

Ann Machado - Northgate Citgo

From: Business Licensing
To: Second Dealers/Fire Permits
Date: 10/5/2012 12:55 PM
Subject: Northgate Citgo

Hello,

374-A-30 R-3

We've received a new application for a Fire Permit for Northgate Citgo at 194 Auburn St. This is a change of ownership.

Been closed for year?
Get something that shows that
been open with in last year?

Corporate Info:
C.N. Brown Company, South Paris
Principal Officers: CEO - Harold D. Jones, d.o.b. 4/4/30, Norway
President: Jinger Duryea, d.o.b. 1/7/60, Norway
Treasurer: Kurt Jones, d.o.b. 5/7/55, Falmouth

Landlord: C.N. Brown

Thanks,
Janice

2 pump gas station 05-1744
northgate

Business License Administrators
bl@portlandmaine.gov
207.874.8557

Kevin Moore - 743-9212
motor fuel dispensing.

10/10/12 called Kevin Moore
was open last year at this time
he will bring by evidence to that
effect.

10/11/12 Met w/ Kevin - told him that
since the last receipts were for September
of 2011 - they have lost nonconforming
use. It is in R-3 residential zone
so if the use cannot be appealed because
the ZBA cannot grant a variance,
for a Business use in a residential
zone. - He is going to talk to Barbara
a best contract or conditional variance
chances.

Ann Machado - RE: 194 Auburn Street

From: Ann Machado
To: RUSSELLC@CNBrown.com
Date: 5/24/2012 2:12 PM
Subject: RE: 194 Auburn Street

Russ -

I did a little more research. The only reason that the use can be changed from a minor auto service station to a use permitted in the B-1 zone is because the current use is legally nonconforming (section 14-384). If you change the use from a minor auto service station to a convenience store by removing the repair bays you lose the use to sell gas because it is not permitted in the B-1 zone. You can't appeal to get it back because section 14-473(c)(4) lists specified variances that are prohibited. One type of variance that is prohibited is "no use permitted in business districts shall be permitted in residential districts". A minor auto service station is not permitted in a residential zone.

It would not make sense to appeal because the board cannot grant a variance for this.

Ann

>>> <RUSSELLC@CNBrown.com> 5/23/2012 2:00 PM >>>

Hi

Ok, how would I apply for a use variance, the owners want to see if this is something that we can do.

Sincerely,

Russell Cloutier
Real Estate Manager
Special Projects Analyst
C.N.Brown Company
russellc@cnbrown.com
(207)743-4200 ext 2107



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From: Ann Machado [mailto:AMACHADO@portlandmaine.gov]
Sent: Wednesday, May 23, 2012 11:26 AM
To: Russell Cloutier
Subject: RE: 194 Auburn Street

Russ -

You would have to apply for a use variance because the ordinance is very specific about the sale of gasoline as being a minor auto service station which is not a permitted in the B-1 zone. The use variance is very hard to get and there seem to be other uses for that space.

Ann

>>> <RUSSELLC@CNBrown.com> 5/23/2012 10:43 AM >>>

Ann,

Thank you for getting back to me. Would there be a way to get an exemption to sell gas with changing to a Convenience store?

Russell Cloutier
Real Estate Manager
Special Projects Analyst
C.N.Brown Company
russellc@cnbrown.com
(207)743-4200 ext 2107



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From: Ann Machado [mailto:AMACHADO@portlandmaine.gov]
Sent: Wednesday, May 23, 2012 10:11 AM

To: Russell Cloutier
Subject: 194 Auburn Street

Russ -

I talked to Marge yesterday afternoon.

The existing legal nonconforming use can be changed to a use that is permitted in the B-1 business zone.

You talked about getting rid of the service bays and adding a convenience store. If you do this you will not be able to sell gasoline anymore. Right now the legal nonconforming use for this property is a minor auto service station. This is defined as:

Minor auto service stations: A business selling gasoline, diesel or propane fuel with not more than two (2) pump islands, provided that no more than a total of eight (8) vehicles may be fueled simultaneously. Repair services including but not limited to tune-ups, engine repair, brake work, muffler replacement, tire repair or similar activities shall be permitted provided that there shall be no more than two (2) service bays. Such businesses shall not include car washes or vacuums.

Retail is defined as: "Sale to the ultimate consumer for direct consumption and not for resale; however, retail, combined with gasoline, diesel or propane fuel sales shall be considered a single use for zoning purposes and shall constitute a major or minor auto service station." In other words if you sell gas you are a minor auto service station. Section 14- 384 "change of nonconforming use" allows you to change the nonconforming use to a use permitted in the B-2 zone to any use permitted in the B-1 zone. Minor auto service station are not allowed in the B-1 zone. If you change the existing nonconforming use to anything allowed in the B-1 zone, then you will not be able to sell gas.

Let me know if you have any questions.

Ann

City of Portland, Maine - Building or Use Permit

389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716

Permit No: 02-0643	Date Applied For: 06/11/2002	CBL: 374 A030001
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Location of Construction: 194 Auburn St	Owner Name: Brown C N Company	Owner Address: Po Box 200	Phone: 207-743-9212
Business Name:	Contractor Name: Portland Pump Co.	Contractor Address: P.O. Box 1180 Mussey Rd. Ext. Scarb	Phone: (207) 883-4317
Lessee/Buyer's Name	Phone:	Permit Type: Alterations - Commercial	

Proposed Use: Gast Station w/upgraded undgrnd. Gas piping.	Proposed Project Description: Upgrade underground gas piping
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Dept: Zoning	Status: Approved with Conditions	Reviewer: Marge Schmuckal	Approval Date: 06/17/2002
Note: 194 Auburn St			Ok to Issue: <input checked="" type="checkbox"/>
1) Separate permits shall be required for any new signage. 2) This gas station with no retail sales is considered a legal, nonconforming use. It is permissible to upgrade the underground piping to the existing pumps. IT IS NOT PERMISSIBLE TO INCREASE THE NUMBER OF PUMPS ON SITE. Any change in the number of pumps would require a Use Variance thru the Zoning Board of Appeals.			
Dept: Building	Status: Approved	Reviewer: Tammy Munson	Approval Date: 06/19/2002
Note:			Ok to Issue: <input checked="" type="checkbox"/>
Dept: Fire	Status: Approved	Reviewer: Lt. McDougall	Approval Date: 06/18/2002
Note:			Ok to Issue: <input checked="" type="checkbox"/>

5/22/12 met w/ Russ. Clutter - CN Braun

Need evidence that been operating within the last year

B-1 uses allowed

14-384

- keep gas sales
- discontinue service station
- add convenience store

October 3rd, 2011 closed -

existing use.
Minor auto service station - selling gasoline rather than 2 pump islands.
2 service bays

40/76

CITY OF PORTLAND, MAINE
BOARD OF MUNICIPAL OFFICERS
COMMITTEE ON ZONING AND BUILDING ORDINANCE APPEALS

Room 21, City Hall
November 4, 1940

To Whom It May Concern:

The Committee on Zoning and Building Ordinance Appeals of the Municipal Officers will hold a public hearing at the Council Chamber, City Hall on Friday, November 15, 1940 at two o'clock in the afternoon upon the appeal of A. A. McIntyre at 196 Auburn Street, relating to the construction of an addition to the present filling station building there, the addition to be used for greasing and otherwise servicing motor vehicles.

The Inspector of Buildings was unable to issue a permit to cover construction of a one-story addition about 28 feet by 26 feet because the proposed uses do not conform with the precise terms of the Ordinance in the General Residence Zone where the property is located.

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

COMMITTEE ON ZONING AND BUILDING
ORDINANCE APPEALS

W. Earle Eskiloor, Chairman

October 15, 1954

AP - 19 1/2 Auburn St.
Installation of additional 5000 gallon gasoline storage tank
underground contrary to Zoning Ordinance

Copies to: Portland Pump Co.
321 Lincoln St.
South Portland

Mr. Richard Dowley
19 1/2 Auburn St.

Mr. Dowley for his
gasoline supplier

Dear Mr. Dowley:-

Permit to authorize installation of an additional 5000 gallon gasoline storage tank underground at 19 1/2 Auburn St. is not issuable under the Zoning Ordinance because the property is in a Residence A Zone where the filling station, itself, was allowed by appeal to the Zoning Board of Appeals, and then granted appeal only allowed the area of ground to be occupied by underground tanks which then existed.

You have similar appeal rights, and if you desire to exercise them, upon notice to that effect at this office, we will send to you a certification letter and instructions as to filing the appeal at the office of Corporation Counsel. This particular appeal, being what is called a "use" appeal, requires a fee of \$10.00 and notices of a public hearing be sent by mail to the owners of all property within 500 feet of the property in question.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMCD/G

P. S. If the project is to be given up, and Portland Pump Co. will return the receipt for the building permit fee paid at this office within 10 days of the date of this letter, the money will be refunded by voucher.

I phoned Mr. Wilson of Portland Pump Co. to tell him of the above situation before writing this letter. I told him that the property is in a Local Business Zone, but actually we find that it is in a Residence A Zone, which, of course, is much more restricted than a Local Business Zone. My error came about because the applicant for the permit gave us the incorrect number on Auburn St., and the zone was marked accordingly. The Fire Department called our attention to the fact that the number was wrong, and when we looked up the correct number we found the location to be in a Residence A Zone.

B

City of Portland, Maine
Board of Appeals
—ZONING—

Sustained
11/12/54

54/69

To the Board of Appeals:

October 28, 1954

Your appellant, Richard Bowley, who is the owner of property at 194 Auburn 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.

Permit to authorize installation of an additional 5000 gallon gasoline storage tank underground at 194 Auburn Street is not issuable under the Zoning Ordinance because the property is in a Residence A Zone where the use of an additional area of ground for filling station purposes beyond that granted by the Board of Appeals under a former appeal is not allowable according to Section 14A 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 where necessary to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

Richard Bowley
By G. J. Gately, Jr.
Appellant

After public hearing held on the 12th day of November, 1954, the Board of Appeals finds that an exception is necessary in this case to grant reasonable use of property where necessary to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

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

William A. O'Brien
John W. Lake
Nelson C. Frost
Harry K. Tracy
Edward J. Kelley
BOARD OF APPEALS



APPLICATION FOR PERMIT

PERMIT ISSUED

JAN 6 1970 6

CITY of PORTLAND

Class of Building or Type of Structure Second Class

Portland, Maine, January 5, 1970

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 19 1/2 Auburn St. Within-Fire Limits? _____ Dist. No. _____

Owner's name and address Richard E. Bonney, 184 Auburn St. Telephone _____

Lessee's name and address Phillips Petroleum Company, 449 Forest Ave. Telephone _____

Contractor's name and address not lot Telephone _____

Architect _____ Specifications _____ Plans yes No. of sheets _____

Proposed use of building Service Station No. families _____

Last use _____ No. families _____

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

Other buildings on same lot _____

Estimated cost \$ 24,000 Fee \$ 48.00

General Description of New Work

To demolish existing service station 26' x 42' .
To construct 28' x 60' service station as per plans.

Appeal sustained 7/31/67

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 Phillips Petroleum Company

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? yes

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

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

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

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:

R.L.B.

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 to _____

(COPY)

CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 154 Auburn St.

Issue to Phillips 66
449 Forest Ave.
Date of Issue October 6 1970

This is to certify that the building, premises or part thereof, at the above location, built—altered—changed as to use under Building Permit No. 44712, 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 or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Entire

APPROVED OCCUPANCY

Service Station

Limiting Conditions:

This certificate supersedes certificate issued

Approved: *Carl Smith*

(Date)

Robert B. Brown

Inspector of Buildings

Notice: This certificate identifies a partial sum of building or premises, and cannot be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.