59 DEERING STREET

SHAW-WALKER

Full cut #920R - Half cut #9202R - Third cut #9203R - Fifth cut #9205R

Inquiry-59 Deering St.

August 20, 1965

Dr. Claude A. Burnett, Jr.
59 Deering Street

cc to: Howard Mitchell, Division Engineer
Public Works Department

Dear Dr. Burnett:

Inspection of the premises at the above named location indicates that there are about 16 feet between the building and the side lot line on the side of the building towards Mellen Street.

Zoning Ordinance regulations relating to off-street parking stipulate that parking spaces shall be located no closer than 10 feet to the street line in the R-6 Residence Zone where the property is located and no closer than 5 feet to the side lot line if located closer than 50 feet to the street line. Since the minimum width of a parking space is set at 8 feet, the 16-foot width of side yard should be ample for parking of a car in a location at least 5 feet from the lot line.

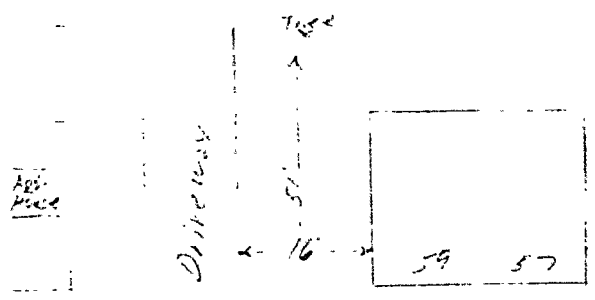
Therefore there appears to be no reason why a curb cut for a driveway to this area should not be provided as long as the off-street parking is kept within the limits specified by the Zoning Ordinance.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

59 Deering St



in line
Deering St

MAINE PRINTING CO., PORTLAND

CITY OF PORTLAND
HEALTH DEPARTMENT
HOUSING DIVISION

Loc. 59 Deering St.
Loc w/i S 15905 Ts
Bldg ☒ Fire Elec Other
Issued December 26, 1957
Expires January 26, 1958

Fr. Claude Burnett, Jr.
59 Deering St.,
Portland, Maine

Dear Sir:

On November 4, 1957 an examination was made of the premises located at 59 Deering St. Portland, Maine.

Non-compliance with the ordinances relating to housing conditions was found as detailed below.

In accordance with the provisions of the above ordinance, you are hereby ordered to correct these defects according to specifications within the time limits allowed. Failure to comply with this notice will necessitate legal action.

Some repairs or improvements required will necessitate permits which are to be obtained from the Building Inspector, Health, Fire or other City Departments. These must be obtained before the work is started.

If any additional information is desired, visit or telephone the Housing Supervisor at this Office, telephone 4-1431, extension 226. Kindly notify this office as soon as all corrections have been completed.

Very truly yours,
Edward W. Colby, M.D.
Health Director

By _____
Housing Supervisor

VIOLATIONS & SPECIFICATIONS

Responsibility of Owner or Agent ** Responsibility of Occupant

STRUCTURAL REPAIRS

Repair and put in good condition the following hazardous parts of the structure:

a) Repair or replace the loose, worn and cracked plaster on the walls of the 2nd floor rear hallway.

ELECTRICAL EQUIPMENT

a) Repair or replace the defective wall plug in the bedroom of the basement apartment, and the defective pull chain on the furnace room fixture.

The above mentioned conditions are in violation of the City Ordinances, MINIMUM STANDARDS FOR CONTINUED OCCUPANCY AND AUTHORITY TO VACATE BUILDINGS, and must be corrected on or before January 26, 1958.

(A) APARTMENT HOUSE ZONE

APPLICATION FOR PERMIT

PERMIT ISSUED
AUG 21331
CITY of PORTLAND

Class of Building or Type of Structure Second Class

Portland, Maine, August 1, 1950

Supersedes appl. 7/21/50

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 59 Deering Street Within Fire Limits? yes Dist. No. 3

Owner's name and address Ralph Crockett, 59 Deering Street Telephone

Lessee's name and address Telephone

Contractor's name and address Curran Electric Supply Co., 399 Fore Street Telephone 2-3464

Architect Specifications Plans no No. of sheets

Proposed use of building Doctors offices and apartments No. families

Last use " " No. families

Material brick No. stories 3 Heat Style of roof Roofing

Other buildings on same lot

Estimated cost $ Fee $ 1.00

General Description of New Work

To install automatic fire alarm using Spot Fire Lowecator thermostats Model 101 made by Star Sprinkler Corp. not more than 30' apart nor more than 15' at right angles from any wall or partition extending to ceiling, detection thermostats to cover every room and all other parts of the first story and sufficient area at the top of both front and rear stairs in second story to undoubtedly warn of any fire travelling these stairs--current by dry batteries of capacity to ring all gongs simultaneously at full signal strength, to operate system for at least one year, installed in substantial cabinet of no less than 14 gauge steel or well-seasoned wood at least 3/4" thick with hinged door and catch and located not less than 6" nor more than 6' above floor in dry, clean place where temperature will not go below 40 degrees F. nor above 100 degrees--test button rigidly fastened in place, conveniently located to permit and capable of testing entire system frequently. Alarm silencing switch, if provided, will be so arranged that alarm will sound if switch is thrown to "silent" position when alarm is not sounding. Installer will fasten to control box full instructions as to operation and testing of system and where and how to secure servicing if system gets out of order.
Edwards 6" gongs to be used--1 in 2nd floor hall, 1 in 3rd floor hall and one in basement, if living quarters are established in basement.

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*** Curran Electric Supply Co.

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 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

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

Framing lumber—Kind Dressed or full size?

Corner posts Sills Girt or ledger board? Size

Girders Size Columns under girders Size Max. on centers

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

Joists and rafters: 1st floor, 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:
OK 8-2-50 Fred

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

Signature of owner [signature]

INSPECTION COPY

Permit No. 50/1331

Location 59 Queens Dr.

Owner [illegible]

Date of permit 8/8/50

Notif. closing-in

Inspn. closing-in

Final Notif.

Final Inspn. 8-7-50 PM

Cert. of Occupancy issued

NOTES

7-8-50 Plb Rough-in Complete
on bath, kitchen
1st floor
Floor sub-floor laid.

7-20-50 Called Plumbing
Inspector for Rough-in
Plumbing in bathroom
at this time. Not Called
Final Inspn - Completion

8-7-50. Installation Completed and
approved by Plumbing Inspector

MEMORANDUM FROM DEPARTMENT OF BUILDING INSPECTION, PORTLAND, MAINE

59 Bearing Street—Installation of Automatic Fire Alarm System for Ralph Crockett by Warren Electric Co., Inc.

When such a system has been installed, the owner and lessee of the building are responsible for keeping the system in working order at all times so that the system may always be on guard to warn the occupants of the building in case a fire starts. To discharge this responsibility and to have good assurance that he will not be held either financially or criminally liable in case of injury or loss of life in his building due to fire, it is my belief that the owner and lessee must see to it that the alarm system is tested every twenty-four hours. This may be done by merely pressing very briefly the test button to see if the bells ring loud and clear.

Most of these systems have dry batteries for their power, and the batteries will deteriorate in time so that they will not ring the alarm bells satisfactorily, if at all. If the batteries are used briefly by this test every day, they will last longer than when tested less frequently. ~~We try to have cause of more inspections on each system, but that is not often enough to a great deal.~~

Because this is a safety device whenever it is found that the bells do not ring loud and clear or any other defect appears in the system, the owner or his agent should notify immediately some predetermined party who has agreed in advance to come at once and service the system, whether day or night, Sundays or holidays.

It is recommended that the name of such a party and the address and telephone number be posted permanently on or in the control box of the system.

WMcD/G

CC: Mr. Ralph Crockett
59 Bearing Street

(Signed) WARREN McDONALD

INSPECTOR OF BUILDINGS

A) APARTMENT HOUSE ZONE

APPLICATION FOR PERMIT

PERMIT ISSUED
AUG 16 1950
CITY OF PORTLAND

Class of Building or Type of Structure Second Class

Portland, Maine, June 16, 1950 Plans 7/3/50

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE Application completed 8/7/50

The undersigned hereby applies for a permit to erect, alter, repair, demolish, remove, 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 59 Deering Street Within Fire Limits? yes Dist. No.

Owner's name and address Marcia Crockett, 59 Deering Street Telephone 5-0318

Lessee's name and address Telephone

Contractor's name and address Telephone

Architect Specifications Plans yes No. of sheets 2

Proposed use of building 4 apartment house and two suites of doctor's offices No. families 3

Last use " " one suite " " No. families 4

Material brick No. stories 3 Heat Style of roof Roofing

Other buildings on same lot

Estimated cost $ 400. Fee $ 2.00

General Description of New Work

To change use of building from 4 apartments with one doctor's office to 4-family apartment house with two suites of doctor's offices. Both suites of offices will be on first floor.

Permit Issued with Letter

~~This application must be approved by the Building Inspector before any work is started. Work cannot be commenced before the permit is issued. Any deviation in the plans or specifications must be approved by the Building Inspector before the change is made. The applicant is responsible for the proper location of the building with reference to the lot lines and for the establishment of the grade.~~

Building Code Appeal Sustained conditionally 7/17/50

Zoning Appeal Sustained conditionally 7/14/50

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***

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 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

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

Framing lumber—Kind Dressed or full size?

Corner posts Sills Girt or ledger board? Size

Girders Size Columns under girders Size Max. on centers

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

Joists and rafters: 1st floor, 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

ON COPY

Signature of owner Marcia Crockett

87

Permit No. 50/1417

Location 59 Deering St.

Owner Marcia Craddock

Date of permit 8/16/50

Notif. closing-in

Inspn. closing-in

Final Notif. 8/8/50 2:15 (D+4)

Final Inspn

Cert. of Occupancy issued 9/7/50

NOTES

1/24

COPY

CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

Issued to Marcia B. Crockett Date of Issue September 7, 1950

This is to certify that the building, premises, or part thereof, indicated below, and built, altered—changed as to use at 59 Deering Street under Building Permit No. 50/1329, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy, limited or otherwise, as indicated.

Portion of Building or Premises	Approved Occupancy
Entire Building	First floor—two suites of doctor's offices Basement—One apartment Second floor—Two apartments Third floor—One apartment

Limiting Conditions:

This certificate supersedes certificate issued 6/2/48
Approved 9/5/50:
A. F. Hamilton
Inspector

Inspector of Buildings

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

(# 5) Deering Street-1
(Doctor's offices in first story)

August 15, 1950

Mrs. Marcia B. Crockett
59 Deering Street
Portland, Maine

Copies: 2 to Mrs. Crockett,—one for the use of the contractor and one for the use of the doctor who is to occupy the rear suite of offices in first story

Dear Mrs. Crockett:

Your proposal for establishing two suites of doctor's offices in the first story of your building at 59 Deering Street is not clearly set forth in the prints which we have—two of them, one both received here on July 3, 1950. However, I have decided to issue the permit to avoid further delay subject to the following conditions. If you are unable or unwilling to abide by these conditions, it is important that you start no work on the first floor and return the permit and immediately for adjustment.

One of these prints which you have filed evidently shows the arrangement originally proposed under a former permit, an arrangement which was later changed by partitioning off a part of the front living room in first story to provide a professional office, the balance of the first story being used as your own apartment.

The other print has been marked up extensively in yellow and red crayon, I think most of it by Mr. Sears in this office to accommodate you when you were trying to get the initial permit for the two suites of doctor's offices applied for. I have no idea that you have a true copy of this marked up plan. If you have not, I suggest that you get a fresh print and come down and copy it from our copy, so that you will know what your proposition is as covered by the permit now issued.

The markings on this latter print show an existing dental office at the very front of the first floor and a new bathroom to be partitioned off from it. Whether or not this bathroom is existing or is now proposed, I do not know as the plan itself is marked revised January 6, 1948. Directly in the rear of this dental office is a room marked in crayon "new medical office reception room" followed by a question mark. In the corner of the front hall is indicated a small space for receptionist. The room directly in the rear of the front hall has been marked refraction [illegible] with question mark after it, but there is a partition indicated in crayon running the depth of the building one about 6' from the west wall. Which is the refractio[illegible] I do not know.

Directly in the rear of the refraction room, the former dining room is marked treatment room with a question mark and the same partition lengthwise of the building is shown through this room with a door in it, so we do not know which is the treatment room. This partition marked in crayon running the depth of the building through the refraction room and the treatment room is indicated as to be "part way to the ceiling". Unless you file information to the contrary, we shall assume that this partition is to consist of no less than 2x3 studs (uprights) spaced no more than 16" from center to center. If you were to have this merely a dwarf partition in both refraction room and treatment room, an ordinary "wood and glass" partition without concealed spaces in it will be satisfactory.

Directly in the rear of the treatment room is marked "laboratory" with a question mark there also and a partition is marked the depth of this room and indicated "perhaps partition".

In looking this matter over with the doctor who is to use the rear suite he seemed quite undecided as to whether this rear room would be a laboratory. In fact the true arrangement has never seemed settled at any time.

Unless you are to proceed substantially as indicated on this plan, it is important that you do not start any of the work in the first story, but give us a revised plan which will show the layout actually proposed with the true location of the various partitions and of what materials and framing they are to be built.

I understand the standard automatic fire detection and alarm system has already been provided throughout the first story and with some thermostats in the second story and the required ones in second and third stories.

If any substantial change is made in the arrangement as outlined above in first story, it is important that application for amendment be filed here with an illustrative sketch showing what those changes are to be.

When all of the work in the first story, controlled by the Building Code, is completed, it is your duty to notify this office of readiness for final inspection, whereupon, if everything is found in order the rear suite of dentist's offices may be occupied. It is not lawful to occupy the rear suite of offices in the first story until our certificate of occupancy has been issued.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMcD/1

AP 59 Deering Street (starting change)

August 3, 1950

Mrs. Marcia B. Crockett
59 Deering Street
Portland, Maine

Copy to, Mrs. Crockett for the use of the contractor

Dear Mrs. Crockett,

You have filed application for two building permits--one to make alterations in the first story of your building at 59 Deering Street to establish there two suites of Doctor's offices and another to cover alterations in the basement for the purpose of providing there an apartment. Your Zoning appeal was on the basis of the first application to cover the second suite of Doctor's offices in the first story. While that appeal has been granted by the Board of Appeals together with the granting of an appeal under the Building Code relating to fire-resistive separations, you have not yet completed the application for the permit, which you filed in preliminary fashion to get settled the question of Zoning Appeal. You have yet to give us the total estimated cost of that part of the work included under the application for second suite of Doctor's offices on first floor, and to pay the building permit fee based on that estimated cost. The estimated cost of that job is required to include everything involved with that job, all labor and material, electric wiring and fixtures, plumbing and fixtures and all other built-in work, including the automatic fire detection and alarm system.

Upon the application for building permit to make the new apartment in the cellar you gave us the estimated cost of $300.00 and paid a fee on that basis of $2.00.

I am compelled to withhold the permit for the alterations in first story to establish the suite of Doctor's offices there until you have completed the application and paid the fee.

As agreed yesterday, I am issuing to you the building permit for the work in the basement subject to a number of conditions expressed in a letter accompanying the permit.

We are in the process of getting straightened out the matter of permit for installation of the automatic fire detection and alarm system which Mr. Curren applied for and gave us the wrong coverage for the detection system. That permit will be issued as soon as we can clear the matter up so that his application describes the work that is required and that work has been checked against the work which he has already done.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMcD/B

AP 59 Deering Street-I

July 7, 1940

Mrs. Marcia Crockett
59 Deering Street
Portland, Maine

Copy to:
Mark Barrett, Assistant Corporation Counsel

Dear Mrs. Crockett:

Aside from the question of zoning appeal, the building permit to change the use of the building at 59 Deering Street so that there will be two suites of doctors' offices in the first story instead of one doctor's office and one apartment, as now, is not issuable under the Building Code because you do not propose to provide the one-hour fire resistive separation by way of ceilings, partitions and fire doors required by Section 203-b-3 of the Code between the professional offices in first story and the apartments on the floors above.

You have indicated your desire to seek an exception from the Board of Municipal Officers; so, there is enclosed an outline of the appeal procedure.

If you desire to know the results of this appeal at the earliest possible time, the appeal should be filed at the office of Corporation Counsel before Monday night, July 10.

Another deficiency which appears in your plans, as we talked over the phone this morning, apparently consists of the situation at the foot of the rear stairs from second to first floor whereby persons using these stairs as a means of egress would have to pass through the room proposed as a laboratory in order to reach the rear exterior door. The Building Code does not allow the situation whereby a person to use a required means of egress would have to pass through the private quarters of others.

As near as I can tell from the plans and from your description of the fire escape, the only persons who would have to rely upon this rear stairway as a means of egress would be the occupants of the front apartment on second floor.

Obviously some arrangement will be necessary by way of a public passageway through this passageway to reach the exterior door.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMcD/G

Enclosure: Outline of appeal procedure

AP 59 Deering Street-I

7/10/50/M

June 26, 1950

Mrs. Marcia Crockett
59 Deering Street
Portland, Maine

Copy to:
Mark Barrett, Assistant Corporation Counsel

Dear Mrs. Crockett:

Building permit intended to cover change of use of your building at 59 Deering Street from one suite of doctor's offices and four apartments to two suites of doctor's offices and four apartments is not issuable under the Zoning Ordinance because such professional offices are not allowable uses in the Apartment House Zone where the property is located, according to Section 8A of the Ordinance. While the Board of Appeals in 1948 granted an exception to allow one suite of doctor's offices in the first story, that allowance cannot permit any other than the precise use in number and area of doctor's offices specifically granted then.

You have indicated your desire to seek another exception from the Board of Appeals; so, there is enclosed an outline of the appeal procedure.

It is important that you have layout plans of the proposed change filed in this office before July 8 so that we may be aware of the true proposal well in advance of the required public hearing.

Your preliminary application for a building permit merely states that you propose two suites of doctor's offices in the first story instead of one. At present our record shows that there is one suite of doctor's offices in the first story and one apartment. Since your new proposal indicates that there would still be four apartments in the building, it seems evident that you either propose a very small apartment in the first story or else to make a rearrangement of the apartments in floors above to get the four apartments up there. Your plan should fully set forth this proposition.

The Building Code provides that fire resistive separations, rated as having one-hour's fire resistance to a hot fire, by way of partitions, ceilings or floors shall be provided between business uses and living quarters in apartment houses if the hazard of the business use is considered more than that of the apartments.

When the first suite of doctor's offices was provided for, we concluded that the difference in hazard was not sufficient to require the fire separation, following the usual procedure of the Fire Insurance Underwriters, who usually make no difference in insurance rate if there is only one small business establishment or office in such a building, but when more than one are provided they usually increase the fire insurance rate. It seems likely in this case that the introduction of the second suite of doctor's offices will require these one-hour fire resistive separations between the two suites of doctor's offices and the apartments.

It would be well for you to get in mind fully what this means so that you may not go ahead with the zoning appeal under any misapprehension as to what the cost of the change may be.

Very truly yours,

WMcD/G

Warren McDonald
Inspector of Buildings

Enclosure: Outline of appeal procedure

Sustained conditionally 7/17/50

50/77

City of Portland, Maine
Municipal Officers
—BUILDING CODE APPEAL—

July 10, , 1950

To the Municipal Officers:

Your appellant, Mrs. Marcia Crockett , who is the owner of property at 59 Deering Street , respectfully petitions the Municipal Officers of the City of Portland to permit an exception to the provisions of the Building Code relating to this property, as provided in Section 115, Paragraph a of the Building Code, on the ground that the enforcement of the Code in this case involves prac.ical difficulty or unnecessary hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Building Code.

Building permit to change the use of the building at 59 Deering Street to make two suites of doctors' offices in first story instead of one and one apartment is not issuable under the Building Code because it is not proposed to provide one-hour fire resistive separation by way of ceilings, partitions, and fire doors required by Section 203-b-3 of the Code between the professional offices in first story and apartments on floors above.

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

An exception is necessary in this case to avoid practical difficulty or unnecessary hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Building Code.

Mrs. Marcia Crockett

By Ralph E. Crockett
Appellant

Sustained 7/17/50 S.

City of Portland, Maine
Municipal Officers
—BUILDING CODE APPEAL—
Decision

Public hearing was held on the 14th day of July, 1950, on petition of Mrs. Marcia Crockett, owner of property at 59 Deering Street, seeking to be permitted an exception to the provisions of the Building Code relating to this property.

Building permit to change the use of the building at 59 Deering Street to make two suites of doctors' offices in first story instead of one and one apartment is not issuable under the Building Code because it is not proposed to provide one-hour fire resistive separation by way of ceilings, partitions, and fire doors required by Section 203-b-3 of the Code between the professional offices in first story and apartments on flcors above.

The Municipal Officers find that an exception is necessary in this case to avoid practical difficulty or unnecessary hardship and desirabl relief may be granted without substantially departing from the intent and purpose of the Building Code, provided a fire alarm and detection system is installed on these premises to the satisfaction of the Fire Inspector and the Building Inspector.

It is, therefore, determined that exception to the Building Code may be permitted in this specific case; provided a fire alarm and detection system is installed on these premises to the satisfaction of the Fire Inspector and the Building Inspector.

Edward J. Callay
William A. O'Brien
Helen C. Frost
John W. Lake
W. Hoey

Edward D. Sturgis

Municipal Officers

DATE: July 17, 1950

HEARING ON APPEAL UNDER THE BUILDING CODE OF MRS. MARCIA CROCKETT

AT 59 Deering Street

Public hearing on above appeal was held before the

Board of Appeals	VOTE		Municipal Officers
	Yes	No	
Mr. Colley	(x)	( )	
Mr. Lake	(x)	( )	
Mr. O'Brion	(x)	( )	PROVIDED FIRE ALARM AND DETECTION SYSTEM
Mrs. Frost	(x)	( )	INSTALLED.
Mr. Gignoux	(x)	( )	
Dr. Holt	(x)	( )	
	( )	( )	
	( )	( )	
	( )	( )	

Record of Hearing:

WARREN McDONALD
INSPECTOR OF BUILDINGS

On reply Prefer Deering Street-I
to file

FU

CITY OF PORTLAND, MAINE

Department of Building Inspection

July 7, 1940

Mrs. Marcia Crockett
59 Deering Street
Portland, Maine

Copy to:
Mark Barrett, Assistant Corporation Counsel

COPY

Dear Mrs. Crockett:

Aside from the question of zoning appeal, the building permit to change the use of the building at 59 Deering Street so that there will be two suites of doctors' offices in the first story instead of one doctor's office and one apartment, as now, is not issuable under the Building Code because you do not propose to provide the one-hour fire resistive separation by way of ceilings, partitions and fire doors required by Section 203-b-3 of the Code between the professional offices in first story and the apartments on the floors above.

You have indicated your desire to seek an exception from the Board of Municipal Officers; so, there is enclosed an outline of the appeal procedure.

If you desire to know the results of this appeal at the earliest possible time, the appeal should be filed at the office of Corporation Counsel before Monday night, July 10.

Another deficiency which appears in your plans, as we talked over the phone this morning, apparently consists of the situation at the foot of the rear stairs from second to first floor whereby persons using these stairs as a means of egress would have to pass through the room proposed as a laboratory in order to reach the rear exterior door. The Building Code does not allow the situation whereby a person to use a required means of egress would have to pass through the private quarters of others.

As near as I can tell from the plans and from your description of the fire escape, the only persons who would have to rely upon this rear stairway as a means of egress would be the occupants of the front apartment on second floor.

Obviously some arrangement will be necessary by way of a public passageway through this passageway to reach the exterior door.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMcD/G

Enclosure: Outline of appeal procedure

(A) APARTMENT HOUSE ZONE

APPLICATION FOR PERMIT

PERMIT ISSUED
AUG 3 1950
CITY of PORTLAND

Class of Building or Type of Structure Second Class

Portland, Maine, July 6, 1950

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 59 Deering Street Within Fire Limits? yes Dist. No.

Owner's name and address Marcia B. Crockett, 59 Deering St. Telephone

Lessee's name and address Telephone

Contractor's name and address Harold Freeman, ~~Cecil~~ 17 Locust St. Telephone

Architect Specifications Plans yes No. of sheets 2

Proposed use of building Apts. and 2 doctors' offices No. families 3

Last use " " No. families 4

Material brick No. stories 3 Heat Style of roof Roofing

Other buildings on same lot

Estimated cost $ 300. Fee $ 2.00

General Description of New Work

To provide three room apartment in basement as per plan.
Existing brick partitions to be covered with sheetrock
To closet off existing cellar stairs as per plan.
To relocate existing fire door.

Permit issued with Letter

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. ***PERMIT TO BE ISSUED TO*** Marcia B. Crockett

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 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

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

Framing lumber—Kind Dressed or full size?

Corner posts Sills Girt or ledger board? Size

Girders Size Columns under girders Size Max. on centers

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

Joists and rafters: 1st floor, 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

Signature of owner Marcia B. Crockett

Permit No. 50/1300

Location 59 [illegible]

Owner [illegible] B. Crockett

Date of permit 8/3/50

Notif. closing-in 8/8/50

Inspn. closing-in 8/10/50

Final Notif. 9-5-50

Final Inspn. 9-5-50 [illegible]

Cert. of Occupancy issued 9/7/50

[illegible]

NOTES

~~8/8/50 – Mr. Freeman [illegible] today. [illegible] no [illegible] plans [illegible]~~

8-8-50 [illegible] first [illegible]

All [illegible] openings to be permanently closed before closing in.

Finish [illegible] first floor [illegible] and outside wall.

Make plaster tight where now standing in outside wall.

No electric or plumbing insp. [illegible]

8/15/50: Permission given to close in. [illegible]

9-5-50. [illegible] shield where [illegible] close.

Provide [illegible] on fire door.

Fire door frame, right side, to be made tight.

Went over these matters with Mrs Crockett and she will have them taken care of. [illegible]

Lintels for windows 8" Brick wall

4-Ls $3\frac{1}{2} \times 3\frac{1}{2} \times \frac{5}{16} \times 3'-4"$

2 do. $3'-8"$

These plans (/ sheets) and the specifications accompanying the same, covering construction work no Work for Mr Crockett On 59 Deering St

have been designed and drawn up by the undersigned according to the latest rules of engineering practice and to comply with the allowable working stresses, floor loads, etc. required by the Building Code of the City of Portland.

(Signature) Meggvier & Jones Co

By H C Elliott

RECEIVED
AUG 11 1950
DEPT. OF BLD'G. INSP.
CITY OF PORTLAND

PERMIT ISSUED
AUG 11 1950
CITY of PORTLAND

APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 1

Portland, Maine, August 9, 1950

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 50/1320 *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 59 Deering Street Within Fire Limits? yes Dist. No.

Owner's name and address Marcia B. Crockett, 59 Deering Street Telephone

Lessee's name and address Telephone

Contractor's name and address Not let Telephone

Architect Plans filed no No. of sheets

Proposed use of building apartments and 2 doctor's offices No. families 3

Last use " " " No. families 4

Increased cost of work Additional fee .25

Description of Proposed Work

To cut in window in proposed basement kitchen 2' x 3½'.
To cut in window in proposed basement bedroom 2' x 3½'.
To provide angle iron lintels over each opening.

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 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

No. of chimneys Material of chimneys of lining

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

Marcia Crockett

Approved:

Signature of Owner by: M. E. Crockett

Approved: 8/11/50 [illegible]

Inspector of Build

INSPECTION COPY

AP Deering Street
(Basement apartment)

August 4, 1950

Mrs. Marcia B. Crockett
59 Deering Street
Portland, Maine

Copy to, Mrs. Crockett for contractor

Dear Mrs. Crockett,

A building permit to cover alterations in the basement of your building at 59 Deering Street is issued, herewith, subject to the following conditions, most of which we talked over yesterday. If this letter is not thoroughly understood by yourself and your contractor, or, if for any reason you are unable to abide by the conditions, it is most important that you refrain from starting any more work in the basement and that you return the permit card immediately for adjustment. Here are the conditions:

1. Since Section 203d of the Building Code requires that the height from floor to ceiling, in such an apartment as you will have in the basement, must be no less than 7'6", and because a great many pipes in the basement are already closer to the floor than that, it appears that you will be unable to construct a ceiling beneath the pipes.

2. Both the proposed kitchen and the proposed bedroom in the basement are very much below the requirements for area of window opening to the rooms, the minimum area of windows measuring between the frames being required at 1/10 of the floor area of the room. The single window in each room appears to contain about 11 square feet, overall between the frames. Apparently there will be about 180 square feet of area in the floor of the bedroom on the basis of which the window opening shows a deficiency of 7 square feet or about 40%. The floor area of the kitchen seems to be about 120 square feet, net, and the kitchen seems to show a deficiency of at least 12 square feet of window area or about 10%. 3-6-50

The only remedy appears to be to cut in additional window openings through the brick underpinning wall in both rooms to supply the required amount of window opening area. This may not prove too difficult a job, but before it is started, your contractor should file application for amendment to the permit now issued, indicating clearly how large the final window opening arrangement will be in each room, how he is going to accomplish it and what is to be provided for lintels over the new openings.

3. The means of egress from the proposed basement apartment will not satisfy the requirements for safety of the Building Code as now planned, but it will be necessary to provide in the exterior wall of the basement kitchen (perhaps the new window opening may be arranged in this way) a casement sash or swinging window affording an opening no less than 2' wide and no less than 3' high, so that in case of emergency of fire or otherwise in the living room the occupants of the bedroom and of the kitchen could get out of the window to a place of safety at the ground level.

4. The plans call for straightening out the cellar stairs and having them straight down toward the rear wall of the basement. The new steps are to have treads no less than 9" wide (measured from riser to riser) and as far as possible the new treads to be of the same width as the treads remaining above. The risers of the new steps are to be no more than 8½" and as far as possible uniform with the risers of the steps above.

A handrail is to be provided on at least one side full length of the stairs from first floor level to floor level of living room in basement.

5. Plans show that the present doorway in enclosure is to be closed up with a wooden stud partition covered on both sides with plaster on metal lathe. To provide the required cellar stair enclosure, a new partition is to be built out into the purposed living room and the door from the stair enclosure to the living room be placed in this partition. This partition is to be of similar construction to the "fill-in" in the present cellar doorway.

6. It is understood that you intend to use the former fire-door which was at the foot of the cellar stairs in the new opening. The frame of the door is required to be covered all over with metal and lapped into the plaster around the frame so as to exclude air from the wooden core. The fire door is to fit the opening tightly so that there will not be a crack wider than 1/4" anywhere around it when the door is in the closed position, the door is to be equipped with a liquid door closer.

7. Some of the studs have been put up although the permit is just now being issued. It is important that you do not cover up any of this work until the studding and furring are all done and then not until notice has been given to this office of readiness for inspection after the electric wiring and plumbing to be concealed has been inspected by the various other inspectors, and our green tag has been left at the job.

8. When all features controlled by the Building Code with relation to the basement apartment have been complete, you are required to notify this office of readiness for final inspection of the basement apartment. When, upon inspection, everything with relation to the basement apartment is found in order, the certificate of occupancy including the basement apartment will be issued. Until then it is not lawful to use the basement apartment for living quarters.

9. Please bear in mind that this permit relating to the basement apartment in no way authorizes any work in the first story in connection with the second suite of Doctor's offices there. That work in the first story is being covered by a separate permit which you have already applied for in a preliminary way, and concerning which you are to complete the application by furnishing the complete estimated cost of the first story work plus the installation of the fire alarm and paying the required building permit for.

Very truly yours,

Warren McDonald
Inspector of Buildings

Enc: Building permit for basement work only
and applicant's copy of application for
that permit.

WMcD/B

P. S. I have just noticed the arrangement proposed where the smokepipe from the present steam heater connects to the chimney. As shown on the plan this would place the smokepipe in a concealed inaccessible space created by constructing a new partition in the proposed kitchen. This arrangement will not work out, and at the same time an amendment is filed to cover the additional windows in bedroom and kitchen, included with the application should be a solution fo this problem. It is not permitted to have the smokepipe in any concealed space or an inaccessible space.

City of Portland, Maine
Board of Appeals
—ZONING—

Sustained Conditionally 7/14/50

50/76

June 28, , 19 50

To the Board of Appeals:

Your appellant, Mrs. Marcia Crockett, who is the owner of property at 59 Deering Street, respectfully petitions the Board of Appeals of the City of Portland to permit an exception to the regulations of the Zoning Ordinance relating to this property, as provided by Section 18, Paragraph E of said Zoning Ordinance.

Building permit to cover change of use of building at 59 Deering Street from one suite of doctor's offices and four apartments to two suites of doctor's offices and four apartments is not issuable under the Zoning Ordinance because such professional offices are not allowable uses in the Apartment House Zone where this property is located.

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

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

Marcia E. Crockett
Appellant

After public hearing held on the 14th day of July, 19 50 the Board of Appeals finds that an exception is necessary in this case to grant reasonable use of property where necessary to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance, provided a fire alarm and detection system is installed on these premises to the satisfaction of the Fire Inspector and the Building Inspector.

It is, therefore, determined that exception to the Zoning Ordinance may be permitted in this specific case; provided a fire alarm and detection system is installed on these premises to the satisfaction of the Fire Inspector and the Building Inspector.

Edward Colley
William F. O'Brion
Helen C. Frost
John W. Lake
Lyman S. Moore

BOARD OF APPEALS

DATE: July 14, 1950

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF MRS. MARCIA CROCKETT

AT 59 Deering Street

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

Board of Appeals	VOTE		Municipal Officers
	Yes	No	
Mr. Colley	(x)	( )	
Mr. Lake	(x)	( )	
Mrs. Frost	(x)	( )	PROVIDED FIRE ALARM AND DETECTION SYSTEM
Mr. O'Brien	(x)	( )	INSTALLED.
Mr. Moore	( )	( )	
	( )	( )	
	( )	( )	
	( )	( )	
	( )	( )	

Record of Hearing:

WARREN McDONALD
INSPECTOR OF BUILDINGS

On reply refer to file
59 Deering Street-I
7/10/50/H
FU

CITY OF PORTLAND, MAINE

Department of Building Inspection

June 26, 1950

Mrs. Marcia Crockett
59 Deering Street
Portland, Maine

Copy to:
Mark Barrett, Assistant Corporation Counsel

Dear Mrs. Crockett:

Building permit intended to cover change of use of your building at 59 Deering Street from one suite of doctor's offices and four apartments to two suites of doctor's offices and four apartments is not issuable under the Zoning Ordinance because such professional offices are not allowable uses in the Apartment House Zone where the property is located, according to Section 8A of the Ordinance. While the Board of Appeals in 1942 granted an exception to allow one suite of doctor's offices in the first story, that allowance cannot permit any other than the precise use in number and area of doctor's offices specifically granted then.

You have indicated your desire to seek another exception from the Board of Appeals; so, there is enclosed an outline of the appeal procedure.

It is important that you have layout plans of the proposed change filed in this office before July 8 so that we may be aware of the true proposal well in advance of the required public hearing.

Your preliminary application for a building permit merely states that you propose two suites of doctor's offices in the first story instead of one. At present our record shows that there is one suite of doctor's offices in the first story and one apartment. Since your new proposal indicates that there would still be four apartments in the building, it seems evident that you either propose a very small apartment in the first story or else to make a rearrangement of the apartments in floors above to get the four apartments up there. Your plan should fully set forth this proposition.

The Building Code provides that fire resistive separations, rated as having one-hour's fire resistance to a hot fire, by way of partitions, ceilings or floors shall be provided between business uses and living quarters in apartment houses if the hazard of the business use is considered more than that of the apartments.

When the first suite of doctor's offices was provided for, we concluded that the difference in hazard was not sufficient to require the fire separation, following the usual procedure of the Fire Insurance Underwriters, who usually make no difference in insurance rate if there is only one small business establishment or office in such a building, but when more than one are provided they usually increase the fire insurance rate. It seems likely in this case that the introduction of the second suite of doctor's offices will require these one-hour fire resistive separations between the two suites of doctor's offices and the apartments.

It would be well for you to get in mind fully what this means so that you may not go ahead with the zoning appeal under any misapprehension as to what the cost of the change may be.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMcD/G

Enclosure: Outline of appeal procedure

COPY

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

July 3, 1950

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, July 14, 1950 at 10:30 a. m. Daylight Saving Time to hear the appeal of Mrs. Marcia Crockett requesting exception to the Zoning Ordinance to permit change of use of building at 59 Deering Street from one suite of doctor's offices and four apartments to two suites of doctor's offices and four apartments.

This permit is presently not issuable because such professional offices are not allowable uses in the Apartment House Zone where this property is located.

This appeal is taken under Section 18E of the Zoning Ordinance which provides that the Board of Appeals, by unanimous vote of its members, may permit exceptions in specific cases so as to grant reasonable use of property where necessary to avoid confiscation and without substantially departing from the intent and purpose of the Zoning Ordinance, subject always to the rule that said Board shall give due consideration to promoting public health, safety, convenience, and welfare, encouraging the most appropriate use of land and conserving property values, that it shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood, and that it shall prescribe appropriate conditions and safeguards in each case.

All persons interested either for or against this appeal will be heard at the above time and place, this notice of required public hearing having been sent to the owners of property within 500 feet of the premises in question as required by law.

Board of Appeals

Edward T. Colley

Chairman

M

FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, January 25, 1949

PERMIT ISSUED
JAN 27 1949
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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 59 Deering Street Use of Building Tenement No. Stories 3 ~~New Building~~ Existing "

Name and address of owner of appliance Ralph Crockett, 59 Deering Street

Installer's name and address Harris Oil Company, 240 Commercial Street Telephone 2-8304

General Description of Work

To install Oil burning unit with steam heat in place of gas-fired boiler

IF HEATER, OR POWER BOILER

Location of appliance or source of heat Cellar Type of floor beneath appliance Concrete

If wood, how protected? Kind of fuel Oil

Minimum distance to wood or combustible material, from top of appliance or casing top of furnace 3' From top of smoke pipe 5' From front of appliance over 4' From sides or back of appliance over 3'

Size of chimney flue 10x12 Other connections to same flue None

If gas fired, how vented? Rated maximum demand per hour

IF OIL BURNER

Name and type of burner General Electrick Labelled by underwriter's laboratories? Yes

Will operator be always in attendance? Does oil supply line feed from top or bottom of tank? Top

Type of floor beneath burner Concrete

Location of oil storage Cellar Number and capacity of tanks 1-275 Gal.

If two 275-gallon tanks, will three-way valve be provided?

Will all tanks be more than five feet from any flame? Yes. How many tanks fire proofed?

Total capacity of any existing storage tanks for furnace burners None

IF COOKING APPLIANCE

Location of appliance Kind of fuel Type of floor beneath appliance

If wood, how protected?

Minimum distance to wood or 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?

If gas fired, how vented? Rated maximum demand per hour

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Amount of fee enclosed? 2.00 ($2.00 for one heater, etc., 50 cents additional for each additional heater, etc., in same building at same time.)

APPROVED: OK 1-25-49. Perm
Gas anyone use OK.

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

Harris Oil Company

Signature of Installer BY: Andrew R. Sides

INSPECTION COPY

Permit No. 47/119 2nd

Location 59 Lansing St

Owner Ralph Crockett

Date of permit 1/27/49

Approved

NOTES

1 Fill Pipe

2 Vent Pipe

3 Kind of Heat

4 Burner Installed & Supplied

5 Safety Shield

6 Socket

7 Test

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COPY

CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

Issued to Mrs. Marcia B. Crockett

Date of Issue June 21, 1943

This is to certify that the building, premises, or part thereof, indicated below, and built—altered—changed as to use at 59 Deering Street under Building Permit No. 47/3363, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES	APPROVED OCCUPANCY
Entire Building	First floor—one doctor's office & One apartment Second floor—two apartments Third floor—one apartment

Limiting Conditions:

This certificate supersedes certificate issued

Inspector of Buildings

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

BP 47/3363-Addt. #2-I

April 15, 1943

Mrs. Marcia Crockett
59 Deering Street
Portland 3, Maine

Subject: Approved amendment to building permit covering change of use of front room in first story at 59 Deering St. to dentist's office

Dear Mrs. Crockett:

The Board of Appeals having granted your zoning appeal relating to the above, the approved amendment is herewith. Before the space in the first story is actually put into use for a dentist's office, you are expected to secure the certificate of occupancy from this department covering that use. For that purpose when all features controlled by the Building Code have been completed, if you will notify this office of that fact, final inspection will be made.

I note from our record that we have not yet issued the certificate for change of use of most of the building to an apartment house. It may be that both the apartment house use and the use of the front room for dentist's office may be covered in the same certificate, or, if it suits your convenience, a preliminary or temporary certificate can be given for one occupancy or either of them if all features of safety and otherwise required by the Building Code have been completed.

Very truly yours,

Inspector of Buildings

WMcD/S

BP 47/3363-Addt. #2-1
(59 Deering Street)

March 17, 1943

Mrs. Marcia Crockett
59 Deering Street
Portland 3, Maine

Subject: Application for permit to make additional alterations at 59 Deering Street where the building is now in process of conversion from a single family dwelling house to a 4-family apartment house, and to change the use of the large front room in first story from living room in connection with the apartment proposed there to dentist's office and waiting room

Dear Mrs. Crockett:

Permit for this change of use is not issuable under the Zoning Ordinance, according to Section 7A applying to the Apartment House Zone where the property is located, because use as a dentist's office is not included in the list of allowable uses in that type of zone.

You have indicated your desire to seek an exception from the Board of Appeals. There is enclosed, therefore, an outline of the appeal procedure.

If you are able to file your appeal no later than Friday noon, March 19, 1943, it is likely that the required public hearing will be held on April 2, 1943—otherwise probably two weeks additional delay would be necessary.

In the hurry to help you get this matter before the Board at the earliest date, no effort has been made to check the requirements of the Building Code against this new proposition, but the Building Code will of course have to be satisfied.

Very truly yours,

Inspector of Buildings

WHcD/S

Encl: Outline of appeal procedure

CC: Edward T. Gignoux
Assistant Corporation Counsel

APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 2

Portland, Maine, March 17, 1948

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for an amendment to Permit No. 47/3368 *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 59 Deering Street Within Fire Limits? yes Dist. No. 18

Owner's name and address Mrs. Marcia Crockett, 59 Deering Street Telephone

Lessee's name and address Telephone

Contractor's name and address E. T. Carignan, 102 Woodford Street Telephone

Architect Plans filed No. of sheets

Proposed use of building Apartments and dentist's office No. families 4

Increased cost of work Additional fee .25

Description of Proposed Work

To Change Use of front room, first floor, to dentist's office.
To erect non-bearing partition to provide waiting room.
2x3 studs, 16" O.C., sheetrock both sides

Appeal sustained 4/2/48

Details of New Work

Is any plumbing work 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

No. of chimneys Material of chimneys of lining

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 Marcia B Crockett

Approved: 4/14/48

Inspector of Buildings.

INSPECTION COPY

APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 1

Portland, Maine, January 8, 1948

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for an amendment to Permit No. 47/3368 *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 59 Deering Street Within Fire Limits? yes Dist. No. 1B

Owner's name and address Mrs. Marcia Crockett, 59 Deering St. Telephone

Lessee's name and address Telephone

Contractor's name and address ~~Architect~~ E. T. Carignan, 102 Woodford St. Telephone

Architect Plans filed yes No. of sheets 1

Proposed use of building Tenement No. families 4

Increased cost of work 200. Additional fee 1 .25

Description of Proposed Work

To install non-bearing partitions in first story to provide two rooms in place of one and a new bathroom as per plan submitted.

To eliminate work on rear stairs from second story to first story and on new stairs from 1st story to basement, providing a second means of egress from the two apts. in the second story by way of metal fire escape already planned to take care of third story. This change will eliminate the need for installing an automatic fire alarm and detection system in the building.

1/21/48. This is the amdt. shown on sheet 1 of 3 sheets marked revised Dec. 17, 47 also marked superseded &c. and of course not done.

Details of New Work

Is any plumbing work involved in this work? yes 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

No. of chimneys Material of chimneys of lining

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 ft

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 Marcia B. Crockett
Ralph E. Lee

Approved: 1/9/47 V. E.
Inspector

INSPECTION COPY

Re 59 Deering Street-1

December 17, 1947

Mrs. Marcia B. Crockett
59 Deering Street
Portland 3, Maine

Subject: Permit for alterations to building at 59 Deering Street to change its use from a one-family dwelling to an apartment house with four apartments

Dear Madam:

The permit for the above work is issued herewith based on revised plans filed December 16, 1947, and subject to the following:

1. We understand that no doctor's office is to be provided in the first story at this time, the entire first floor being used as one apartment. As called to your attention in our letter of December 10, 1947, the use of any rooms in this building for doctors' offices is not allowable unless such rooms are a part of the apartments in which the doctors have their residence.

2. Not needed because of elimination of cellar stairway. A glass panel at least 6' square in area is required in the grade entrance door near the foot of new cellar stairs.

3. As noted on plans, a standard automatic fire alarm is to be installed to compensate for the defective relative location of the two stairways from the second floor. The detection part of the system is required to fully cover all of the cellar, all stair and public halls and all closets off halls or under stairs. A separate permit issuable only to the installer is required for the installation of this system.

4. No rise and tread is shown for the existing front stairs, but if the pitch of these stairs is not more than 45 degrees, they meet requirements as allowed by Section 253.1(c),(2) of the Building Code.

5. Liquid door closers are required on the standard fire resistant doors in the two cellar stairway enclosures.

6. The new metal fire escape to serve the third floor apartment is to be covered by a separate permit to be taken out by the contractor for that part of the work. It is evident from the latest plans that the platform outside the window giving access to the fire escape is to be of metal and hence a part of that portion of the work.

7. Since no contractor is named in application, we are enclosing a carbon copy of this letter for his use which has been selected.

Very truly yours,

Inspector of Buildings

AJS/S
Encl: Carbon copy of this letter
cc: Mr. Henry E. Sylvester
26 May Street

P.S. Please note requirements for notice of readiness for closing-in and that no work is to be closed from view until our green tag has been left at job; also need for certificate of occupancy before more than your own apartment is occupied for living quarters.

AP 59 Deering Street-I

December 10, 1947

Mrs. Marcia B. Crockett
59 Deering Street
Portland, Maine

Subject: Application for building permit to include alterations in the dwelling house at 59 Deering Street and to cover change of use of the building to a 4-family apartment house

Dear Madam:

Check of plans and application against Zoning Ordinance and Building Code discloses the following questions or features of non-compliance with the ordinances. It is necessary that the plans be revised or additional information otherwise furnished so that the building permit may be issued when all features are found in compliance with the ordinances. To assist you in this purpose there is enclosed a copy of this letter for you to give to Mr. Sylvester who evidently made the plans, if you so desire.

1. The property is located in an Apartment House Zone and the doctor's office (presumably that is to be in the present livingroom in first story) to be allowable would have to be a part of and clearly accessory to the apartment occupied by the doctor's family. Otherwise the doctor's office could not be termed an accessory use commonly incident to an allowable use in the Apartment House Zone. If that is not the case, the doctor's office could only be allowed after successful action of the Board of Appeals which would not be an unusual outcome of such appeal proceedings as the neighborhood has quite largely developed for doctors' offices by successful appeal or otherwise. The entire question will have to be cleared up, however, before the permit can be issued under the Zoning Ordinance.

2. The new partition in first story is indicated to be one-hour fire resistance. There is some question under Section 203b3 of the Building Code as to whether or not the doctor's office would have to be separated from the balance of the apartment house by one-hour fire resistance. I shall have to reserve decision on that, but I am rather inclined to think it would not have to be so separated. If it should be required, the ceiling and hall partition of the office would have to be of that fire resistance as well as the new partition, and the door to the hall would have to be a fire door (even so this could be a finished door). I shall have to reserve decision about this fire resistance until more is known as to the character of the doctor's office.

3. No exterior window at least 6 square feet in area is provided for the second floor public hall as ordinarily required by Section 203d5.5 of the Code. An examination of the building will be necessary to determine whether or not the window in the third floor hall at the top of the stairs will prove sufficient to give light and air to second story hall under the allowances when a dwelling house is changed to an apartment house.

4. A note on the plan indicates that the lights in public halls and stairs are to be on the owner's meter and controlled by an automatic time switch. The locations of the lights are not shown, but these will have to be adequate in number and location to illuminate all means of egress.

5. A standard automatic fire alarm is offered to compensate for defective relative location of the two stairways from second floor as permitted by Section 203j. A separate permit for this installation is required from this department to be applied for by and issuable only to the actual installer. The detection part of the system is required to fully cover all of the cellar, all stair and public halls and all closets off halls or under stairs, and the automatically operated alarm bells should be in number and location to undoubtedly arouse and warn all persons at all three levels.

6. Handrails are required on at least one side of all stairs in the building to extend full length of the stairs. The rise and tread of the stairs are not shown on the plans. The rise for the new stairs is to be no more than 8½" and the tread no less than 9" (measured from riser to riser). - No rise + tread given for existing front stairs

O.K. 7. The standard fire resistant door indicated in the fire resistive enclosure at the foot of new stairs is required to set no less than 3' from the lowest riser. See Section 212e5.4.

O.K. Signed drawings 8. It is not entirely clear what the present arrangement is at first floor level where it is evidently the intention to extend the existing rear stairs from second floor to the cellar to serve as a rear exit from second floor via the existing grade door at the rear of the cellar and without any connection to the first floor.

The new partition beside the stairs above the cellar is required to be plastered on both sides on non-burnable lath as is all new partition work bordering public or stair halls in the building. These stairs are required to be enclosed below the first floor level with partitions of one-hour fire resistance and with a standard self-closing fire resistive door at the bottom as indicated on the plan but with the notation about location of door applying as above. This one-hour fire resistance may be provided by plastering the enclosing partitions on both sides on perforated Gypsum lath as indicated on the plan, or the partitions may be plastered down to the stairway stringers and the under side of the stairs plastered similarly on perforated Gypsum lath, but in all such overhead work 3-inch wide strips of metal lath are required over the joints in the Gypsum lath before the plaster is applied.

The existing cellar stairs are required to be similarly enclosed in the cellar and all of the details should be shown on the plan, the enclosure to have a standard fire resistant door and frame and to be made self-closing with liquid door closer. For requirements of these fire doors and frames, see Section 303c4.

O.K. 9. Presumably the entire building is to be heated from the single existing heating plant in the building. If this existing heating system or any proposed heating system should be warm air, the special limitations on this type of heat in Section 212a should be noted.

O.K. 10. If not already provided, the cellar floor of sound concrete or equivalent is required. See Section 20312.

11. The new metal fire escape to serve the third floor will no doubt be covered by a separate permit applied for by the fire escape contractor. There is not sufficient detail as to the wooden platform outside of the third floor bedroom window by which the fire escape is evidently to be reached through the window from the bedroom. The framing and supports of this wooden platform should be shown on the architectural plan, a suitable railing around the platform to assure that persons using the fire escape can reach it in safety, and the platform will have to project no less than 9" beyond the jamb of the window on either side. Apparently the window is to be provided with casement sash if it is not already so provided.

Very truly yours,

Inspector of Buildings

WM&D/S

Encl: Carbon copy of this letter for owner's use

(A) APARTMENT HOUSE ZONE

APPLICATION FOR PERMIT

Class of Building or Type of Structure Second Class

Portland, Maine, November 20, 1947

03368

DEC 18 1947

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 59 Deering Street Within Fire Limits? yes Dist. No. 1B

Owner's name and address Mrs. Marcia B. Crockett, 59 Deering St. Telephone

Lessee's name and address Telephone

Contractor's name and address Not let Telephone

Architect Specifications Plans yes No of sheets 3

Proposed use of building Tenement ~~and 1 doctor's office~~ No. families 4

Last use Dwelling No. families 1

Material brick No. stories 3 Heat steam Sty'e of roof Roofing

Other buildings on same lot

Estimated cost $ 2000. Fee $ 3.75

General Description of New Work

To Change Use of building from dwelling house to tenement house for four families, as per plans.

~~To erect non-bearing~~ partitions, 1st floor, to provide doctor's office.
To change existing bathroom 2nd floor, to kitchenette.
To provide three new doors from kitchenette on second floor as per plan.
To provide non-bearing partitions in existing bathroom, 2nd floor, to provide new kitchenette.
To make several changes in non-bearing partitions on third floor as per plan.
To enclose basement stairs and provide fire resistant door as per plan.
There is to be one apartment and 1 doctor's office on 1st floor; 2 apartments on second floor and one apartment on third floor as per plans.

This is the occupancy when insp. made 4/21/48. ok.

Permit Issued with Letter

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

Details of New Work

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

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

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

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

Framing lumber—Kind Dressed or full size?

Corner posts Sills Girt or ledger board? Size

Girders Size Columns under girders Size Max. on centers

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

Joists and rafters: 1st floor, 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

INSPECTION COPY

Signature of owner Marcia B Crockett

No. 47/3368

Location 59 Deering St.

Owner Mrs. Marcia Crockett

Date of permit 9/18/47

Notif. closing-in 12/2/47 1/[illegible]
12/26/47 G.F. 3rd Floor

Inspn. closing-in

Final Notif. 4/20/48

Final Inspn. 6/17/48 C. of C.

Cert. of Occupancy issued 6/21/48

NOTES

12/26/47 Gas & G.F. to Stairwell
Elec. Insp. wires & Lts.
down first flight stairs
and basement &c.
1/21/48 Rough inspection
& wire in underground
conduit &c.
3/17/48 - Ok Underwriter
for conn. to Pwr.
Connected Office
and Retail Floors
Wires
4/5/48 Ok Wire stairs
and basement inspection.
Ok.
* 4/21/48 Finished inst. O.K.
except automatic timer -
— over —

visit. Mr. Crockett objects
to connection to this O.C.
6/11/48 Automatic
time switch installed.

Granted
4-2-48 48/4

City of Portland, Maine
Board of Appeals
—ZONING—

March 18, , 19 48

To the Board of Appeals:

Your appellant, Marcia Crockett , who is the owner of property at 59 Deering Street , respectfully petitions the Board of Appeals of the City of Portland to permit an exception to the regulations of the Zoning Ordinance relating to this property, as provided by Section 17, Paragraph E of the Zoning Ordinance,

Application for permit to make additional alterations at 59 Deering Street, where the building is now in process of conversionfrom a single family dwelling to a 4-family apartment, and to change the use of large front room in first story from livingroom in connection with the apartment proposed there to dentist's office and waiting room is not issuable under the Zoning Ordinance, according to Section 7A applying to the Apartment House Zone where the property is located, because use as a dentist's office is not included in the list of allowable uses in that type of zone.

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

An exception is necessary to avoid unnecessary hardship and confiscation of values, and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

Mrs. Marcia Crockett

By.....
Appellant

Mrs Marcia B Crockett
P. E Crockett

4/7/1

City of Portland, Maine
Board of Appeals
—ZONING—
Decision

Public hearing was held on the 2nd day of April, 1948, on petition of Marcia Crockett, owner of property at 59 Deering Street, seeking to be permitted an exception to the regulations of the Zoning Ordinance relating to this property.

Building permit to make additional alterations at 59 Deering Street, where the building is now in process of conversion from a single family dwelling to a 4-family apartment, and to change the use of large front room in first story from livingroom in connection with the apartment proposed there to dentist's office and waiting room is not issuable under the Zoning Ordinance, according to Section 7A applying to the Apartment House Zone where the property is located, because use as a dentist's office is not included in the list of allowable uses in that type of zone.

The Board finds that an exception is necessary to avoid unnecessary hardship where necessary to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

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

Robert K. Gilchrel
Edwin J Calley
Helen C Grant
Gerald A. Cole

Board of Appeals

4/6/14

April 2, 1948

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF MRS. MARCIA CROCKETT AT 59 Deering Street

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

Present for City

Board of Zoning Appeals members:-

VOTE

	Yes	No
Mr. Getchell	(x)	( )
Mrs. Frost	(x)	( )
Mr. Colley	(x)	( )
Mr. Holbrook	(x)	( )
Mr. Cole	(x)	( )
	( )	( )
	( )	( )
	( )	( )
	( )	( )

Municipal Officers:-

City officials:-

NO OPPOSITION

CITY OF PORTLAND, MAINE

LEGAL DEPARTMENT

March 29, 1948

TO THE BOARD OF APPEALS:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, April 2, 1948 at ten-thirty o'clock in the forenoon to hear the following appeals under the Zoning Ordinance:

Ray W. Stetson - 92 State Street - change of use of certain rooms to use as lawyer's office

Marcia Crochetti - 59 Deering Street - change of use of living room to use as dentist's office and waiting room

Arthur Serunian - 620 Forest Avenue - Erection of outdoor advertising sign 12' x 25' by John Connelly & Sons.

(see attached notices for further details

Ottaviano Breggia - 33 Newbury Street - construction of two-car garage attached to dwelling at 31-33 Newbury Street is not passable under Zoning Ordinance because front wall of garage is proposed directly on street line in conflict with Section 7D relating to Apartment House Zone, a minimum setback of 5' being required, and in conflict with Section 14A6 of the ordinance which forbids setting such an accessory garage closer to a street line than a dwelling house on the same or adjoining lot. Side wall of garage is proposed only about 2' from side lot line contrary to Section 7C of the ordinance which provides that there shall be a minimum distance of 10' from new building to side lot line.

BOARD OF APPEALS

ROBERT L. GETCHELL

CHAIRMAN

M

48/14

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

March 23, 1948

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, April 2, 1948 at ten-thirty o'clock in the forenoon to hear the appeal under the Zoning Ordinance of Mrs. Marcia Crockett requesting exception to permit change of use of front room in first story of building at 59 Deering Street from livingroom in connection with the apartment proposed there to dentist's office and waiting room.

This permit is not issuable under the Zoning Ordinance, according to Section 7A applying to the Apartment House Zone where the property is located, because use as a dentist's office is not included in the list of allowable uses in that type of zone.

This appeal is taken under Section 17E of the Zoning Ordinance which provides that the Board of Appeals, by unanimous vote of its members, may permit exceptions in specific cases so as to grant reasonable use of property where necessary to avoid confiscation and without substantially departing from the intent and purpose of the Zoning Ordinance, subject always to the rule that said Board shall give due consideration to promoting public health, safety, convenience and welfare, encouraging the most appropriate use of land and conserving property values, that it shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood, and that it shall prescribe appropriate conditions and safeguards in each case.

All persons interested either for or against this appeal will be heard at the above time and place, this notice of required public hearing having been sent to the owners of property within 500 feet of the premises in question as required by law.

BOARD OF APPEALS

Robert L. Getchell

Chairman

M

49/4

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

March 29, 1948

Mrs. Ma· ·ia Crockett
59 Deering Street
Portland, Maine

Dear Mrs. Crockett:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, April 2, 1948 at ten-thirty o'clock in the forenoon to hear your appeal under the Zoning Ordinance requesting exception to permit change of use of room in building at 59 Deering Street from livingroom to dentist's office and waiting room.

Please be present or be represented at this hearing in support of your appeal.

Yours very truly,

BOARD OF APPEALS

Robert L. Getchell

Chairman

M