

CUSHMAN STREET

34



Full cut #923R - Half cut #923R - Third cut #923R - Full cut #625R

City of Portland, Maine
Board of Appeals

—ZONING—

July 10, 1950

*Sustained
7/14/50
50/69*

To the Board of Appeals:

Your appellant, A. Cohen, who is the owner of property at 34 Cushman Street, respectfully petitions the Board of Appeals of the City of Portland to permit an exception to the regulations of the Zoning Ordinance relating to this property, as provided by Section 18, Paragraph E of said Zoning Ordinance.

Building permit to cover alterations in and change of use of single family dwelling house at 34 Cushman Street to a three-family apartment house is not issuable under the Zoning Ordinance because it is intended to include a dormer window on the east side of the roof and to include extending a one story rear piazza upwards to make the piazza three stories high and both dormer and piazza would be only ~~20'~~^{20"} from the easterly side lot line contrary to Section 8 C of the Ordinance.

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.

A. Cohen
Appellant

After public hearing held on the 14th day of July, 1950, the Board of Appeals 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.

Edward J. Colley
William H. O'Brien
Helen C. Frost
John W. Lefe
Lyman J. Moore
BOARD OF APPEALS

DATE: July 14, 1950

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF A. COHEN

AT 34 Cushman Street

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

<u>Board of Appeals</u>	<u>VOTE</u>		<u>Municipal Officers</u>
	Yes	No	
Mr. Colley	(X)	()	
Mr. O'Brien	(X)	()	
Mrs. Frost	(X)	()	
Mr. Lake	(X)	()	
Mr. Moore	(X)	()	
	()	()	
	()	()	
	()	()	
	()	()	

Record of Hearing:

WARREN McDONALD
INSPECTOR OF BUILDINGS

On reply to file
to file

CITY OF PORTLAND, MAINE
Department of Building Inspection

FU

July 10, 1950

Mr. A. Cohen
52 High Street
J. Page-Pistaki & Sons
12 Briggs Street

Copy to:
Mark Barrett, Assistant Corporation Counsel

Gentlemen:

The building permit to cover alterations in and change of use of the single family dwelling house at 52 Cushman Street to a 3-family apartment house is not issuable under the Zoning Ordinance because the alterations are intended to include a dormer window on the east side of the roof (toward Clark Street) and to include extending a one story rear piazza upwards to make the piazza three stories high and both the dormer and the piazza would be only 4' 6" from the easterly side lot line contrary to the terms of Section 23 of the Ordinance applying to the Apartment House Zone where the property is located which stipulates that this side yard distance shall be no less than 10'.

The owner has indicated his desire to seek an exception from the Board of Appeals; so there is enclosed to each of you an outline of the appeal procedure.

A copy of this letter is being sent to each of you, but it will be necessary for the owner to sign the appeal form at the office of Corporation Counsel.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMCD/G

Enclosure to each addressee: Outline of appeal procedure

P. S. It becomes evident on looking this job over on the ground that, if Mr. Cohen owns a width of 4' 6" on the east side of his building, the adjoining owner is now trespassing with his driveway and might not have width enough for a driveway without such trespassing. At the rear of the lots there is a fence which appears to be nearer 12" than the 4' 6" given. If this matter of correct location of lot line is not well established before the public hearing, delay will ensue in getting a decision from the Board.

C
O
P
Y

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

July 11, 1950

Mr. Cyril J. Feinstein
32 Cushman Street
Portland, Maine

Dear Sir:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, July 14, 1950 at 10:30 a. m. Daylight Saving Time to hear the appeal of Mr. A. Cohen requesting exception to the Zoning Ordinance to permit alterations in the building at 34 Cushman Street.

This permit is presently not issuable because the alterations include a corner window on the east side of the roof and also include extending a one-story rear piazza upwards to make the piazza three stories high, and both dormer and piazza would be only 4'6" from the easterly side lot line contrary to Section 80 of the Ordinance, which requires a minimum side yard distance of 10'.

If you wish to be heard either for or against this appeal, please be present or be represented at this hearing.

Very truly yours,

Edward T. Colley

Chairman

M



(A) APARTMENT HOUSE ZONE
APPLICATION FOR PERMIT

01177
RECEIVED

Class of Building or Type of Structure Third Class

Portland, Maine, July 5, 1950

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

Superseded 9/21/50

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 31 Cushman Street Within Fire Limits? yes Dist. No. 3
 Owner's name and address A. Cohen, 52 High Street Telephone 2-9297
 Lessee's name and address _____ Telephone _____
 Contractor's name and address J. Page-Fistaki & Sons, 12 Briggs St. Telephone 2-1743
 Architect _____ Specifications _____ Plans yes No. of sheets 4
 Proposed use of building Apartment house No. families 3
 Last use Dwelling house No. families 1
 Material Frame No. stories 3 Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ 100. **INSPECTION NOT COMPLETED** Fee \$.50

General Description of New Work

To Change use of building from 1-family dwelling house to 3 family apartment house.
 To cut in 4'x4' opening for million window in french roof on west side of building.
 4x6 header. On plate will be about 2' out from existing roof, 2x2 2x4 studs,
 16" O.C., 4x4 corner posts. At least 10' to side lot line.

Permit Issued with Letter 7/14/50

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

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

A. Cohen
 J. Page-Fistaki & Sons

Signature of owner

J. Page-Fistaki

INSPECTION COPY

NOTES

9-7-50. Hall light satisfactory
Part under girder in ceiling
where all four main building
Refr. pipes, connections
at french roof to fire stop at
plate level to extend from plate
to plate side.

9-12-50. Further front area near
hall lights satisfactory etc. Notified
Mr. Cole. Clean up.
Extra fast notes in ceiling etc.

Permit No. 50/1177
Location 34 Crawford St.
Owner R. O. ...
Date of permit 7/20/50
Notif. closing-in 11/15/50
Inspn. closing-in 8-2-50 AT. ...
Final Notif. 9/15/50
Final Inspn.
Cert. of Occupancy issued

INSPECTION NOT COMPLETED

AP 34 Cushman Street-I

July 30, 1950

J. Page-Filatki & Sons
11 Priggs Street
Mr. A. Bohan
52 High Street

Gentlemen:

The owner's zoning appeal having been granted, building permit to cover alterations in and change of use of the single family dwelling house at 34 Cushman Street to a three family apartment house is issued to the contractor, herewith, excluding the proposed open piazzas at second and third floor levels because we have no plans of the piazzas, and subject to the conditions which follow. If this letter is not understood or if you are for any reason unwilling or unable to abide by these conditions, it is important that you refrain from starting the work and return the permit card immediately for adjustment:

1. Before notice of readiness for closing-in inspection is given, owner should make up his mind which of the two alternative arrangements for lights in the halls is to be followed, and notify our inspector. According to Section 202-a-3 of the Code, applying to apartment houses, electric lights in all public and stair halls shall be adequate in size, number and location to illuminate the way to a place of safety at the ground level on the part of every tenant by either required means of egress. These lights may either be all on the owner's meter and controlled by an automatic time switch calculated to turn the lights on at sunset or before each night and turn them off again automatically at sunrise or after the next morning, or each tenant may have a light in each hall and at each level which serves his apartment, and all lights serving the occupants of a given apartment in either means of egress shall be capable of being turned on by a single switch just outside the apartment.

2. The plans stipulate that all ^{new} plaster work on both sides of hallway partitions and on ceilings over public halls or over stairways shall be on metal lath. That of course is satisfactory but it is equally satisfactory to use any non-burnable plaster base in place of the metal lath, if owner desires and if any economy may be effected thereby--the plaster base is to be plastered on, however.

3. Section 2031 of the Code requires that there shall be a sound concrete floor or equivalent in the cellar. If that is not the case, one must be provided and be all in order preferably at time of closing-in inspection, certainly before the time of final inspection.

4. With reference to Section 211-a-1.2 (a), on the second floor the partition between the front stair hall and the private hall in front of dining room must be equipped with a liquid door closer. The similar door on third floor is to be similarly equipped, and in addition a doorway no less than 30" wide and no less than 6' 4" high is to be cut in the partition between the front bedroom and the living room. Provision of the liquid door closer on the hall doors at both levels may be avoided if a doorway no less than 30" wide and no less than 6' 4" high in the partition between living room and dining room at both levels.

5. It is understood that you propose to provide a new handrail on the rear stairs from third floor to second floor, full length of the run, and on the side where the winding treads are the widest; and the same on the rear stairs from second to first floor. It is not clear whether the treads in the front stairs at top and bottom of run from third to second floor and at top of run from second to first floor, are truly winding treads or not. They are winding treads if the narrowest part of the tread is less

July 10, 1950

than 6" wide. If they are winding treads, then similar handrails are required full length of each run where they occur on the side where the treads are widest.

6. The framing of first floor and supports in the cellar as shown on the plan are not fully understood. Some places may need strengthening. For instance the 6x7 beam shown near the chimney on a span of 15' to support partitions and perhaps floor loads in first, second and third stories; and the 6x8 in front on 8-foot span supporting bearing partitions and probably floor joists in first, second and third stories; also lengthwise 6x9 by chimney seems to frame into its supporting members between plans.

Architect or contractor should investigate the strength of these beams and their supports and if found unequal to supporting the weights and loads normally stipulated by the Building Code, which would come upon them, strengthening should be designed and application for amendment filed at this office to cover the strengthening. If only minor improvement is needed in connection with these details, the contractor, if he is sure he is right, may proceed to perform the strengthening and have it all ready for our inspector to look over at the time of closing-in inspection.

Before notice is given for closing-in any of the partitions or ceilings or any other place, contractor should have examined various conditions in the building, including the presence or absence of firestops around the outline of the building as exposed in the cellar, around chimneys, soil stacks etc. as exposed in the cellar and provide any not existing; get clear on the matter of soundness of concrete floor in cellar, cleanout doors in chimneys and other minor details that everyone knows are required, and as far as possible have them all fixed and ready for inspection at the time of closing-in inspection.

7. The owner must bear in mind that the permit now issued covers a change of use in the building, and that it is not lawful to occupy the apartment on second or third floors until final inspection has shown everything controlled by the Building Code to be in order and the certificate of occupancy has been issued from this department. For that purpose it is necessary that either owner or contractor notify this office of readiness for final inspection when everything controlled by the Building Code has been completed.

Mr. Cohen has talked about an open rear piazza over existing sun parlor at second and third floor levels, and the Board of Appeals granted the right to build such a structure closer to the side line than ordinarily permitted. We were told that detailed plans of the framing of the piazza would be filed here long before this. This piazza is not included in this permit, and if it is to be built, it is necessary to file application for amendment to the permit now issued, and with the application full detailed plans by way of a blueprint showing all details of the proposed structure controlled by the Building Code. If it is the intention to provide a roof over the third floor of the proposed piazza, I anticipate that you will have some difficulty in framing this roof on account of the shape of the roof of the all of the building. For that reason all of that detail should be worked out and shown on the plan.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMCB/G

Enclosure to contractor: Building permit and applicant's copy of application



APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 1
Portland, Maine, July 7, 1959

PERMIT ISSUED

AUG 22 1959

CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 52/... 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 24 Cushman Street Within Fire Limits? YES Dist. No. 3
Owner's name and address A. Cohen, 52 High Street Telephone
Lessee's name and address Telephone
Contractor's name and address J. Page-Pistaki & Sons, 11 Briggs St. Telephone
Architect Plans filed YES No. of sheets
Proposed use of building Apartment House No. families 3
Last use H No. families 3
Increased cost of work NONE Additional fee YES \$5.00

Description of Proposed Work

To construct open piazza 10'x16' at second and third floor levels (over existing 1 story rear piazza) rear of building. To change existing windows to doors. 4'6" to line.
To cut in 4' x 4' opening for mullion window in french roof on east side of building. 1x6 header. Window plate will be about 2' out from existing roof, 2x4 studs, 16" on centers, 4x4 corner posts.

Appeal sustained 7/14/59

Permit Issued with Letter

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 ft.
Joists and rafters: 1st floor, 2nd, 3rd, roof
On centers: 1st floor, 2nd, 3rd, roof
Maximum span: 1st floor, 2nd, 3rd, roof

Approved:

Permit Issued with Letter
Signature of Owner A. Cohen
Approved: J. Page-Pistaki
Inspector of Buildings

INSPECTION COPY

EP 24 Cushman Street,
Amendment no. 1-1

August 22, 1950

J. Page-Pistaki & Sons
12 Briggs Street
Mr. A. Cohen
52 High Street

Gentlemen:

The plan of proposed open rear piazza at second and third floor levels at 24 Cushman Street does not meet our needs, and some of the details I am not able to approve as complying with the Building Code, but I have concluded to issue the amendment to the contractor subject to the conditions below, and if you are unable or unwilling to abide by these conditions, it is important that you refrain from doing any more work on the piazzas and return the approved amendment immediately for adjustment. Let me say to the one who made the plan that we cannot ordinarily accept such plans. The lines and lettering are made on the thin paper with such a hard pencil that it is hardly decipherable. In making future plans you must use a soft enough pencil so that the drawing will blueprint clearly, and the blueprint with all of the information on it printed from the original should be filed here, instead of the original drawing. Thus we can make sure that contractor or owner has a true copy of the information filed here.

It is not clear how the new 6x6 corner and intermediate posts are to be supported upon the construction of the present enclosed first story. It will not be satisfactory to block-up the new construction on the present roof. Unless you can find a satisfactory way of extending the new 6x6 corner posts down to a lap splice with the existing corner posts in first story, it is important that you do not start the work, but furnish a detailed plan of how you propose to make the new piazza rigid by bracing it to the existing first story. The arrangement of members at the cornice of the present first story is not known. Perhaps there is a double 2x4 plate at the top of exterior wall where the present rafters land. If that is the case probably the intermediate posts of the new piazza may be supported upon the plate (not on the rafters), but merely landing the corner posts on such a plate will not be satisfactory unless some special arrangements are made for stiffness.

Both the new corner posts and the intermediate post are to be each one length of timber from the bearing at first story roof level to the underside of the roof plate, and the 6x6 beams supporting the second and third floor joists and the doubled 2x8's at each end of each floor is to be suitably framed into or upon the 6x6 posts without unduly weakening the posts.

The intention is not clear where the corner posts of the piazza in third story will project beyond the lines of the gambrel roof. The plan says that a 6x6 corner post is to be provided on the building side of the piazza to bear upon the main building plate at third floor level. That must mean that you intend to cut through the gambrel roof to get this bearing. That is a satisfactory way of doing it, but difficulty will be experienced in making the gambrel roof tight at this point. Neither is it clear just how you intend to board up both ends of the piazza where the inside corner posts, being vertical, will leave a space between them and the sloping gambrel roof.

No less than 1x3 cross bridging is required in each pair of floor joists at mid-span.

Very truly yours,

WZC/D/G

Warren McDonald
Inspector of Buildings

AP 34 Cushman Street-I

July 10, 1961

Mr. A. Cohen
24 High Street
J. Inge- Istaki & Sons
12 Briggs Street

Cop. to:
Mark Larrett, Assistant Corporation Counsel

Gentlemen:

The building permit to cover alterations in and change of use of the single family dwelling house at 24 Cushman Street to a 5-family apartment house is not issuable under the zoning ordinance because the alterations are intended to include a corner window on the east side of the roof (toward Clark Street) and to include a landing on one story rear piazza upwards to make the piazza two stories high at the corner and the piazza would be only 4' 6" from the easterly side line contrary to the terms of Section 20 of the Ordinance applying to the Apartment House zone where the property is located which requires that this side yard distance shall be no less than 10'.

The owner has indicated his desire to seek an exception from the Board of Appeals; so there is enclosed to each of you an outline of the appeal procedure.

A copy of this letter is being sent to each of you, but it will be necessary for the owner to sign the appeal form at the office of Corporation Counsel.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMCB/G

Enclosure to each addressee: Outline of appeal procedure

P. S. It becomes evident on looking this job over on the ground that, if Mr. Cohen owns a width of 4' 6" on the east side of his building, the adjoining owner is now trespassing with his driveway and might not have width enough for a driveway without such trespassing. At the rear of the lots there is a fence which appears to be nearer 18" than the 4' 6" given. If this matter of correct location of lot line is not well established before the public hearing, delay will ensue in getting a decision from the Board.



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, June 16, 1950

PERMIT 1850R
00954
JUN 19 1950
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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

Location 34 Cushman St. Use of Building Dwelling No. Stories 1 New Building Existing " " Name and address of owner of appliance A. Cohen, 88 High Street Installer's name and address Mathews Sales & Service Co., Inc. 455 Fore St. Telephone 2-1401

General Description of Work

To install steam boiler (replacement) and oil burning equipment

IF HEATER, OR POWER BOILER

Location of appliance or source of heat basement Type of floor beneath appliance concrete Kind of fuel oil If wood, how protected? Minimum distance to wood or combustible material, from top of appliance or casing top of furnace 2' From top of smoke pipe 2' From front of appliance Over 4' From sides or back of appliance Over 3' Size of chimney flue 10x10 Other connections to same flue none If gas fired, how vented? Rated maximum demand per hour

IF OIL BURNER

Name and type of burner Iron Fireman Labelled by underwriter's laboratories? yes Will operator be always in attendance? supply line feed from top or bottom of tank? bottom Type of floor beneath burner concrete Location of oil storage basement Number and capacity of tanks 2-275 gal. If two 275-gallon tanks, will three-way valve be provided? Will all tanks be more than five feet from any flame? yes How many tanks fire proofed? Total capacity of any existing storage tanks for furnace burners none

IF COOKING APPLIANCE

Location of appliance Kind of fuel Type of floor beneath appliance If wood, how protected? Minimum distance to wood or combustible material from top of appliance From front of appliance From sides and back From top of smokepipe Size of chimney flue Other connections to same flue Is hood to be provided? If so, how vented? If gas fired, how vented? Rated maximum demand per hour

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Amount of fee enclosed? 2.00 (\$1.00 for one heater, etc., 50 cents additional for each additional heater, etc., in same building at same time.)

APPROVED:

Handwritten signature: J. P. ...

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 Mathews Sales & Service Co., Inc.

Signature of Installer BY: Mathews

INSPECTION COPY

Permit No. 50/954 7-27-50
Location 34 Cushman St.
Owner A. Cohen
Date of permit 6/19/50
Approved [Signature]

NOTES

- ~~1. Full Photo~~
- ~~2. Vent Pipe~~
- ~~3. Kind of Heat~~ Stove
- ~~4. Burner Rigidity & Supports~~
- ~~5. Name & Label~~
- ~~6. Stack Control~~
- ~~7. High Limit Control~~
- ~~8. Remote Control~~
- ~~9. Pipe Support & Protection~~
- ~~10. Valves~~
- ~~11. Capacity of Tanks~~
- ~~12. Tank Rigidity & Supports~~
- ~~13. Tank Distance~~
- ~~14. Oil Gauge~~
- ~~15. Instruction Card~~
- ~~16.~~

7-3-50 Tanks set
WLF, DMF
7-11-50 Furnace set
DMF

