



APPLICATION FOR PERMIT

PERMIT ISSUED

JAN 27 1961

B.O.C.A. USE GROUP

B.O.C.A. TYPE OF CONSTRUCTION

ZONING LOCATION

PORTLAND, MAINE, JAN. 27, 1961

CITY of PORTLAND

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 at 94-96 Winter Street

1. Owner's name and address .. DAVID WATKINS, 632 Washington, BVA,

2. Lessee's name and address

3. Contractor's name and address .. OWEN

4. Architect

Proposed use of building

Last use .. 10 FAMILY

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

Other buildings on same lot

Estimated contractual cost \$ 10,000

Fire District #1 #2

Telephone 773-5309

Telephone

Telephone

No. of sheets

No. families

No. families

Per \$ 46.00

FIELD INSPECTOR—Mr.

This application is for: @ 775-5451

Dwelling

Garage

Masonry Bldg.

Metal Bldg.

Alterations

Demolitions

Change of Use

Other

GENERAL DESCRIPTION

To repair after fire to return original condition, no structural changes.

Stamp of Special Conditions

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

DETAILS OF NEW WORK

Is any plumbing involved in this work?

Is connection to be made to public sewer?

Has septic tank notice been sent?

Height average grade to top of plate

Size, front

Material of foundation

Kind of roof

No. of chimneys

Framing Lumber—Kind

Size Girders

Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.

Joints and rafters: 1st floor

On centers: 1st floor

Maximum span: 1st floor

Is any electrical work involved in this work?

If not, what is proposed for sewage?

Form notice sent?

Height average grade to highest point of roof

Is it solid or filled land?

Thickness, top

Roof covering

of lining

Kind of heat

Corner posts

Size

Max. on centers

earth or rock?

cellar

fuel

Sills

height?

IF A GARAGE

No. cars now accommodated on same lot

Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building?

APPROVALS BY:

BUILDING INSPECTION—PLAN EXAMINER

ZONING:

BUILDING CODE:

Fire Dept:

DATE

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



CITY OF PORTLAND

DAVID A. LOURIE
CORPORATION COUNSEL

November 4, 1982

Peter Plumb, Esq.
Murray, Plumb & Murray
30 Exchange Street
Portland, ME 04101

Re: 94 Winter Street

Dear Peter:

I have reviewed the matter of the number of units at 94 Winter Street with the Building Inspector.

The facts as I currently have them are that at some time in the past, the number of units at 94 Winter Street was illegally increased from 6 units to 10 units. Subsequently, your client purchased the property, which was later damaged by fire. Your client then obtained a building permit to reconstruct the fire damaged portions of the structure into 10 units. Apparently, neither your client nor the City personnel handling the application were aware that 4 of the 10 units were not permitted in the zone. It is further my understanding that the property is now to be sold, and the purchaser has raised a question as to the 10-unit operation.

On the facts as we currently have them, neither the Building Inspector nor I would undertake a prosecution to require that the property be returned to the 6 units specified in the Zoning Ordinance.

This Opinion is based upon general equitable considerations, and more particularly prosecutorial discretion. If in the future these facts change materially, the Building Inspector and I may review them anew and determine whether it is reasonable to require compliance with the literal terms of the Ordinance.

Very truly yours,


David A. Lourie
Corporation Counsel

DAL/ljn

cc: Joseph E. Gray, Jr., Planning & Urban Development Director
✓ P. Samuel Hoffes, Chief of Building Inspections



CITY OF PORTLAND

DAVID A. LOURIE
November 22, 1982 CORPORATION COUNSEL

David Wurful
94 Winter Street
Portland, ME 04101

Re: 94-96 Winter Street

Dear Mr. Wurful:

We have reviewed the matter of the number of units at 94-96 Winter Street.

The facts as we currently have them are that at some time in the past, the number of units at 94-96 Winter Street was illegally increased from 6 units to 10 units. Subsequently, you purchased the property which was later damaged by fire. You then obtained a building permit from the City of Portland to reconstruct the fire-damaged portions of the structure into the 10 units previously existing. Apparently neither you nor the City personnel handling this application for building permit were aware that 4 of the 10 units were not permitted under the Zoning Ordinance. It is further our understanding that the property is now to be sold and the purchaser has raised questions as to the 10-unit operation after reviewing the Building Inspection Department file.

On these facts, neither the Building Inspection office nor the Corporation Counsel's office will undertake a prosecution to require that the property be returned to the 6 units specified by the Zoning Ordinance. Provided that the configuration of the building (i.e., 10-unit use) is not increased, and the building in other respects continues to conform to the requirements of the Municipal Code, no prosecution will be brought against you or your purchasers to require a return to a 6-unit use unless the building is substantially destroyed or rebuilt.

David Lourie
Corporation Counsel

Frank E. Long
Director of Planning and
Urban Development