Fred Williams Date DEC. 13, 1982  
775-5451 Ext. 375  
Rodent/Vermin/Asbestos

I have contacted "ALL" the above utility companies and/or City Departments  
for locations.

Signature: Eugene Cole Jr. Date DEC. 13, 1982  
56 Portland St. Westbrook  
854-8588 854-5562

APPLICATION FOR PERMIT

PERMIT ISSUED

B.O.C.A. USE GROUP .....
B.O.C.A. TYPE OF CONSTRUCTION 01125

DEC 16 1982

ZONING LOCATION ..... PORTLAND, MAINE Dec. 13, 1982

CITY OF PORTLAND

To the CHIEF OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION 447 Cumberland Avenue Fire District #1
1. Owner's name and address Weston Associates, Suite 903, 11 Beacon St., Boston, Mass. Telephone
2. Lessee's name and address
3. Contractor's name and address DiRenzo & Sons Co., Inc., 56 Rochester St., Westbrook Telephone 854-8588

Proposed use of building No. of sheets
Last use multi No. families 3
Material No. stories Heat Style of roof Roofing
Other buildings on same lot
Estimated contractual cost \$

FIELD INSPECTOR - Mr. @ 775-5451
Appeal Fees \$
Base Fee 25.00
Late Fee 25.00
TOTAL \$

To demolish 2 1/2 story multi family dwelling
utilities called from office

Stamp of Special Conditions

send permit to # 3 04092

Sent to Health Dept 12/13/82
Rec'd from Health Dept

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

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 or full size? Corner posts Gills
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?

APPROVALS BY: DATE MISCELLANEOUS
BUILDING INSPECTION PLAN EXAMINER Will work require disturbing of any tree on a public street?
ZONING:
BUILDING CODE: Will there be in charge of the above work a person competent
Fire Dept.: to see that the State and City requirements pertaining thereto
Health Dept.: are observed?
Others:

Signature of Applicant Eugene Cole Jr. Phone # same
Type Name of above DiRenzo & Sons Co., Inc. 1 2 3 4
Other
and Address

NOTES

12/20/22 - no start - GB  
12/21/22 - bldg down & all debris removed - GB

Permit # 82/1125

Location 447 Campbell Island Cmn

Owner J. Wilson Casanova

Date of permit 12-13-22

Approved 12-16-22

Dwelling

Garage

Alteration Unfinished masonry framing

Large section of the page consisting of multiple horizontal lines, some of which are crossed out with a large 'X'.

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



THOMAS J. MURPHY  
Chairman

GAIL D. ZAYAC  
Secretary

JACQUELINE COHEN  
TIMOTHY E. FLAHERTY  
EUGENE S. MARTIN  
MERRILL S. SELTZER  
MICHAEL E. WESTORT

All persons interested either for or against this Space & Bulk Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday, June 11, 1981 at 3:30 p.m. This notice of required public hearing has been sent to the owners of property directly abutting, and directly across a street or alley from the property as required by ordinance.

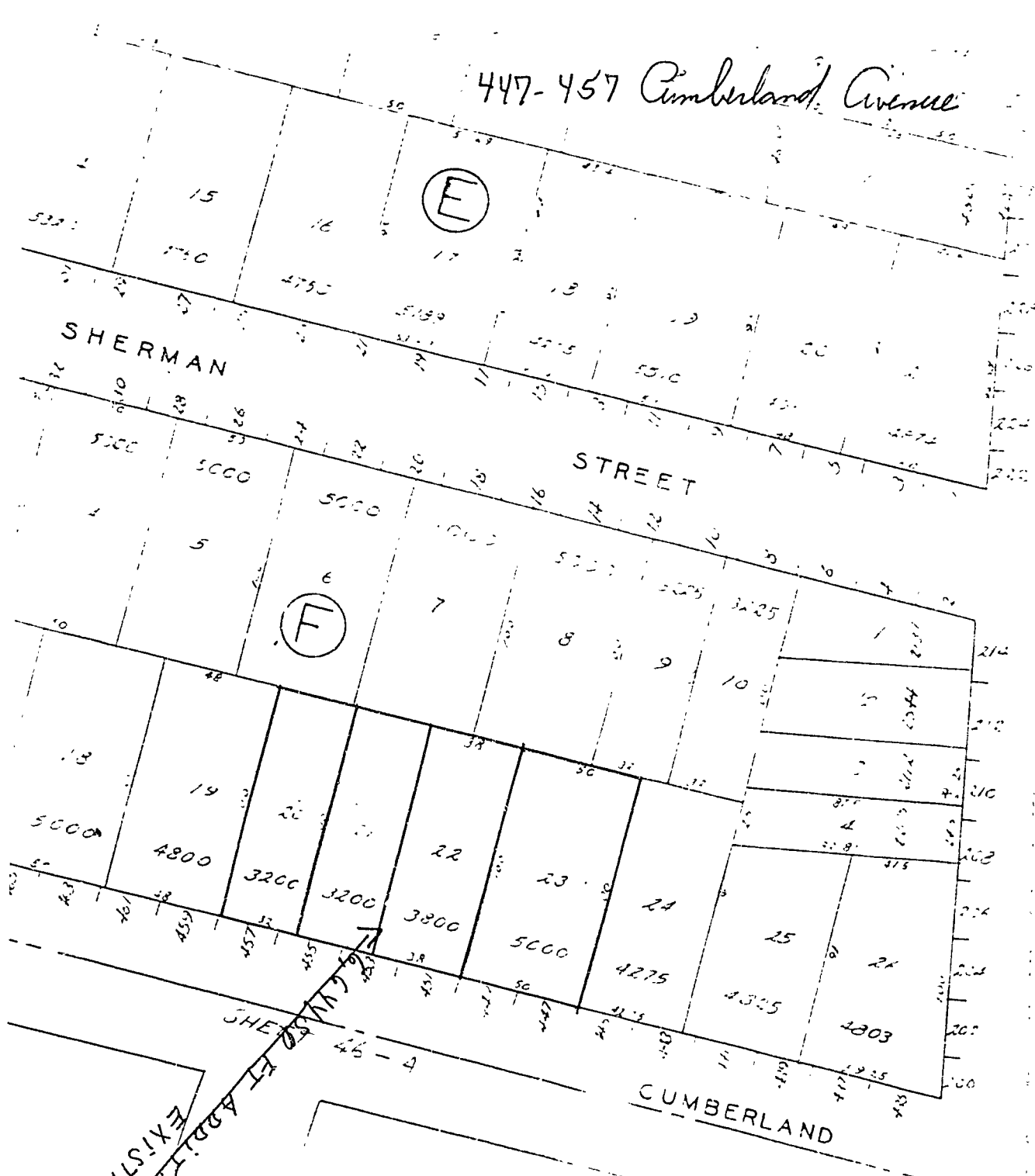
Weston Associates, Inc., owner of the property at 447-457 Cumberland Ave. under the provisions of Section 602.24.C of the Zoning Ordinance of the City of Portland, Maine hereby respectfully petitions the Board of Appeals to permit construction of a four story, 6,644 sq. ft addition to the existing building at the above named location for 9 family units and 22 elderly units, which are not issuable for the following reasons.

1. This addition will bring the total building area to 7,744 sq. ft. rather than the 6,080 sq. ft. maximum allowed. Section 602.7.B.6.
2. The area of this lot is about 15,200 sq. ft. rather than the 31,000 sq. ft. minimum required by Sec. 602.7.B.8 (1000 sq. ft. per dwelling unit).
3. Six off street parking spaces will be provided rather than the 31 required by Sec. 602.14.B.1 of the Ordinance applying to the R-6 Residential Zone in which this property is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24.C(3)(b)(1) of the Zoning Ordinance have been met.

Gail D. Zayac  
Secretary

447-457 Cumberland Avenue



SHERMAN ST 46-4  
30 FT ADDITIONAL EXISTING BLDG.

CUMBERLAND

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

SPACE AND BULK VARIANCE (OTHER THAN FOR DWELLING UNIT CONVERSIONS)

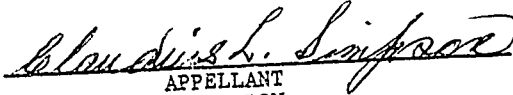
Claudius Simpson, owner of property at 447 Cumberland Avenue

under the provisions of Section 602.24 C of the Zoning Ordinance of the City of  
Portland, hereby respectfully petitions the Board of Appeals to permit:

- Construction of 4 story, 6644 sq. ft. addition to existing bldg. for 9 family units  
and 22 elderly units, not issuable for following reasons.
1. Addition will bring total bldg. area to 7744 sq. ft. rather than the 6080 maximum  
allowed. Sec. 602.7.B.6
  2. Area of this lot is about 15,200 sq. ft. rather than the 31,000 sq. ft. min. re-  
quired by Sec. 602.7.B.8 (1000 sq. ft. per dwelling unit)
  3. 6 off street parking spaces will be provided rather than the 31 required by  
Sec. 602.14.B.1 of the Ordinance applying to the R-6 Residential Zone where property  
is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds  
that the conditions imposed by Section 602.24 C(3)(b)(1) of the Zoning Ordinance have  
been met. (See reverse side hereof for said conditions.)

Site Plan approval (is, is not) required by the Site Plan Ordinance. If site plan  
approval is required, a preliminary or final site plan is attached hereto as Exhibit A.

  
APPELLANT  
CLAUDIUS L. SIMPSON

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

SPACE AND BULK VARIANCE ( OTHER THAN FOR DWELLING UNIT CONVERSIONS)

Thelma Bramson, owner of property at 455 Cumberland Ave.  
under the provisions of Section 602.24 C of the Zoning Ordinance of the City  
of Portland, hereby respectfully petitions the Board of Appeals to permit:

- Construction of 4 story, 6644 sq. ft. addition to existing bldg. for 9 family units  
and 22 elderly units, not issuable for following reasons.
1. Addition will bring total bldg. area to 7744 sq. ft. rather than the 6030 maximum  
allowed. Sec. 602.7.B.6
  2. Area of this lot is about 15,200 sq. ft. rather than the 31,000 sq. ft. min re-  
quired by Sec. 602.7.B.8 (1000 sq. ft. per dwelling unit)
  3. 6 off street parking spaces will be provided rather than the 31 required by  
Sec. 602.14.B.1 of the Ordinance applying to the R-6 Residential Zone where property  
is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of  
Appeals finds that the conditions imposed by Section 602.24 C(3)(b)(1.) of  
the Zoning Ordinance have been met. (See reverse side hereof for said  
conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If  
Site Plan approval is required, a preliminary or final site plan is attach-  
ed hereto as Exhibit A.

Thelma Bramson  
APPELLANT

602.24 C(3)(b)(1) Space and Bulk Variances other than for Dwelling Unit Conversions:

(a) The subject lot or parcel is exceptional as compared to other lots or parcels subject to the same provision by reason of unique physical condition, including irregularity, narrowness, shallowness, or substandard or marginal size; exceptional topographical features, and other extraordinary physical conditions peculiar to and inherent in the lot or parcel in question, which amount to more than a mere inconvenience to the owner.

(b) The aforesaid unique physical condition existed at the time of the enactment of the provision from which a variance is sought or were created by natural forces or were the result of governmental action.

(c) The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the lot or parcel in question of substantial use and enjoyment of this property in the manner commonly enjoyed by owners of other lots or parcels subject to the same provision.

(d) The hardship is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots or parcels subject to the same provision.

(e) Property in the same zone or neighborhood will not be adversely affected by the granting of the variance and the granting of the variance will not create conditions which would be detrimental to the public health or safety.

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

SPACE AND BULK VARIANCE (OTHER THAN FOR DWELLING UNIT CONVERSIONS)

Harold L. Higgins, owner of property at 457 Cumberland Ave.

under the provisions of Section 602.24 C of the Zoning Ordinance of the City of

Portland, hereby respectfully petitions the Board of Appeals to permit:

construction of 4 story, 6644 sq. ft. addition to existing bldg. for 9 family units and 22 elderly units, not issuable for following reasons.

1. Addition will bring total bldg. area to 7744 sq. ft. rather than the 6080 maximum allowed. Sec.602.7.B.6
2. Area of this lot is about 15,200 sq. ft. rather than 31,000 sq. ft. min. required by Sec.602.7.B.8 (1000 sq. ft. per dwelling unit
3. 6 off street parking spaces will be provided rather than the 31 required by Sec. 602.14.B.1 of the Ordinance applying to the R-6 Residential Zone where property is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24 C(3)(b)(1) of the Zoning Ordinance have been met. (See reverse side hereof for said conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If site plan approval is required, a preliminary or final site plan is attached hereto as Exhibit A.

Harold L. Higgins  
APPELLANT

502.24 C(3)(b)(1) Space and Bulk Variances other than for Dwelling Unit Conversions:

- (a) The subject lot or parcel is exceptional as compared to other lots or parcels subject to the same provision by reason of unique physical condition, including irregularity, narrowness, shallowness, or substandard or marginal size; exceptional topographical features; and other extraordinary physical conditions peculiar to and inherent in the lot or parcel in question, which amount to more than a mere inconvenience to the owner.
- (b) The aforesaid unique physical condition existed at the time of the enactment of the provision from which a variance is sought or were created by natural forces or were the result of governmental action.
- (c) The carrying out of the strict letter of the provision from which a variance is sought would deprive the owner of the lot or parcel in question of substantial use and enjoyment of this property in the manner commonly enjoyed by owners of other lots or parcels subject to the same provision.
- (d) The hardship is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots or parcels subject to the same provision.
- (e) Property in the same zone or neighborhood will not be adversely affected by the granting of the variance and the granting of the variance will not create conditions which would be detrimental to the public health or safety.

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

SPACE AND BULK VARIANCE (OTHER THAN FOR DWELLING UNIT CONVERSIONS)

Howard + Clara Marguerite owner of property at 453 Cumberland St.

under the provisions of Section 602.24 C of the Zoning Ordinance of the City of  
Portland, hereby respectfully petitions the Board of Appeals to permit:

- Construction of 4 story, 6644 sq. ft. addition to existing bldg. for 9 family units  
and 22 elderly units, not issuable for following reasons.
1. Addition will bring total bldg. area to 7744 sq. ft. rather than the 6080 maximum  
allowed. Sec. 602.7.B.6
  2. Area of this lot is about 15,200 sq. ft. rather than 31,000 sq. ft. min. required  
by Sec. 602.7.B.8 (1000 sq. ft. per dwelling unit)
  3. 6 off street parking spaces will be provided rather than the 31 required by  
Sec. 602.14.B.1 of the Ordinance applying to the R-6 Residential Zone where property  
is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds  
that the conditions imposed by Section 602.24 C(3)(b)(1) of the Zoning Ordinance have  
been met. (See reverse side hereof for said conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If site plan  
approval is required, a preliminary or final site plan is attached hereto as Exhibit A.

Howard Marguerite  
APPELLANT  
by power of attorney  
Clara Marguerite

June 15, 1981

Weston Assoc., Inc.  
11 Peacon St.  
Boston, Mass. 02108

Following is the decision of the Board of Appeals regarding your petition to construct a four story, 6,644 sq. ft. addition to the existing bldg. for nine family units and twenty-two elderly units. Please note that your appeal was granted with the condition that three parking spaces be leased

Also, before your permit can be issued, you must pay for the permit fee itself. Please make all checks payable to City of Portland.

Very truly yours,

Malcolm G. Ward  
Zoning Enforcement Officer

MGW:K

447-457 Cumberland Ave.

May 26, 1981

Weston Assoc., Inc.  
11 Beacon St.  
Boston, Mass. 02108

Building permit and certificate of occupancy to construct a four story, 6,644 sq. ft. addition to the existing building at the above named location for 9 family units and 22 elderly units, are not issuable for the following reasons.

1. This addition will bring the total building area to 7,744 sq. ft. rather than the 6,080 sq. ft. maximum allowed. Section 602.7.B.6
2. The area of this lot is about 15,200 sq. ft. rather than the 31,000 sq. ft. minimum required by Sec.602.7.B.8 (1000 sq. ft. per dwelling unit).
3. Six off street parking spaces will be provided rather than the 31 required by Sec. 602.14.B.1 of the Ordinance applying to the R-6 Residential Zone in which this property is located.

We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office, room 211, City Hall, to file the appeal on forms which are available here. A fee of \$25. for a Space and Bulk Appeal shall be paid at this office at the time the appeal is filed. If fee has been paid and appeal filed prior to this letter, then consider this letter as a matter of formal appeal. Sec. 602.24.C.3.b.1

Very truly yours,

Malcolm G. Ward  
Zoning Enforcement Officer

MGW:k

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

SPACE AND BULK VARIANCE APPEAL

I. Findings of Fact

A. Applicant Weston Associates, Inc.

B. Property Location 447-457 Cumberland Ave.

C. Applicant's Interest in Property:

Owner  
 Tenant  
 Other \_\_\_\_\_

D. Property Owner same

E. Owner's Address 11 Beacon St.

F. Zone (Circle One):

R-1 R-2 R-3 R-5 R-6 R-4  
R-P B-1 B-2 B-3 A-B  
I-P I-1 I-2 I-2b I-3 I-3b I-4  
RPZ W-1

G. Site Plan Approval required yes

H. Present Use of Property \_\_\_\_\_

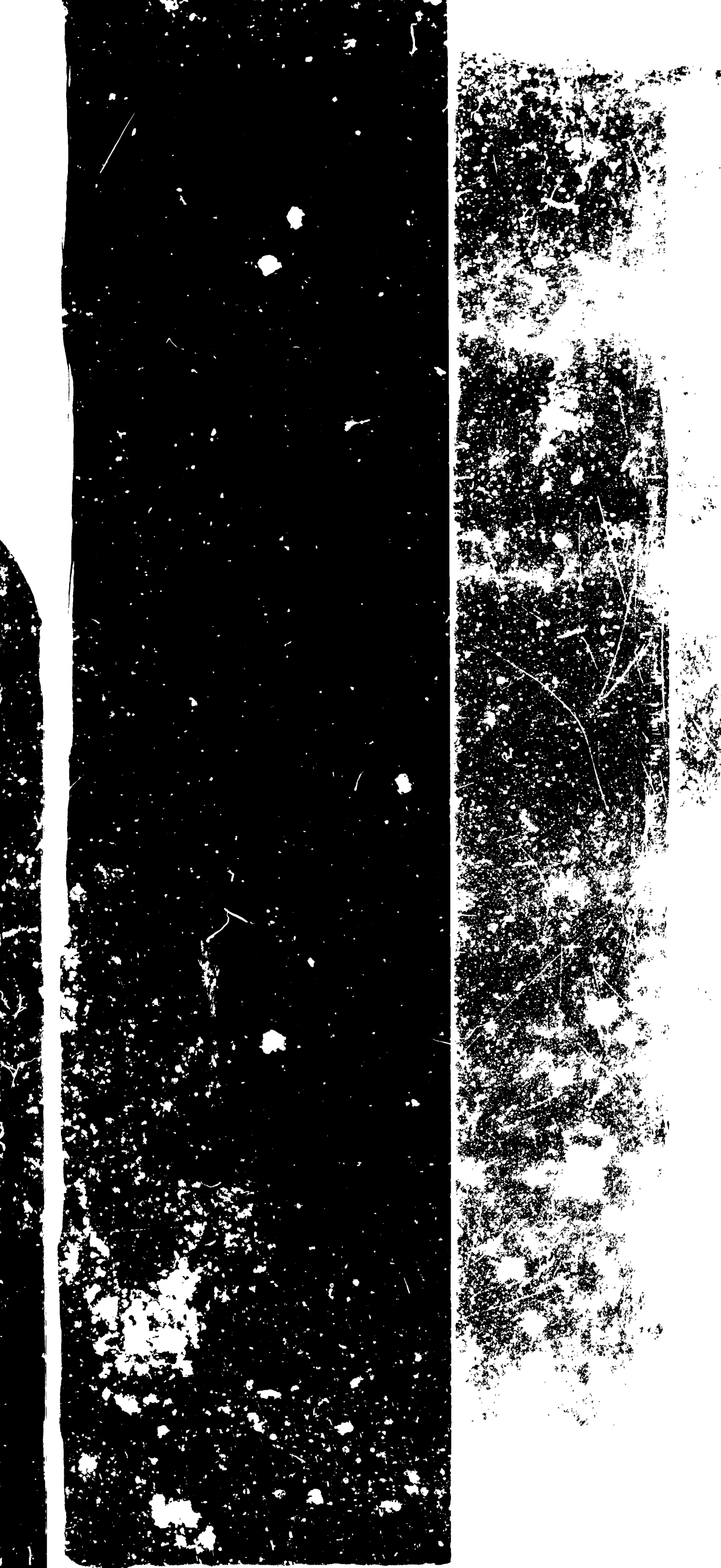
I. Section(s) to Which Variance Related 602.24.C

J. Reasons Why Permit Cannot be Issued bldg. area will be 7,744 sq. ft. instead of 6,080 max. allowed. Area of lot is 15,200 sq. ft. rather than 31,000 sq. ft. min. required. 6 off street parking spaces will be provided rather than 31 required.

K. Requested Variance Would Permit 4 story 6,644 sq. ft. addition for 9 family units & 22 elderly units

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

L. Notice Sent to \_\_\_\_\_ Adjacent Property Owners



C. Pertinent ordinance provision deprives owner of substantial use or enjoyment of property in the manner commonly enjoyed by owners of property subject to the same provisions (Sec. 602.24C 3.b. (1) (c))

Yes/Agreement with statement

No/Disagreement with statement

Reasons \_\_\_\_\_

D. As evidenced by affirmative answers to either IV. A. or IV. C. above, the variance will not create a special privilege for the applicant. Sec. 602.24C 3.b. (1) (d)

Yes/Agreement with statement

No/Disagreement with statement

Reasons \_\_\_\_\_

E. The variance will not adversely affect neighborhood property in the same zone and will not be detrimental to the general public health and safety Sec.602.24C 3.b. (1) (e)

Yes/Agreement with statement

No/Disagreement with statement

Reasons will enhance the neighborhood

V. Specific Relief Granted

After a public hearing held on June 11, 1981, the Board of Appeals finds that: (Check One)

Approval - All of the conditions required by Sec. 602.24C 3.b.(1) exist with respect to this property, as evidenced by affirmative responses to all statements set forth in IV. A. through IV. E above, and that a space and bulk variance be granted in this case.

Conditions of Approval (If any) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

( ) Disapproval - All conditions required by Sec.602.24C 3.b. (1) do not exist with respect to this property, as evidenced by one or more negative responses to statements set forth in IV. A. through IV. E. above, and that a space and bulk variance should not be granted in this case.

VI. Signatures of Board

Thomas J. Murphy Chairman  
Richard Conac  
Richard Conac  
Ermine S. Thomas  
Frank E. Hobbes  
Marcell A. Adger

Condition:

That 3 additional parking spaces be  
leased (other than the 6 on-site)  
for use by renters.

Approved unconditionally

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

SPACE AND BULK VARIANCE APPEAL

I. Findings of Fact

- A. Applicant Weston Associates, Inc.
- B. Property Location 447-457 Cumberland Ave.
- C. Applicant's Interest in Property:  
 Owner  
 Tenant  
 Other \_\_\_\_\_
- D. Property Owner same
- E. Owner's Address 11 Beacon St.
- F. Zone (Circle One):  
R-1 R-2 R-3 R-5 R-6 R-4  
R-P B-1 B-2 B-3 A-B  
I-P I-1 I-2 I-2b I-3 I-3b I-4  
RPZ W-1
- G. Site Plan Approval required yes
- H. Present Use of Property \_\_\_\_\_
- I. Section(s) to Which Variance Related 602.24.C
- J. Reasons Why Permit Cannot be Issued bldg. area will be 7,744 sq. ft. instead of 6,080 max. allowed. Area of lot is 15,200 sq. ft. rather than 31,000 sq. ft. min. required. 6 off street parking spaces will be provided rather than 31 required.
- K. Requested Variance Would Permit 4 story 6,644 sq. ft. addition for 9 family units & 22 elderly units  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- L. Notice Sent to \_\_\_\_\_ Adjacent Property Owners

*W. Gray, City Hall*

II. Appearances

A. Those Advocating Variance      B. Those Opposing Variance

*George Luce, Winston Mason* \_\_\_\_\_  
*Winston Lott, Assistant* \_\_\_\_\_  
*John Marshall Newman, Jr.* \_\_\_\_\_  
\_\_\_\_\_

(Attachments, As Necessary)

III. Exhibits (Any documents, photos, plans, further findings of fact, etc. presented to the Board as part of its records)

*Anderson Map, Plans by owner* \_\_\_\_\_  
\_\_\_\_\_

IV. Reasons for Decisions - Undue Hardship (The following checklist relates with the Board of Appeals hardship definitions for Space and Bulk variances as contained in Section 602.24C 3.b.(1) (a) through (e)

A. The parcel is exceptional due to physical characteristics or topographic features which amount to more than a mere inconvenience

- Yes/Agreement with statement
- No/Disagreement with statement

Reasons *Slopes away from Cumberland* \_\_\_\_\_  
\_\_\_\_\_

B. If yes, the unique physical conditions: (Check One)  
Sec. 602.24C 3.b.(1) (b)

- Existed at the time of the enactment of the provision from which a variance is sought; or
- Were caused by natural forces; or
- Were the result of governmental action

C. Pertinent ordinance provision deprives owner of substantial use or enjoyment of property in the manner commonly enjoyed by owners of property subject to the same provisions (Sec. 602.24C 3.b. (1) (c))

Yes/Agreement with statement

No/Disagreement with statement

Reasons \_\_\_\_\_

D. As evidenced by affirmative answers to either IV. A. or IV. C. above, the variance will not create a special privilege for the applicant. Sec. 602.24C 3.b. (1) (d)

Yes/Agreement with statement

No/Disagreement with statement

Reasons \_\_\_\_\_

E. The variance will not adversely affect neighborhood property in the same zone and will not be detrimental to the general public health and safety Sec. 602.24C 3.b. (1) (e)

Yes/Agreement with statement

No/Disagreement with statement

Reasons will enhance the neighborhood

V. Specific Relief Granted

After a public hearing held on June 11, 1988, the Board of Appeals finds that: (Check One)

Approval - All of the conditions required by Sec. 602.24C 3.b.(1) exist with respect to this property, as evidenced by affirmative responses to all statements set forth in IV. A. through IV. E above, and that a space and bulk variance be granted in this case.

Conditions of Approval (If any) \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

( ) Disapproval - All conditions required by Sec.602.24C 3.b. (1) do not exist with respect to this property, as evidenced by one or more negative responses to statements set forth in IV. A. through IV. E. above, and that a space and bulk variance should not be granted in this case.

VI. Signatures of Board

Thomas J. Murphy Chairman  
John A. Zygac  
James W. [unclear]  
Ermine S. [unclear]  
Frank E. [unclear]  
Marcell A. [unclear]

Condition:

That 3 additional parking spaces be leased (other than the 6 on-site) for use by renters.

Approved unanimously



R6 RESIDENCE ZONE

APPLICATION FOR PERMIT

Class of Building or Type of Structure

Portland, Maine, Dec. 15, 1971

PERMIT ISSUED

Dec. 15 1971

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 447 Cumberland Ave. Within Fire Limits? Dist. No.
Owner's name and address Claudius L. Simpson, 251 Brighton Ave. Telephone
Lessee's name and address Telephone
Contractor's name and address Vincent Black, 110 Dartmouth St. Telephone
Architect Specifications Plans No. of sheets
Proposed use of building No. families
Last use Apt. No. families 6
Material No. stories Heat Style of roof Roofing
Other buildings on same lot Fee \$ 6.
Estimated cost \$ 2000.

General Description of New Work

To repair apt. house after fire to original conditions - no alterations.

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 Owner

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 or full 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?

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

APPROVED:
O.K. - 58. 12/16/71

Claudius L. Simpson

CS 301

INSPECTION COPY

Signature of owner

Claudius L. Simpson





INS RESIDENCE ZONE  
 CITY OF PORTLAND, MAINE  
 DEPARTMENT OF BUILDING INSPECTION  
**COMPLAINT**

Location:  
447-449 Cumberland Ave.

INSPECTION COPY

COMPLAINT NO. 64/115 Date Received October 1, 1964

Location 447-449 Cumberland Ave. Use of Building Apt. house  
 Owner's name and address Claudius Simpson, 165 Clark St. Telephone \_\_\_\_\_  
 Tenant's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
 Complainant's name and address \_\_\_\_\_ Telephone \_\_\_\_\_

Description: 3-story rear piazza dangerous.

NOTES: Corner post and ~~xxx~~ intermediate post have been broken off at the base where they rest on concrete piers. Handrail on steps to first floor is broken.

This piazza is a means of egress. A. Allan Soule  
10/2/64 - Settles to owner, which see - AGJ  
10/2/64 - Carpenter has started work on piazza - Allan  
9/2/64 - Repair made - Allan

SAVE THIS RECEIPT. Pre-claim. Claim must be filed with mailing. Consult postmaster as to parcel post packages address.

**DELIVERING EMPLOYEE**  
 Show address where delivered (required for these services)

**RECEIPT**  
 article described on other side. (must always be filled in)

Simpson

DELIVERED (only if requested)

U. S. GOVERNMENT PRINTING OFFICE  
 CSF-16-71348-3-7 GPO

Reg. mail-

FU-A.A.S.-10-13-64

Cplt. 64 '115 - 447-449 Cumberland Ave.

Oct. 2, 1964

Mr. Claudius L. Simpson  
165 Clark Street

Dear Mr. Simpson:

An inspector from this department reports that the three story piazza on rear of apartment house at the above named location, of which you are reported to be the owner is in an unsafe structural condition. His report indicates that one corner post and an intermediate post supporting the structure have been broken off near the base and that handrails on steps to first floor platform is broken.

As authorized by Section 109-a of the Building Code of the City of Portland (copy enclosed herewith), you are hereby directed to have made at once, and surely before October 13, 1964, such repairs as are necessary to correct these dangerous conditions. This piazza serves as a required means of egress from the rear of the building so that it is extremely important that there be no delay in having these repairs made and that, if it is not possible to secure someone to make permanent repairs for several days, that at least repairs of a temporary nature be made at once.

Very truly yours,

Albert J. Sears  
Building Inspection Director

AJS:m

447-449 Cumberland Avenue

Oct. 15, 1964

Mr. Claudius Simpson  
165 Clark Street

Dear Mr. Simpson:

Upon inspection of the above job on October 14th the following defect was found:

The corner post of the piazza was butted together when repairs were made. All corner posts of two pieces must be lapped spliced, no less than 18 inches long permitted.

It is important that correction of this condition be made before Nov. 4, 1964.

Very truly yours,

A. Allan Soule  
Field Inspector

AAS:m