49 DEERING STREET

SHAW-WALKER

Third cut #9203R - Fifth cut #9205R

FROM

F. P. & C. H. MURRAY INC.
Box 2297
SOUTH PORTLAND, MAINE 04106

Message Reply

DATE 9/15/72.

FILE NO

PRIORITY
- ☐ URGENT!
- ☐ SOON AS POSSIBLE
- ☐ NO REPLY NEEDED

ATTENTION.

Phone 799-~~1227~~ 8136

TO Building Inspector
City of Portland

SUBJECT:

MESSAGE

We are enclosing sketch showing new partition at above stated and oil tanks in basement at 49 Deering St.

SIGNED: C J Murray

REPLY

DATE OF REPLY:

REPLY TO.

RECEIVED
SEP 1) 1972
DEPT. OF BLDG INSP.
CITY OF PORTLAND

SIGNED:

SENDER: MAIL RECIPIENT WHITE AND PINK SHEETS

49 Deering Street

July 17, 1972

cc to: Bennett, Knowles & McCann,
49 Deering Street

P. P. & C. H. Murray
Box 2297
So. Portland

Gentlemen:

In checking your application to make alterations on the basement, first floor at the above named location we find we are unable to continue processing your permit until further information is provided as follows:

What will the alterations be on the first floor? NONE
The plans only show the basement and stairway from basement to first floor.

Is this building a duplex structure? NO. If so, is this an absolute separation between two sections?

Your plans in the basement area seem to indicate that the examination rooms now located there will be located in some other area, if so, we will need to know where. NO CHANGE

Is there any plan change of use of this building? (More doctors office, apartments, etc.)

Very truly yours,

A. Allan Soule
Assistant Director

AAS:m

PERMIT ISSUED
SEP 21 1972
CITY of PORTLAND

APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 1

Portland, Maine, Sept. 21, 1972

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 72/902 *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 49 Deering St. Within Fire Limits? ..... Dist. No. .....

Owner's name and address Bennett, Knowles & McCann, 49 Deering St. Telephone .....

Lessee's name and address ..... Telephone .....

Contractor's name and address F.P. & C.H. Murray, Box 2297, S. Portland Telephone 799-8136

Architect ..... Plans filed ..... No. of sheets .....

Proposed use of building offices No. families .....

Last use " No. families .....

Increased cost of work $500. Additional fee $3.00

Description of Proposed Work

Construct non-bearing partition to enclose boiler room as per plan

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 .....

Approved:

..... *Signature of Owner* .....

..... Approved: R. Lovell Bryan C. C. J. Inspector of Buildings

INSPECTION COPY
CS-105

R6 RESIDENCE ZONE

PERMIT ISSUED
AUG 1 1972
902
CITY of PORTLAND

APPLICATION FOR PERMIT

Class of Building or Type of Structure _____

Portland, Maine, July 12, 1972

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 49 Deering Street. Within Fire Limits? _____ Dist. No. _____

Owner's name and address Bennett, Knowles & McCann, 49 Deering St. Telephone _____

Lessee's name and address _____ Telephone _____

Contractor's name and address F. P. & C. H. Murray, Box 2297, So. Portland Telephone 799-8136

Architect _____ Specifications _____ Plans yes No. of sheets 2

Proposed use of building offices No families _____

Last use " No. families _____

Material ~~brick~~ No. stories 3½ Heat _____ Style of roof _____ Roofing _____

Other buildings on same lot _____

Estimated cost $ ~~8,500.~~ Fee $ 27.00

General Description of New Work

To make alterations in basement and first floor as per plans

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

Details of New Work

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

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

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

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

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

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

Kind of roof _____ Rise per foot _____ Roof covering _____

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

Framing Lumber—Kind _____ Dressed 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? _____

APPROVED:
O.K. E.S. 8/1/72

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

F. P. & C. H. Murray

CS 301

INSPECTION COPY

Signature of owner By: C.H. Murray

Permit No. 72

Location 49 Blossom St.

Owner Bennett Kneubuhl McCann

Date of permit 8/1/72

Notif. closing-in

Inspn. closing-in

Final Notif.

Final Inspn.

Cert. of Occupancy issued

~~making~~ C.U.L. Notice

Form Check Notice

NOTES

8-22-72 WORK STARTED.

9-15-72 WORK ABOVE COMPLETED WILL BE IN FOR AN AMENDMENT.

10-3-72 JOB COMPLETED.

PERMIT TO INSTALL PLUMBING

PERMIT NUMBER 238

Address 49 Deering Street
Installation For: Offices-Physicians
Owner of Bldg Dr. Robert H. Knowles
Owner's Address: 49 Deering Street
Plumber Ralph L. Tripp Date: 4/16/69

Date Issued 4/16/69
Portland Plumbing Inspector
By ERNOLD R GOODWIN

App. First Insp.
Date 4/17/69
By WALTER H. WALLACE

App. Final Insp.
Date 4/21/69
By [illegible]

Type of Bldg.
- ☐ Commercial
- ☐ Residential
- ☐ Single
- ☐ Multi Family
- ☐ New Construction
- ☐ Remodeling

NEW	REPL		NO.	FEE
		SINKS		
		LAVATORIES	1	2.00
1		TOILETS	1	2.00
1		BATH TUBS		
		SHOWERS		
		DRAINS FLOOR SURFACE		
		HOT WATER TANKS		
		TANKLESS WATER HEATERS		
		GARBAGE DISPOSALS		
		SEPTIC TANKS		
		HOUSE SEWERS		
		ROOF LEADERS		
		AUTOMATIC WASHERS		
		DISHWASHERS		
		OTHER		
		TOTAL 2		4.00

Building and Inspection Services Dept.: Plumbing Inspection

☐ SINGLE
☐ MULTI FAMILY
☐ NEW CONSTRUCTION
☐ REMODELING

PORTLAND HEALTH DEPT. PLUMBING INSPECTION TOTAL ▶ $ 2.00

☐ REMODELING

5M 12-53 ☐ PORTLAND HEALTH DEPT. PLUMBING INSPECTION 1 Total 2.00

PERMIT TO INSTALL PLUMBING

10814
PERMIT NUMBER

Date issued PERMIT 10-24-61
PORTLAND PLUMBING INSPECTOR

By J. P. Welch
APPROVED FIRST INSPECTION

Date 11-1-61
By J. P. Welch
APPROVED FINAL INSPECTION

Date
By JOSEPH P. WELCH

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

Address 49 Doering Street
Installation For: Drs. Brashall, McCann & Bennet
Owner of Bldg. Drs. Brashall, McCann & Bennet
Owner's Address: 49 Doering Street
Plumber: P. N. Cunningham Company Date: 10-24-61

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

PORTLAND HEALTH DEPT. PLUMBING INSPECTION

33

☐ REMODELING

			1	2.00
			Total	

5M 12-53 ☐ PORTLAND HEALTH DEPT. PLUMBING INSPECTION

PERMIT TO INSTALL PLUMBING

PERMIT NUMBER 7682

Date Issued 1/22/57

PORTLAND PLUMBING INSPECTOR

By [signature]

APPROVED FIRST INSPECTION

Date

By

APPROVED FINAL INSPECTION

Date 1.29

By J.O.W.

TYPE OF BUILDING

- ☑ COMMERCIAL
- ☐ RESIDENTIAL
  - ☐ SINGLE
  - ☐ MULTI FAMILY
- ☐ NEW CONSTRUCTION
- ☐ REMODELING

Address: 49 Kearney St.

Installation For:

Owner of Bldg.: Dr. T. E. Brimhall

Owner's Address: Vancouver

Plumber E.H. Cervinghaus Co. Date 1-22-57

NEW	REP'L	PROPOSED INSTALLATIONS	NUMBER	FEE
	1	SINKS	1	1.00
		LAVATORIES		
		TOILETS		
		BATH TUBS		
		SHOWERS		
		DRAINS		
		HOT WATER TANKS		
		TANKLESS WATER HEATERS 3		
		GARBAGE GRINDERS		
		SEPTIC TANKS		
		HOUSE SEWERS		
		ROOF LEADERS (conn. to house drain)		
			1 Total	1.00

3M 12-53 ☐ PORTLAND HEALTH DEPT. PLUMBING INSPECTION

PERMIT TO INSTALL PLUMBING

Address 49 Deering St. PERMIT NUMBER 633

Installation For: Basement

Name of Bldg: Dr. McCann, Bennet & Knowlan

Owner's Address: Same

Plumber: E.N. Cunningham & Co. Date: 8-16-72

363 Cumberland Ave.

NEW	REPL.		NO	FEE
1		SINKS		
2		LAVATORIES		2.00
		TOILETS		4.00
		BATH TUBS		
		SHOWERS		
		DRAINS FLOOR SURFACE		
		HOT WATER TANKS		
		TANKLESS WATER HEATERS		
		GARBAGE DISPOSALS		
		SEPTIC TANKS		
		HOUSE SEWERS		
		ROOF LEADERS		
		AUTOMATIC WASHERS		
		DISHWASHERS		
		OTHER		
			TOTAL	6.00

Date Issued 8-16-72

Portland Plumbing Inspector

By ERNOLD R. GOODWIN

App. First Insp.

Date

By

App. Final Insp.

Date 8-16-72

By

Type of Bldg.

- ☐ Commercial
- ☐ Residential
- ☐ Single
- ☐ Multi Family
- ☐ New Construction
- ☐ Remodeling

Building and Inspection Services Dept., Plumbing Inspection

Ap- 49 Deering Street

Oct. 21, 1963

F. P. & C. W. Murray
Ocean House Road
Cape Elizabeth, Maine

cc to: Mr. Eugene C. McCann
49 Deering Street
cc to: Dr. Eben T. Bennett
49 Deering Street
cc to: Fire Department

Gentlemen:

Permit to install and remove non-bearing partitions and to install ceilings as per plan is being issued subject to the standard automatic fire alarm and detection system being extended to the new ceilings or altered to the satisfaction of the City of Portland Fire Department.

Very truly yours,

Gerald E. Fayberry
Deputy Building Inspection Director

G:Rm

APPLICATION FOR PERMIT

PERMIT ISSUED
OCT 21 1963
CITY of PORTLAND

Class of Building or Type of Structure 2nd class

Portland, Maine, October 11, 1963

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 49 Deering St. Within Fire Limits? _____ Dist. No. _____

Owner's name and address Eugene J McCann and Eben T Bennett, 49 Deering St. Telephone _____

Lessee's name and address _____ Telephone _____

Contractor's name and address F P & C H Murray, Ocean House Rd. Cape Eliz. Me. Telephone 799-1217

Architect _____ Specifications _____ Plans yes No. of sheets 1

Proposed use of building Doctor's Offices No. families _____

Last use " " No. families _____

Material brick No. stories 3½ Heat _____ Style of roof _____ Roofing _____

Other buildings on same lot _____

Estimated cost $6,000.00 Fee $12.00

General Description of New Work

To remove (1) nonbearing partition.
To erect several nonbearing partitions-2x4 studs 16" o.c. covered with sheetrock and plywood.
To provide (3) new acccoustical tile ceilings (suspended) over exsiting ceilings (see plan).
To finish off some walls with plywood.(all on first floor as per plan).

Permit Issued with Lett

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

Details of New Work

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

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

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

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

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

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

Kind of roof _____ Rise per foot _____ Roof covering _____

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

Framing Lumber–Kind _____ Dressed 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? _____

APPROVED:

N. E. H. V letter

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

CS 301

INSPECTION COPY

Signature of owner by: F P & C H Murray

C H Murray

T. M.

Permit No. 63/1391

Location 49 Clarence St.

Owner Eugene McGuckin

Date of permit 10/21/63

Notif. closing-in

Inspn. closing-in

Final Notif.

Final Inspn.

Cert. of Occupancy issued

Staking Out Notice

Form Check Notice

NOTES

11-18-63 Completed Re
New alarm system
door new ceilings
Noise needed per AJS.

10.28

(B) APARTMENT HOUSE ZONE

APPLICATION FOR PERMIT

PERMIT ISSUED
01496
SEP 16 1949
CITY of PORTLAND

Class of Building or Type of Structure Second Class

Portland, Maine, August 17, 1949

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to change use ~~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 49 Deering Street Within Fire Limits? yes Dist. No. 1

Owner's name and address Ralph ~~Ross~~ Ross, 49 Deering Street Telephone

Lessee's name and address Telephone

Contractor's name and address Telephone

Architect Specifications Plans No. of sheets

Proposed use of building Dwelling house & Doctors' Offices No. families 2

Last use " " & Doctor's Office No. families 2

Material brick No. stories 3 Heat Style of roof Roofing

Other buildings on same lot

Estimated cost $ Fee $ .50

General Description of New Work

To change use of building - First floor and second floor to be used for Dctor's Offices (2 suites) and waiting rooms - Third ~~floor~~ Floor, two apartments. No alterations.

TH

Permit Issued with Letter

Appeal sustained 9/2/49

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*** Ralph Ross

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

Ralph Ross

INSPECTION COPY

Signature of owner by: Ralph Rothstein, Atty.

*A 12/2-9

Permit No. 449/14916

Location 429 Riverside Dr.

Owner (1) Public Gas Co.

Date of permit 11/26/1929

Notif. closing-in

Inspn. closing-in

Final Notif.

Final Inspn. 12/29/29 mm

Cert. of Occupancy issued 1/13/30

NOTES

11/29/29 - Not completed Not Tst

12/29/29 - Completed Tst

COPY

CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

Issued to Ralph Ross

Date of Issue January 3, 1950

This is to certify that the building, premises, or part thereof, indicated below, and built altered—changed as to use at 49 Deering Street under Building Permit No. 49/1496 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
First and Second Floors	Suites of Doctors' Offices

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.

EP 49 Deering Street-I

September 15, 1949

Mr. Ralph Ross
49 Deering Street
Portland, Maine

Subject: Change of use of second floor from apartment to doctor's office at 49 Deering Street

Dear Sir:

Your appeal having been sustained we are sending you herewith your permit for the above change of use.

Although there are no physical changes which would require notification to this office for closing-in inspection, a final inspection is required.

When this conversion has been made and ready for tenancy, will you be kind enough to notify this office so that a final inspection can be made, and if everything is satisfactory, a certificate of occupancy for this second floor use can be issued.

Very truly yours,

Warren McDonald
Inspector of Buildings

ATH/C

CC: Mr. Irving Rothstein
18 Monument Square

Sustained
9/2/49

49/74

City of Portland, Maine
Board of Appeals
—ZONING—

August 17, , 19 49

To the Board of Appeals:

Your appellant, Ralph Ross , who is the owner of property at 49 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,

Change of use of building at 49 Deering Street to use the premises for doctor's offices and waiting rooms as follows: two front rooms on first story and entire second floor for doctors' offices with waiting rooms is not permissible because this property is located in an Apartment House Zone where such uses are not allowable.

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

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

Ralph Ross

By Rothstein Atty.
Appellant

4-9/74

City of Portland, Maine
Board of Appeals
—ZONING—

Decision

Public hearing was held on the 2nd day of September , 19 49 ,
on petition of Ralph Ross owner of property at
49 Deering Street , secking to be permitted an exception to the regulations of
the Zoning Ordinance relating to this property.

Change of use of building at 49 Deering Street to use two front rooms on first story and entire second floor for doctors' offices with waiting rooms is not permissible because this property is located in an Apartment House Zone where such uses are not allowable.

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

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

Robert K. Gilbert
Edward J. Colley
William H. O'Brion
B. Mae Hakanson
John W. Lake

Board of Appeals

19/74

DATE: September 2, 1949

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF RALPH ROSS

AT 49 Deering Street

Public hearing on above appeal

was held before the Board of Appeals today.

Board of Appeals	VOTE		Municipal Officers
	Yes	No	
Mr. Getchell	(x)	( )	
Mr. O'Brion	(x)	( )	
Mr. Holbrook	(x)	( )	
Mr. Colley	(x)	( )	
Mr. Lake	(x)	( )	
	( )	( )	
	( )	( )	
	( )	( )	
	( )	( )	

Record of hearing:

49/74

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

August 29, 1949

Mr. Ralph Ross
c/o Irving Rothstein, Attorney
18 Monument Square
Portland, Maine

Gentlemen:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, September 2, 1949 at 10:30 a. m. Daylight Saving Time to hear Mr. Ross' appeal relating to the premises at 49 Deering Street.

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

Very truly yours,

Board of Appeals

Robert L. Getchell

Chairman

M

49/14

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

August 23, 1949

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, September 2, 1949 at 10:30 Daylight Saving Time to hear the appeal of Ralph Ross requesting exception to the Zoning Ordinance to permit change of use of building at 49 Deering Street so that two front rooms on the first story and entire second floor may be used for doctor's offices with waiting rooms.

Such use is presently not permissible because this property is located in an Apartment House Zone where professional uses are not allowable.

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

Robert L. Getchell

Chairman

M

Memorandum from Department of Building Inspection, Portland, Maine

49 Deering Street—Installation of standard automatic fire detection and alarm system for Ralph Ross by York Electrical Company—6/11/47

To Installer & Owner:

Although not specifically indicated in the application, the permit for installation of this system is issued subject to extending the detection system to cover the suite of doctor's offices planned at the rear of first story—this in accordance with a condition attached to sustaining Building Code appeal by the Municipal Officers.

WMcD/S

CC: Mr. Ralph Ross
49 Deering Street

(Signed) Warren McDonald
Inspector of Buildings

BI 110

MEMORANDUM FROM DEPARTMENT OF BUILDING INSPECTION, PORTLAND, MAINE

Installation of Automatic Fire Detection and Alarm System for

To Owner & Installer:

Presumably this system is being installed under the recent "Safety" Ordinance which is administered by the Chief of the Fire Department. If you have not already done so, I recommend that you consult Fire Department Headquarters as to the areas required to be covered by the detection part of the system, as this office does not know the situation fully at the building and for what reason the system is being installed. Under the new ordinance, as in situations controlled by the Building Code, 3 different arrangements for coverage by detection system are involved:

(1) Where there are two means of egress and the fire alarm system is required to compensate for unsafe relative location of them, areas to be covered by detection system are: Entire basement or cellar and sub-cellar, if any, all public and stair halls, all closets off halls or under stairs, all hazardous rooms and attached garages.

(2) In special cases where only one stairway or means of egress is allowed from second floors more than 15 feet above ground or from any third floor, and the fire alarm system is required to compensate for the emission of the second means of egress, areas required to be covered by the detection system include all of those in (1) and in addition to these areas, all rooms finished or unfinished.

(3) All nursing or convalescent homes or homes for the aged or for children which have wooden frame interior require automatic fire detection and alarm systems with detection system covering all of the areas in (1) and in addition all kitchens.

Application has been made out and the permit is issued to cover situation If you should find out from Fire Headquarters that the situation is other than and that coverage of detection system is different than that called for in the permit, the installer should file application for amendment to the permit giving the correct situation and coverage for detection system. When system is completed, installer should notify this office for inspection.

(Signed) WARREN McDONALD
INSPECTOR OF BUILDINGS

CC: Ralph Ross, 49 Deering Street
York Electrical Co.

(A) APARTMENT HOUSE ZONE

APPLICATION FOR PERMIT

PERMIT ISSUED
01298

Class of Building or Type of Structure Installation

Portland, Maine, June 3, 1947

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to ~~erect~~ 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 49 Deering Street Within Fire Limits? yes Dist. No. 13

Owner's name and address Ralph Ross, 49 Deering Street Telephone

Lessee's name and address Telephone

Contractor's name and address York Electrical Co., 222 Middle St. Telephone 2-4757

Architect Specifications Plans no No of sheets

Proposed use of building Offices and dwelling No. families

Last use " No. families

Material No. stories 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 Protectowire lines of fire-detecting wire (made by Protectowire Co.) not more than 15' apart nor more than 7½" from any wall or partition extending to ceiling; to cover entire basement or cellar and sub-cellar, if any, all public and stair halls, all closets off halls or under stairs, all hazardous rooms and attached garage, if any; alarm gongs, distinctive in tone, in such strength of signal, number and location as to arouse all persons for whose protection intended--current supplied by dry batteries of capacity to ring all gongs simultaneously at full signal strength and to operate system for at least one year from installation of batteries. Batteries installed in substantial cabinet of no less than 14-gauge steel or well-seasoned wood at least ¾" thick, with hinged door and catch, 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. Switch will be provided in battery cabinet arranged to shut off gongs in case of false alarm. System will have suitable button or switch so arranged and conveniently located to permit testing the system at frequent intervals. Installer will give full instructions to owner or operator of system as to proper operation of system and whom to secure for servicing if system gets out of order.

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 Issued with Memo (2) CERTIFICATE OF OCCUPANCY REQUIREMENT IS WAIVED

AS PER FIRE DEPT. ORDERS

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?

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

INSPECTION COPY

Signature of owner by: Fred D. S. Millikan
York Electrical Co.

Permit No. 47/1395

Location 490 Deering St.

Owner Ralph Rowe

Date of permit 6/21/47

Notif. closing-in

Inspn. closing-in

Final Notif.

Final Inspn. 6-24-47 A.S.P.C.

Cert. of Occupancy issued

NOTES

6-18-47 Wire in line
Going To Iron Installed
System Inspected
Tested, All O.K. Installer
Will Come To Notify
When "Going" is
Installed V. P. C.

AP 49 Deering Street-I

June 11, 1947

Mr. Ralph Ross
49 Deering Street
Portland 3, Maine

Subject: Building permit for change of use of rear rooms in first story of apartment house at 49 Deering Street to provide a suite of doctor's offices

Dear Sir:

The Board of Appeals having notified me that your zoning appeal relating to the above had been sustained, and the Board of Municipal Officers having notified me that your Building Code appeal relating to fire resistive separation between the suite of doctor's offices and the apartment house had been sustained conditional upon providing an automatic fire detection and alarm system in the building with detection system covering entire basement or cellar, including garage, all public and stair halls, all closets off halls or under stairs and the suite of doctor's offices, I have been holding the permit for the change of use because some time ago you telephoned me that you would not change the use of the rear rooms in first story if you had to put in an automatic fire detection and alarm system.

From the fact, however, that we have received application from your contractor, York Electrical Company, for a permit to cover installation of a standard automatic fire detection and alarm system with the detection part of the system covering the areas stipulated in the order of the Municipal Officers, I conclude that you plan to go ahead.

The permit to cover change of use is accordingly issued to you herewith.

Since the installation of the fire alarm system is the only physical change requiring a permit, when that system has been installed and found to be in accordance with the requirements, the certificate of occupancy authorizing the use of the suite of doctor's offices in first story as such will be issued from this department. Until that certificate is issued, the use of the rear rooms for doctor's office is not lawful.

Very truly yours,

Inspector of Buildings

WMcD/3

CC: Mr. Irving Rothstein
13 Monument Square

AP 49 Deering Street-1

April 8, 1947

Mr. Ralph Ross
49 Deering Street
Portland 3, Maine

Subject: Application for building permit to cover change of use of three rooms in rear of first story of the apartment house at 49 Deering Street to a suite of doctor's offices and proposed Zoning appeal and Building Code appeal relating thereto

Dear Sir:

At your request of yesterday, we are changing your application for the above permit to read that change of use is proposed to suite of doctor's offices in the rear three rooms on first story instead of converting the entire first floor to three suites of doctor's offices, and to show that there are two apartments on second floor, now, and that there will be two, one of them to consist of the front rooms in first story. Because you said you desire to file a variance appeal to the Board of Appeals under the Zoning Ordinance relating to the change of use and an appeal under the Building Code to the Municipal Officers seeking a variance in the fire protection requirement and that you would have your attorney handle both matters, I am sending a copy of this letter to your attorney and to each of you an outline of the appeal procedure.

I am told that the best time to file such appeals at the office of Corporation Counsel is in the afternoon.

As I explained to you, the building permit is not issuable under either Zoning Ordinance or Building Code.

Under the Zoning Ordinance the proposed use of the rear three rooms in first story as a suite of doctor's offices is not an allowable use in the Apartment House Zone where the property is located according to Section 7A of the Zoning Ordinance.

Under the Building Code you are not proposing to supply the 1-hour fire resistance and fire resistive doors in partitions which would separate the doctor's office part from the apartment house part of the building as required by Section 203b3 where an apartment house is to be in the same building with some Business & Industrial occupancy, the doctor's offices falling in the latter class of use.

Very truly yours,

Inspector of Buildings

WMcD/S
Encl: Outline of appeal procedure
CC: Mr. Irving Rothstein with outline of appeal procedure
18 Monument Square

Edward T. Gignoux
Assistant Corporation Counsel

AP 49 Deering Street-I

April 5, 1947

Mr. Ralph Ross
49 Deering Street
Portland, Maine

Subject: Application for building permit to change the use of five family apartment house at 49 Deering Street to 3 doctors' offices in the first story and 3 family apartment house in the second and third stories

Dear Sir:

Permit for the above work is not issuable because your property is located in an Apartment House Zone where the proposed use of first story for doctors' offices is not allowable use as stipulated by Section 7A of the Zoning Ordinance.

You have stated your desire to file a variance appeal with the Board of Appeals, but before I can certify the proposition to the Board of Appeals as being ready for the appeal, it is necessary that you furnish plans of the first floor and other levels if necessary to show that compliance with the Building Code for the new use and the combination of uses. This ought not to be difficult because you had plans made of the layout of first and second floors by the F. O. Bailey Company and we have prints of them filed here in connection with the former change of use. While we cannot use those prints for the new proposal, it should be quite easy to have the F. O. Bailey Company or someone else adjust the plans to show the proposed arrangement and to check for themselves before filing the prints here to see that the plans show compliance with Building Code requirements for the class of use known as Business and Industrial which is what you propose in the first story and the class of use known as Hotels, Apartment and Lodging Houses which the second and third floors are evidently to remain.

For your convenience in dealing with your architect a carbon copy of this letter is enclosed and his attention is particularly called to the provisions of Section 203-b-3 of the Building Code with its provisions of one-hour fire resistance between the Business and Industrial use and the Apartment House use above. This probably means the removal of the first story ceilings and applying in their place ceilings of plaster on metal lath or perforated gypsum lath to arrive at the one-hour fire resistance required. Such cases of change of use do have appeal rights under the Building Code too if you feel that any requirements involves practical difficulty and unnecessary hardship. Such an appeal would be taken to the Board of Municipal Officers which acts as Appeal Board under the Building Code. Should any such appeal under the Building Code be contemplated it should be brought at the same time as your zoning appeal.

Apparently some re-arrangement of second floor quarters is contemplated because while our records show that the use of the second floor is for two apartments, the current application for a building permit says that there would only be one apartment on second floor. Your plans should show up this re-arrangement as it will no doubt have a bearing upon appliance with Building Code requirements.

Very truly yours,

WMcD/J

Inspector of Buildings

Enclosure: Carbon copy of this letter.

P.S. It would be well to call your architect's attention to the fact that he should show on the plans the full framing and supports of the first floor as the requirements for strength are somewhat greater for offices than for apartment houses.

(A) APARTMENT HOUSE ZONE

APPLICATION FOR PERMIT

Class of Building or Type of Structure Second

Portland, Maine, April 2, 1947

01239

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

change of use

The undersigned hereby applies for a permit to erect ~~repair demolish~~ 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 49 Deering Street Within Fire Limits? yes Dist. No. 15

Owner's name and address Ralph Ross, 49 Deering Street Telephone

Lessee's name and address Telephone

Contractor's name and address Telephone

Architect Specifications Plans No. of sheets

Proposed use of building Apartment house and 3 doctor's offices No. families # 3

Last use Apartment house No. families 5

Material brick No. stories 3 Heat Style of roof Roofing

Other buildings on same lot

Estimated cost $ Fee $.50

General Description of New Work

To change use of building from 5-family apartment house to 3-family apartment house and 3 doctor's offices on first floor. No physical alterations contemplated.

Entire first floor, doctor's offices, second floor, one apartment, third floor, two apart

Permit Issued with Letter

5/5/47

5/5/47

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 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 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?

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

Signature of owner by: Ralph Ross

INSPECTION COPY

Permit No. 47/1299

Location 49 Deering St

Owner Ralph Roos

Date of permit 6/11/47

Notif. closing-in

Inspn. closing-in

Final Notif.

Final Inspn.

Cert. of Occupancy issued

INSPECTION NOT COMPLETE

NOTES

12/2/48. OK.

May 13, 1947

Irving Rothstein, Esq.
18 Monument Square
Portland 3, Maine

Dear Irving: Re: Ross Appeal
49 Deering Street

This will acknowledge receipt of your letter of May 9, 1947 concerning the above. I shall bring the question raised therein to the attention of the Municipal Officers at their next hearing on May 16, 1947 at ten-thirty in the forenoon.

If you wish to be personally present, I am sure the board will be glad to hear you. If not, I will see what I can do for you.

Sincerely,

Edward T. Gignoux
Assistant Corporation Counsel

ETG:M

IRVING ROTHSTEIN
COUNSELLOR AT LAW
DIAL 4-3222

18 MONUMENT SQUARE
ROOMS 201 - 202
PORTLAND 3, MAINE

JUSTICE OF THE PEACE

May 9, 1947

Hon. Edward T. Gignoux,
Assistant Corporation Counsel
City of Portland, Maine

RE:- Appeal; 49 Deering St.

Dear Bro. Gignoux:-

After considerable reflection upon the Order entered herein requiring the installation of an automatic fire detection and alarm system throughout the entire premises, I am forced to arrive at the conclusion that this is truly an unnecessary hardship being forced upon the appellant.

You will recall that at the Hearing, one of the Councillors went to great length to learn that the third floor had not only the interior stairway but also had the recently installed out-door fire-escape. It is apparent that the requirement might be deemed purely auxilliary to the present compliance with the fire regulations, and not entirely necessary. As to the second floor, it will be occupied primarilly by the Owner, there being only one other occupant, at this time.

I think that we can agree that if the requirement is limited to the basement and first floor, the alarm will certainly be heard by all occupants of the premises.

Perhaps, a reconsideration may be in order.

Respectfully yours,

IR:r

IRVING ROTHSTEIN

Granted
5/17/47

4/24

City of Portland, Maine
Board of Appeals
—ZONING—

April 10, , 19 47

To the Board of Appeals:

Your appellant, Ralph Ross by Irving Rothstein, , who is the owner of property at 49 Deering Street his attorney, 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 building permit to cover change of use of three rooms in rear of first story of the apartment house at 49 Deering Street to a suite of doctor's offices has been denied by the Building Inspector because the proposed use is not an allowable use in the Apartment House Zone where the property is located according to Section 7A of the Zoning Ordinance.

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

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

Ralph Ross
Appellant
By:- Irving Rothstein,
his Atty.

Granted 5/5/47
47/24

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

Public hearing was held on the 2nd day of May, 19 47,
on petition of Ralph Ross, owner of property at
49 Deering Street, seeking to be permitted an exception to the regulations of
the Zoning Ordinance relating to this property.

Application for building permit to cover change of use of three rooms in rear of first story of the apartment house at 49 Deering Street to a suite of doctor's offices has been denied by the Building Inspector because the proposed use is not an allowable use in the Apartment House Zone where the property is located according to Section 7A of the Zoning Ordinance.

The Board finds that an exception is necessary in this case so as to grant reasonable use and to avoid confiscation of this property and that the appeal 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.

Edw. J. Colley
By Wm. F. Holbrook
H. Tenney Jr.
Helen C. Frost
Raymond S. Jones

Board of Appeals

47/24

May 5, 1947

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF RALPH ROSS

AT 49 Deering Street

Public hearing on above appeal was held before the BOARD OF APPEALS today.

Present for City

Board of Zoning Appeals members:-

Edw. T. Colley
B. William Holbrook
N. Francis Jensen
Helen C. Frost
Raymond E. Jensen

VOTE

	Yes	No
Mr. Colley	(x)	( )
Mr. Holbrook	(x)	( )
Mr. N.F.Jensen	(x)	( )
Mr. R. Jensen	(x)	( )
Mrs. Frost	(x)	( )
	( )	( )
	( )	( )
	( )	( )
	( )	( )

Municipal Officers:-

City officials:-

47/24

BOARD OF APPEALS

MUNICIPAL OFFICERS

April 29, 1947

TO THE BOARD OF APPEALS AND THE MUNICIPAL OFFICERS:

The Board of Appeals and the Municipal Officers will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, May 2, 1947 at ten-thirty o'clock in the forenoon concerning the appeals under the Zoning Ordinance and the Building Code relating to application of Ralph Ross for building permit to cover change of use of three rooms in rear of first story of the apartment house at 49 Deering Street to a suite of doctor's offices. (See attached notice to property owners for complete details.)

BOARD OF APPEALS
MUNICIPAL OFFICERS

TO THE MUNICIPAL OFFICERS:

The Municipal Officers will hold a hearing at the above time and place relative to appeal of Mrs. Mary B. March, 19 Bramhall Street, Portland, Maine from decision of the Chief of the Fire Department concerning her compliance with the Safety Ordinance, as provided in Section 5, paragraph f., of the ordinance.

Robert L. Gotchell
Chairman Pro Tem
Municipal Officers

47/24

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

April 22, 1947

TO WHOM IT MAY CONCERN:

The Board of Appeals and Municipal Officers will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, May 2, 1947 at ten-thirty o'clock in the forenoon concerning the appeals under the Zoning Ordinance and Building Code of Ralph Ross relating to application for building permit to cover change of use of three rooms in rear of first story of the apartment house at 49 Deering Street to a suite of doctor's offices.

Under the Zoning Ordinance the proposed use of the rear three rooms in first story as a suite of doctor's offices is not an allowable use in the Apartment House Zone where the property is located according to Section 7A of the Ordinance.

Under the Building Code it is not proposed to supply the 1-hour fire resistance and fire resistive doors in partitions which would separate the doctor's office part from the Apartment house part of the building as required by Section 203b3 where an apartment house is to be in the same building with some Business & Industrial occupancy, the doctor's offices falling in the latter class of use.

The appellant gives as his reasons for the appeals: An exception is necessary in this case so as to grant reasonable use of this property and to avoid confiscation and further to avoid increased expense and unnecessary hardship.

This appeal with relation to the change of use of the rear three rooms in first story 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.

The appeal with relation to fire resistance and fire resistive doors is taken under Section 115a of the Building Code on the ground that the enforcement of the Code involves practical difficulty or unnecessary hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Building Code.

All persons interested either for 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
MUNICIPAL OFFICERS

47/24

BOARD OF APPEALS
MUNICIPAL OFFICERS

April 29, 1947

Mr. Ralph Ross
49 De ring Street
Portland 3, Maine

Dear Mr. Ross:

The Board of Appeals and the Municipal Officers will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, May 2, 1947, at ten-thirty o'clock in the forenoon concerning your appeals under the Zoning Ordinance and the Building Code relating to application for building permit to cover change of use of three rooms in rear of first story of the apartment house at 49 Deering Street to a suite of doctor's offices.

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

Yours truly,

BOARD OF APPEALS

MUNICIPAL OFFICERS

cc: Irving Rothstein, Esq.
18 Monument Square
Portland, Maine

47/24

Ralph Ross
49 Deering

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

April 22, 1947

TO WHOM IT MAY CONCERN:

The Board of Appeals and Municipal Officers will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, May 2, 1947 at ten-thirty o'clock in the forenoon concerning the appeals under the Zoning Ordinance and Building Code of Ralph Ross relating to application for building permit to cover change of use of three rooms in rear of first story of the apartment house at 49 Deering Street to a suite of doctor's offices.

Under the Zoning Ordinance the proposed use of the rear three rooms in first story as a suite of doctor's offices is not an allowable use in the Apartment House Zone where the property is located according to Section 7A of the Ordinance.

Under the Building Code it is not proposed to supply the 1-hour fire resistance and fire resistive doors in partitions which would separate the doctor's office part from the Apartment house part of the building as required by Section 203b3 where an apartment house is to be in the same building with some Business & Industrial occupancy, the doctor's offices falling in the latter class of use.

The appellant gives as his reasons for the appeals: An exception is necessary in this case so as to grant reasonable use of this property and to avoid confiscation and further to avoid increased expense and unnecessary hardship.

This appeal with relation to the change of use of the rear three rooms in first story 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.

The appeal with relation to fire resistance and fire resistive doors is taken under Section 115a of the Building Code on the ground that the enforcement of the Code involves practical difficulty or unnecessary hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Building Code.

All persons interested either for 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
MUNICIPAL OFFICERS

Granted conditional
1/5/47 47/25

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

April 10, , 19 47

To the Municipal Officers:

Your appellant, Ralph Ross by Irving Rothstein, his attorney, who is the owner of property at 49 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 practical difficulty or unnecessary hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Building Code.

Application for building permit to cover change of use of three rooms in rear of first story of the apartment house at 49 Deering Street to a suite of doctor's offices is not issuable under the Building Code because it is not proposed to supply the 1-hour fire resistance and fire resistive doors in partitions which would separate the doctor's office part from the Apartment house part of the building as required by Section 203b3 where an apartment house is to be in the same building with some Business & Industrial occupancy, the doctor's offices falling in the latter class of use.

NOTE: Appeal covering change of use under the Zoning Ordinance is also being filed.

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

An exception is necessary in this case so as to avoid increased expense and unnecessary hardship.

Ralph Ross
Appellant
By:- Irving Rothstein, his Atty.

Granted 4/25
Unanimously
5/5/47

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

Public hearing was held on the 2nd day of May, , 1947 , on petition of Ralph Ross , owner of property at 49 Deering Street , seeking to be permitted an exception to the provisions of the Building Code relating to this property.

Application for building permit to cover change of use of three rooms in rear of first story of the apartment house at 49 Deering Street to a suite of doctor's offices is not issuable under the Building Code because it is not proposed to supply the 1-hour fire resistance and fire resistive doors in partitions which would separate the doctor's office part from the Apartment house part of the building as required by Section 203b3 where an apartment house is to be in the same building with some Business & Industrial occupancy, the doctor's offices falling in the latter clase of use.

It is, therefore, determined that exception to the Building Code may be permitted in this specific case, provided that a standard automatic fire detection and alarm system be provided with detection system covering the entire basement or cellar, all public and stairhalls, all closets off halls or under stairs, attached garage, if any, and the suite of doctor's offices.

John W. Lake
Helen C. Frost
Raymond E. Jensen
D. Fremin Jones
Edw. J. Colley
[illegible]

Municipal Officers

47/25

May 5, 1947

HEARING ON APPEAL UNDER THE BUILDING CODE OF RALPH ROSS

AT 49 Deering Street

Public hearing on above appeal was held before the MUNICIPAL OFFICERS today.

Present for City

Board of Zoning Appeals members:-

VOTE

	Yes	No
	( )	( )
	(x)	( )
	(x)	( )
	(x)	( )
(WITH SPECIAL PROVISO)	(x)	( )
	(x)	( )
	(x)	( )
	( )	( )
	( )	( )

Municipal Officers:-

John W. Lake
Helen C. Frost
Raymond E. Jenson
N. Francis Jensen
Edw. T. Colley
B. William Holbrook

City officials:-

AP 49 Deering Street-I

May 5, 1947

To: Edward T. Gignoux
Assistant Corporation Counsel

From : Warren McDonald
Insptr. of Bldg.

Subject: Question of conditions in connection with Building Code appeal of Ralph Ross at 49 Deering Street

As agreed at the hearing I have talked with Chief Sanborn as to whether or not the Safety Ordinance would require an automatic fire alarm system in the apartment house at 49 Deering Street in view of the relative location of the two means of egress from second floor. He says that the Safety Ordinance would require an automatic fire alarm and suggests that if the Board are to grant the appeal allowing ordinary doors and an interior window between doctor's offices and the public hall in first story, that the detection part of the system be provided in the doctor's offices in lieu of the protection which would be offered by fire doors etc.

If the Board agrees with the recommendation, I suggest that the condition read:

"That a standard automatic fire detection and alarm system be provided with detection system covering the entire basement or cellar, all public and stairhalls, all closets off halls or under stairs, attached garage, if any, and the suite of doctor's offices.

Inspector of Buildings

WMcD/J

47/24

WARREN McDONALD
INSPECTOR OF BUILDINGS

On reply refer to 49 Deering Street-1
to File

FU

CITY OF PORTLAND, MAINE
Department of Building Inspection

April 8, 1947

Mr. Ralph Ross
49 Deering Street
Portland 3, Maine

Subject: Application for building permit to cover change of use of three rooms in rear of first story of the apartment house at 49 Deering Street to a suite of doctor's offices and proposed Zoning appeal and Building Code appeal relating thereto

COPY

Dear Sir:

At your request of yesterday, we are changing your application for the above permit to read that change of use is proposed to suite of doctor's offices in the rear three rooms in first story instead of converting the entire first floor to three suites of doctor's offices, and to show that there are two apartments on second floor, now, and that there will be two, one of them to also include the front rooms in first story. Because you said you desire to file a variance appeal to the Board of Appeals under the Zoning Ordinance relating to the change of use and an appeal under the Building Code to the Municipal Officers seeking a variance in the fire protection requirement and that you would have your attorney handle both matters, I am sending a copy of this letter to your attorney and to each of you an outline of the appeal procedure.

I am told that the best time to file such appeals at the office of Corporation Counsel is in the afternoon.

As I explained to you, the building permit is not issuable under either Zoning Ordinance or Building Code.

Under the Zoning Ordinance the proposed use of the rear three rooms in first story as a suite of doctor's offices is not an allowable use in the Apartment House Zone where the property is located according to Section 7A of the Zoning Ordinance.

Under the Building Code you are not proposing to supply the 1-hour fire resistance and fire resistive doors in partitions which would separate the doctor's office part from the Apartment house part of the building as required by Section 203b3 where an apartment house is to be in the same building with some Business & Industrial occupancy, the doctor's offices falling in the latter class of use.

Very truly yours,

(Signed) WARREN McDONALD

Inspector of Buildings

WMcD/S
Encl: Outline of appeal procedure
CC: Mr. Irving Rothstein with outline of appeal procedure
18 Monument Square

Edward T. Gignoux
Assistant Corporation Counsel

FILL IN COMPLETELY AND SIGN WITH INK

PERMIT ISSUED

Permit No. 1088

SEP 8 1945

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

Portland, Maine, September 8, 1945

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

Location 49 Deering Street Use of Building Tenement No. Stories 3 New Building / Existing "

Name and address of owner of appliance Ralph Ross, 49 Deering Street

Installer's name and address A. E. Moody, 479 Auburn Street Telephone 2-0072

General Description of Work O.K. 9.8.45 Print

To install steam boiler and oil burner in place of existing gas-fired boiler

NOTIFICATION BEFORE LATHING OR CLOSING-IN IS WAIVED

CERTIFICATE OF OCCUPANCY REQUIREMENT IS WAIVED

IF HEATER, POWER BOILER OR COOKING DEVICE

Is appliance or source of heat to be in cellar? yes If not, which story Kind of Fuel oil

Material of supports of appliance (concrete floor or what kind) concrete

Minimum distance to wood or combustible material, from top of appliance or casing top of furnace, 2'6"

from top of smoke pipe 12" provide shield from front of appliance Over 4' from sides or back of appliance Over 3'

Size of chimney flue 10x18 Other connections to same flue none

IF OIL BURNER

Name and type of burner Mastercraft Labeled and approved by Underwriters' Laboratories? Yes

Will operator be always in attendance? Type of oil feed (gravity or pressure) gravity

Location oil storage basement No. and capacity of tanks 2-275 gal.

Will all tanks be more than seven feet from any flame? Yes How many tanks fireproofed? to provide 3-way valve

Amount of fee enclosed? 1.00 ($1.00 for one heater, etc., 50 cents additional for each additional heater, etc., in same building at same time.)

Insp.

ORIGINAL

Signature of Installer A. E. Moody

Permit No. 45/1088

Location 490 Deering St.

Owner Ralph Ross

Date of Permit 9/8/45

Post Card sent

Notif. for inspn.

Approval Tag issued 9-27-45 HTwS

Oil Burner Check List (date)

1. Kind of heat	Steam
2. Label	✓
3. Anti-siphon	
4. Oil storage	✓
5. Tank Distance	✓
6. Vent Pipe	✓
7. Fill Pipe	✓
8. Guage	
9. Rigidity	✓
10. Feed safety	✓
11. Pipe sizes and material	✓
12. Control valve	✓
13. Ash pit vent	
14. Temp. or pressure safety	✓
15. Instruction card	✓
16.	

NOTES

49 Deering

P. 45/904-I

December 31, 1947

Mr. Ralph Ross,
49 Deering Street,
Portland, Maine

Subject: Alterations at 49 Deering Street to make an apartment house of five apartments

Dear Sir:

I am aware of your desire to occupy the third floor apartments as quickly as possible and also of Mrs. Berry's desire to satisfactorily close up the work on your building which her husband had so nearly completed. It is my impression that certain parts of the job were not under Mr. Berry's direction, you having employed others to take care of such parts.

As nearly as I can determine the only details of the work under Mr. Berry's direction which have not been completed are: (1) plastering on perforated gypsum lath beneath a small part of the underside of the cellar stairs near the top where the stairs did not have the same type of fire protection over some small rooms, closing tightly with incombustible material (gypsum wallboard or plaster) several small holes in the ceiling of the cellar; (2) provide an approved door closer on the door between the front hall, first story, and the back stairhall where the outside rear door is located and to provide another approved door closer on the fire door at the foot of the cellar stairs.

I understand that the door closer on this door in the first story had not been provided because of the shortage of such critical equipment on account of the war emergency. A spring had been provided on the fire door at the foot of the cellar stairs but since the first job of providing two apartments on the second floor was completed, the spring had become broken in some manner and does not close the door. So much dissatisfaction has been found with spring arrangements to close such doors, I have concluded that they will not be acceptable as a permanent thing, but that the usual door closers, commonly called "checks" will be necessary. As far as I can determine now these two items are the only things that need to be done which were included in the work which Mr. Berry had undertaken to do for you. Mrs. Berry tells me that she has engaged Preston Pennell who has worked for her husband for many years to complete these details as regards the door check. I understand that the plasterer was doing the plastering and patching necessary yesterday, December 30th. Mr. Pennell has been here this morning and intends to get the two door closers if he can purchase them and install them on the two doors at once. If on account of the war emergency the door closers are not immediately procurable, I have told him that we would accept temporarily a spring on the doors with the understanding that when the approved door closers are available the springs will be taken off and the door closers applied. Thus Mr. Pennell would in a day or two complete the work that was under Mr. Berry's supervision. There are a few items outside of Mr. Berry's contract apparently which require attention: (a) we have been unable to locate the automatic time switch required to turn the public and stairhall lights on at sunset each night and turn them off at sunrise the next morning. Probably it is there all right but we could not find it. Perhaps you will have your electrician telephone Mr. Sears of this office and tell him where the automatic switch is located in the building; (b) at time of final inspection we discovered a small dumb waiter shaft from cellar at least to the second floor, perhaps having an opening to the third floor also. This shaft has never come to our attention before, and in all probability Mr. Berry did not know about it either. The Building Code provides in this conversion from what was originally a single family house to an apartment house that such a dumb waiter shaft

shall be enclosed with partitions having a rating of at least one-hour fire resistance and that openings in the shaft shall be protected by self-closing fire doors. It is my duty then to require that you either remove the shaft altogether, flooring over the openings at each floor, or else proceed to have the partitions rebuilt in such a way as to provide the required fire protection and to provide the self-closing fire doors at each opening. If you decide on the latter, the usual material for the partitions would be no less than 4x3 studs, set vertically no more than 16 inches from center to center and covered on both sides with plaster on metal lath or perforated gypsum lath. Every door to the shaft would have to be completely and tightly covered with metal so as to exclude air after the fashion of requirements for a standard fire resistant door, and the frames would have to be similarly covered to exclude air. The doors would have to be kept closed when not actually in use by means of spring hinges or similar device. I suggest that you decide which course with relation to the dumb waiter shaft you want to pursue and then engage some carpenter outside of Mr. Berry's contract to do the work (there is no reason why you may not employ Mr. Pennell to do this work "on his own" if you desire). Please let this office know, preferably by letter which course you intend to pursue.

When notified that all of these matters are taken care of we will immediately make another inspection and if everything is in order we will issue the certificate of occupancy. If Mr. Pennell is unable to secure the door closers and will put on a heavy-duty spring on each of the two doors, we will accept that temporarily and the certificate of occupancy will carry the condition that the door closers are to be provided as soon as procurable.

Very truly yours,

WMcD/H

Inspector of Buildings

CC: Mrs. Edward C. Berry
174 Edwards Street

Preston H. Pennell
16A South Street

P.S. The door in second story between main public hall and rear stair-hall was provided with a door closer under the original permit, but our Inspector found the door "blocked" open. These self-closing doors must not be fastened open for any length of time as their purpose is to protect the occupants of the building in case of fire. Obviously if they are open there will be no protection. A type of door closer is made whereby, when the door is opened wide, the door closer does not function and the door stands open, but, if fire takes place while the door is thus standing open the high temperatures of the fire automatically close the door without any person present. It may not be possible to procure these special door closers at the present time, but later on they no doubt can be procured.

Dec. 16, 1943

419 Clearing Street - Ralph Ross

Final Inspection of Dec. 15, 1943.

1- Spring on fire door at foot of cellar stairs is shackled out and new spring or self-closing device should be provided instead of just using shorter length of spring, leaving unused end dangling as has been done. This door was found wedged open.

2- Protection not yet provided on soffit of cellar stairs near top where exposed in small rooms, altho some sheet rock has been nailed up in room where wood is stored.

3- No self-closing device on door between central hall in first storey and stairhall on the eastern side of building. Door between these halls on 2nd story was found wedged open. The door closer on this latter door does not have flexible link arrangement.

4- No time switch control for hall lights and I was unable to determine how they are controlled. There are three switches in the front hall 1st story, one of which controls a light in the small entry between hall and outside front doors, the second light in the storey front hall, and the third [illegible] I was unable to determine any purpose. - Mrs. Ross says hall lights are on time switch. 12/17/43

5. There are still several small holes in the ceiling of the basement that have no [illegible] made light.

6.- Beside the side outside door (see [illegible] marked on plan with Permit 42/865) there is a laundry chute extending from cellar to the attic with doors at the bottom, 1st story hall, and landings of stairs from 1st to 2nd story and 2nd to 3rd story. This chute is closed off at top. This chute was evidently installed at time house was built and is constructed of wood sheathing. Should not all of these doors be made at least self-closing?

(Over)

7.- In the third story at end of hall in front of rear exit doors there are two steps up to threshold of doors. Should hand rails be provided on each side of these steps which extend the full width of hall? 4.5.7

12/17/13 - Mrs. Ross is to have Mr. Bennett get in touch with me and I am to go over details with the Comm.

Dept. 37630-I

September 9, 1945

Brown & Berry, Inc.
174 Edwards Street,
Portland, Maine

Subject: Building permit for alterations in the 3-family apartment house at 49 Deering Street to provide two additional apartments on the third floor

Gentlemen:

Appeal under the Building Code relating to window areas in two third floor bedrooms and to exterior glass area in third floor exit hall, having been sustained by the Municipal Officers on September 8, 1945, the building permit is herewith subject to the following:

With regard to information not made clear on the plans or in the application it is understood: (1) Ceiling height above third floor is at least seven feet six inches and at least one window in every room is at least six feet above the floor, a glass panel as nearly as possible to six square feet in overall to be provided in new exit door from third floor corridor to fire escape, that there will be not less than five feet from the outside of the proposed wooden fire escape to the westerly lot line, that bathroom of rear apartment will be vented by a duct of incombustible material through the roof to satisfy state health regulations with control damper allowed if desired; (2) that automatic time switch to control public and stairhall lights will be provided if not already provided under a former permit to authorize two apartments on the second floor, that new exit hallway on third floor leading to outside exit door will be made at least four feet wide in the clear, that if there is not a handrail full length of the existing inside stairway, it will be provided; that existing stairs have risers no more than eight and one-half inches and treads no less than nine inches; that doorways and doors will be provided from the living room of each third floor apartment close to the outside exit door to new fire escape; that gross width of outside stairway will be no less than 30 inches, handrails to project into this width as little as possible, risers no more than eight and one-half inches, treads no less than nine inches;

(3) All new partitions around public and stairhalls, and all "fill-in" of existing doorways in such partitions, if any, to be plastered on both sides on non-burnable lath; fire door and frame satisfying requirements for standard fire resistant fire door and frame, self-closing, to be fully installed (if not already so) at the foot of cellar stair enclosure;

(4) Outside wooden fire escape structure to be designed for no less than 60 pounds per square foot live load plus dead load, foundations of posts and foundations beneath lowest run of fire escape stairs to be of masonry no less than 8x8 at surface of ground, no less than 10x10 at bottom of pier, extending at least six inches above the surface of the ground and at least four feet below the surface of the ground unless ledge is encountered at a less depth, all posts of structure to be no less than 4x6 (instead of 4x4 marked in crayon on the plans), with lap splices no less than 18 inches in length allowed if timbers all one length are not procurable, such splices to be made preferably just above the floor of a landing, all posts to be anchored to piers, each landing in least dimension to be no less than the width of the stairs.

(5) That the proposed apartments on the third floor are not to be occupied in any way until the certificate of occupancy from this department is in the hands of

the owner. In connection with the former change to three apartments the certificate of occupancy was never issued because certain details had not been completed. In the rush of events the matter was not followed up, but it is important that these uncompleted items if not already taken care of be fixed up without delay so that the existing tenants may have the benefit of the protection, as we would all be in a difficult situation if anything were now to go wrong without any certificate on the building and the two apartments occupied now for some months. As of October 10, 1942, I have the following notations: Cellar enclosure fire door not checked since hanging; fusible link on self-closer on door between front and rear stairhalls in second story not procurable; no automatic time switch to control public and stairhall lights. I understand that you had nothing to do with the electrical wiring, that being done by Cutler & Cutler. On September 17, 1942 an electrician on the job said that no such time switch was planned. At a later date before October 10th, Mr. Cutler said that the time switch could not be obtained. I have talked with an electrical jobber recently and that concern has plenty of these switches on hand but some type of priority is needed to buy one. In event the switch has not already been provided and delay ensues after an honest and prompt effort on the part of the electrician to secure priority and the third floor apartments are otherwise ready for occupancy before the switch is installed, if all of the public and stairhall lights are controlled by a single switch in such a location that the time switch when procured can be installed there, I will issue the certificate of occupancy conditional upon installing the time switch as soon as procurable.

(6) Since it is apparent that you are not the general contractor on this job in the sense that you have control of all of the installations, etc., particularly the electrical wiring, I shall have to look to the owner (he is receiving a copy of this letter) to be responsible for supplying all of these required details and for getting the certificate of occupancy before the proposed apartments are occupied.

(7) To assist you in getting the job started while men were available, the permit is being issued without the complete information on the plan and application that it is necessary for us to have for the record and for any sort of efficiency in making inspections. This letter amounts almost to specifications for the job and it is neither practical or efficient for our inspector to be compelled to refer from plan to letter and letter to plan in these days when there is not nearly enough time to go around. Will you help by furnishing as soon as possible prints of the revised plan showing the details called to your attention above, especially the full framing of the outside stairways, balcony and landings with foundations and including the cantilever arrangement for the upper balcony about which we talked?

Very truly yours,

WMcD/H

Inspector of Buildings

CC: Ralph Ross
40 Deering Street

P.S. In looking over the building today, I find that no self-closer has been installed from central hall to stairhall on east side in first story; that the fire door at foot of cellar stairs has been installed and evidently was once self-closing, but a spring not much heavier than a screen door spring was used, has proven unequal to the job and does not now close the door; that the underside of the upper part of the run of the cellar stairs was not covered with plaster on perforated gypsum lath, part of this woodwork being exposed to a room where fuel wood is piled nearly to the ceiling;

that there are several large openings in the ceiling of the cellar which ought to be closed by fitting in tightly incombustible wallboard; that the short piece of handrail shown on the original plan on the short run of main front stairs from first story public hall to second story has not been provided, and when provided I should think that it ought to be on the opposite side of the stairs from that shown on the plan. I neglected to check upon the control of the hall lights.

Rept. 2768D-I

September 9, 1943

Mr. Ralph Ross,
49 Deering Street,
Portland, Maine

Subject: Present use of third floor at 49 Deering Street for living quarters

Dear Sir:

Imagine my feelings when I examined your building at 49 Deering Street this morning and found that the three existing bedrooms on the third floor were in use as living quarters, despite a paragraph in my letter of August 8th to Brown & Beamy, Inc., copy of which you had, which reads:

"The third floor to be used for storage incidental to the use of the floors below only (no living quarters), and this condition to be indicated on the certificate of occupancy which is required from this department before any of the proposed apartments on the second floor are actually occupied."

I shall try to be charitable and think that you did not know what you were doing when you allowed the occupancy of these rooms. Irrespective of whether or not the occupants of these three bedrooms as living quarters were members of your own family or whether you rented the rooms to others, the fact remains that these occupants have had only one exit from the third floor, a condition which is generally accepted everywhere as being unsafe. Fortunately nothing has occurred to make the deficiency in exits obvious. If the rooms have been rented you are all the more blameworthy.

Since the catastrophe at Cocoanut Grove opinion has changed tremendously as to the liability of a person who accepts money for services rendered and accommodations provided in such a way that the one providing the services or accommodations was not using ordinary care to provide safety for the persons involved. Indeed the opinion has become quite general that owners or operators not using due care for such safety are probably liable criminally as well as morally in case injuries are received or lives are lost.

I presume these rooms on the third floor are to be vacated at once so that the alterations may commence. All of them ought to be whether or not it is possible to use them for any part of the time necessary to make the alterations. That we may not have another similar situation develop at least as regards legal certificate of occupancy, will you be personally responsible for seeing to it that you have the legal certificate of occupancy from this office before any of the rooms on the third floor are used again?

Very truly yours,

WMcD/H

Inspector of Buildings

(A) APARTMENT HOUSE ZONE

APPLICATION FOR PERMIT

PERMIT ISSUED
Permit No. 1551

SEP 8 1943

Class of Building or Type of Structure second

Portland, Maine, Sept. 7, 1943

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

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

Location 19 Deering St. Within Fire Limits? yes Dist. No. 3

Owner's or Lessee's name and address Ralph Rodd 19 Deering St. Telephone

Contractor's name and address Brown and Barry Inc. Lessee 174 Edwards St. Telephone 3-2142

Architect Plans filed No. of sheets

Proposed use of building Tenement House No. families 35

Other buildings on same lot none

Estimated cost $ 2500 Fee $ 3.75

Description of Present Building to be Altered

Material brick No. stories 3 Heat gas steam Style of roof mansard Roofing

Last use tenement No. families 33

General Description of New Work

To provide two apartments on third floor as per plan and provide outside stairway from third floor to ground [illegible] to enlarge one dormer on southwest side for more light in living room

Appeal sustained 9/9/43

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 work involved in this work? Yes

Is any electrical work involved in this work? Yes Height average grade to top of plate

Size, front depth No. stories Height average grade to highest point of roof

To be erected on solid or filled land? 10x10 below frost for outside stairs earth or rock?

Material of foundation concrete Thickness, top bottom cellar

Material of underpinning Height Thickness

Kind of roof Rise per foot Roof covering

No. of chimneys no Material of chimneys of lining

Kind of heat Type of fuel Is gas fitting involved?

Framing lumber—Kind fir and hemlock Dressed or full size? dressed

Corner posts 4x6 Sills Girt or ledger board? Size

Material columns under girders Size Max. on centers

Studs (outside walls and carrying partitions) 2x4-16" O. C. Girders 6x8 or larger. Bridging in every floor and flat roof span over 8 feet. Sills and corner posts all one piece in cross section.

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

Total number commercial cars to be accommodated

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

Miscellaneous

Approved Ralph Ross

Will above work require removal or disturbing of any shade 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

Permit No. 43/964

Location 49 Deering St

Owner Ralph [illegible]

Date of permit 9/9/43

Notif. closing-in 9/24/43

Inspn. closing-in 9/29/43

Final Notif. 12/15/43

Final Inspn. 12/19/43 - O

Cert. of Occupancy issued 12/30/43

NOTES

12/15/43 - Final request
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
[illegible]
12/30/43 - [illegible]
[illegible]
12/21/43 - [illegible]
[illegible]

Sustained 9/8/43

113/6

City of Portland, Maine

Appeal to the Municipal Officers to Change the Decision of the

Inspector of Buildings Relating to the Property Owned

by Ralph Ross at 40 Deering Street

September 8, 19 43

To the Municipal Officers:

Your appellant, Ralph Ross

who is the owner of property at 43 Deering Street

respectfully petitions the Municipal Officers of the City of Portland to change the decision of the Inspector of Buildings relating to this property, as provided by Section ~~13~~ 115, Paragraph ~~F~~ a of the ~~Zoning~~ Building Ordinance, on the ground that the enforcement of the ordinance in this case involves unnecessary hardship and because relief may be granted without substantially derogating from the intent and purpose of the ~~Zoning~~ Building Ordinance.

The decision of the Inspector of Buildings denies a permit to cover alterations in the three-family apartment house on the above property to make two apartments on third floor, thus making five in the building because the outside window area of the bedroom of the front apartment and of the bedroom of the rear apartment does not equal the required 10 per cent of the floor area and because there is a small deficiency in the outside window area of a public exit hall proposed on the third floor, all contrary to the provisions of the Building Code.

The reasons for the appeal are as follows: ~~[illegible]~~ Existing windows would furnish sufficient light and air for the health and comfort of the occupants, and to increase the area of them would be unnecessarily costly and difficult to accomplish under war time restrictions as to materials.

INTER-OFFICE CORRESPONDENCE

CITY OF PORTLAND, MAINE

BUILDING INSPECTOR

pls file with att 4 120

12/16/43

September 14, 1943

Dear Mayo:

The attached papers will explain themselves. The City Clerk has a case, and I see his point clearly. Perhaps familiarity with this procedure has tended to "breed contempt". I shall try not to be party to such proceedings again.

Mr. Berry asked the board to act on the appeal before going into the Council Chamber, presumably because he is the contractor and for some not apparent reason, felt embarassment about it. He refrained from voting. The fault was largely mine, of course.

Can you suggest any way out? Having assumed that the appeal was sustained, the permit is already issued. I suppose the clearest way is to present the matter to the next meeting when Ed Smith is present.

If you can find time to set down a few rules about both zoning and building code appeals, as to preliminary procedure, it will be appreciated. Zoning appeals all require a public hearing and a unanimous vote; BC appeals require no hearing and only a four-fifths vote. The technicalities of most of these appeals under both laws seem to require that the forms be at least started in this office. It is our normal practice to send the original of the signed appeal to the City Clerk with a notation as to when the hearing is contemplated. Apparently each appeal is then presented to first following meeting either of City Council or Municipal Officers, and an attempt made to set the date for the hearing.

Inconsistencies are bound to be frequent in all appeals except the Zoning "use" appeals where there are definite rules as to notice of hearing. In these days of scarcity of workmen, it seems natural and even desirable that minor appeals receive as much cooperation from the city as can safely be given, and the pressure for speed, whether justifiable or not, causes the difficulty. As perhaps you know, Mr. Berry is advocating an even more "streamlined" method of handling BC appeals of minor nature,-that of having some board, perhaps the Manager, Fire Chief and Building Inspector, given power to act. I do not favor that, but I do see the point about aggravating delays. Almost always, however, the delay is the fault of builder or architect in not presenting the appeal as soon as he could. The appeal now in question is a BC appeal and was hurried unmercifully, as otherwise the work could not be started until two weeks later. Only formality overlooked was that neither clerk or deputy was actually present.

I wonder if it is necessary for the Council or even the M. O. to formally receive and refer any of these appeals before hearing. At any rate if rules can be laid down, I will do my best to follow them, as I understand how aggravating some of these actions must prove to the City Clerk.

CC City Clerk

Very truly yours,

Inspector of Buildings.

City of Portland, Maine

A. EDWIN SMITH
CITY CLERK

OFFICE OF CITY CLERK

GEORGE H. ANDERSON
DEPUTY CLERK

September 13, 1943

Mr. Warren McDonald,
Building Inspector,
CITY BUILDING.

Dear Warren:

I have your Order, which is an action under an Appeal of Ralph Ross, 49 Deering Street.

I do not know how to handle it. The Order was not presented to the City Council which was in session that evening, and neither Mr. Anderson or myself was present when this vote was taken.

I think it would be well for you to take the matter up with Mr. Payson to arrive at some proper procedure on these Building and Zoning Ordinance Appeals.

I can insert this in the records without any attest on my part, if you so desire. This kind of a new procedure. If every department head is going to have actions taken before the Municipal Officers, and just notify me, I do not know what kind of records we will be maintaining in this office.

Very truly yours,

City Clerk

AES:M

Rec'd 9/14/43