

Corporation Counsel  
City of Portland

February 6, 1984  
page 2 of 2

Re: Fire damage to building at 96 India Street

with cement mortar over its entire surface, where exposed to the weather.

It is my understanding that Mr. Rogers, the owner of this building, intends to comply with the above recommendations, and to remove all debris from within and around the building, and make the premises secure from entry.

On the basis of implementation of these recommendations and my observations of the building, it is my opinion that the building will present no hazard to the public during the time, estimated at several weeks, that restoration work is being planned; and will be completely serviceable once the necessary repairs have been made.

Very truly yours,  
ALEXANDER HUTCHEON Associates,  
Engineers

*Alexander Hutcheon*

Alexander Hutcheon, P.E.  
President

Copy to: Mr. Peter Rogers

FEB - 1984

96 India St

Answers to Sec. 14-473 (c)(2)a SPACE AND BULK VARIANCES (OTHER THAN FOR DWELLING UNIT CONVERSIONS):

A. The buildings in question are attached townhouse style with lot sizes as follows:

96 India Street - 2759 Sq. Ft.

98 India Street - 2368 Sq. Ft.

100 India Street - 2754 Sq. Ft.

These buildings are situated legally on three separate lots and are three separate buildings attached by common walls. These buildings are similar to other townhouse structures in the City in that they are situated on a smaller lot than their current use in the Zoning Ordinances will permit.

B. Yes, the building was built before zoning was in effect.

C. In order to renovate 98 India Street, it would create a financial hardship if 100 India Street were not a legal 4 unit, as is illustrated in the attached financial statement.

D. These buildings will meet all Health and Safety Codes when completed. Currently, 98 is and has been a 4 unit apartment building with no negative effect on the neighborhood. 100 India Street has been a 4 unit since previous to the 1974 assessment.

Currently 96 India Street is a blight to the neighborhood, and it would greatly improve the area to restore this building.

Mr. Roger J. Gendron  
Gendron Commercial Brokers, Inc.  
181 State Street  
Portland, Maine 04101


June 28, 1984

Dear Mr. Gendron:

Pursuant to our conversation, I agree to lease twelve parking spaces on a yearly basis at 261 Congress Street to occupants of the building at 95-100 India Street on a monthly basis at a rental of \$30.00 per space.

Contact me when you wish to exercise the lease. It is understood that all expenses are to be paid by you.

Very truly yours,

  
Philip H. Levinsky  
276 Congress Street  
Portland, Maine 04101

96 India *ll*

FINANCIAL ANALYSIS STATEMENT

	9 Units	12 Units
	Yearly Expenses Before Conversion*	Yearly Expen After Conversio
Yearly mortgage or loan debt service (exclude equity)		
Amount of Mortgage _____	\$245,000.00	\$263,200.00
Dates of Term _____		
Interest Rate <u>13.75</u>		
Total Cost of Conversion _____	54,000.00	72,000.00
Debt Service _____	34,026.00	38,703.00
Real Estate Taxes _____		
Insurance (exclude personal property) _____		
Water and Sewer (only renter(s) costs) _____	1,800.00	2,400.00
Heat (only if you pay tenant(s) heat costs) _____	7,000.00	7,500.00
Electricity (only if you pay tenant(s) electricity costs). _____	200.00	200.00
Legal _____	100.00	100.00
Audit _____		
Trash removal _____		
Maintenance _____	2,400.00	2,400.00
Repairs _____	500.00	500.00
Snow Removal _____		
Lawn Care _____	400.00	400.00
Supplies _____	250.00	250.00
Payroll _____		
Reserve for replacement _____	1,500.00	1,500.00
Reserve for vacancy _____	1,755.00	2,140.00
Advertising _____	200.00	250.00
Management and bookkeeping _____	2,106.00	2,808.00
TOTAL YEARLY COST _____	57,215.00	62,329.00
TOTAL RENTAL INCOME _____	37,800.00	50,400.00
No. of Apartments _____	Negative Cash Flow <19,415.00>	<11,929.00>
Rents Apartment 1 _____		
Apartment 2 _____		
Apartment 3 _____		

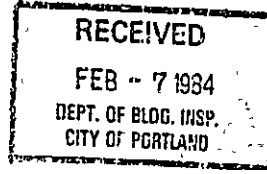
\*All figures must include only the costs or percentage of costs attributable to the rental units and not the personal living costs of the owner's unit. If this is a 2-family house, only 50% of cost is eligible if the owner occupies one unit

ALEXANDER HUTCHEON ASSOCIATES  
ENGINEERS

519 CONGRESS STREET  
PORTLAND, MAINE 04101  
TELEPHONE 207 774-0420

February 6, 1984

Corporation Counsel  
City of Portland  
389 Congress Street  
Portland, Maine 04101



Re: Fire damage to building at 96 India Street

Dear Sir:

On Thursday, February 2, 1984, at the request of Mr. Peter Rogers, I examined the building at 96 India Street, Portland, Maine, where a recent fire had caused extensive damage to the roof and upper floors.

The purpose of this examination was to determine if, in my opinion, the building was suitable for rehabilitation, and, if so, if it could be maintained in a safe condition until repairs could be made to the roof and floors.

The foundation and exterior walls, except for the uppermost two feet, were found to be in sound and stable condition. The brick masonry has been repointed within the last several years, and is durable and serviceable.

It is my recommendation that the fire-damaged brick at the top of the walls be removed for a distance of about 30 inches at the front and rear, and that the gable end wall at the left side be taken down to the same level as the front and rear walls. These damaged walls would be capped with a durable, weatherproof material until reconstruction commences, and would be re-built with the same quality brick as the rest of the building.

The second floor framing is generally re-useable, and fire-damaged members can be readily replaced. The third floor and roof should be completely replaced.

The existing brick masonry party wall between this building and the adjacent building should be plastered.



181 State Street, Portland, Maine 04101

May 2, 1984

Board of Appeals  
City of Portland  
Portland, Maine

Dear Board Members:

I am requesting an appeal that would allow making a legal 4 unit dwelling out of 96 India Street which is currently a legal 3 unit dwelling, and making a legal 4 unit dwelling out of 100 India Street which is currently a legal 2 family dwelling.

These buildings have been occupied as 4 unit apartment buildings since before the 1974 assessment with no apparent negative or adverse effect on the neighborhood or the City of Portland. 98 India Street, the middle building, has been a legal 4 unit apartment building since previous to the 1957 assessment.

We feel that a renovation to the burned structure at 96 India Street and repairs to 98 and 100 India Street would be of benefit to the neighborhood and the City.

Thank you for your consideration.

Sincerely,

  
Roger J. Gendron

RJG/ctm  
Encls.

COMMERCIAL • INDUSTRIAL BROKERS

207-775-1811

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

SPACE AND BULK VARIANCE APPEAL

I. Findings of Fact

A. Applicant Roger Gendron

B. Property Location 96-100 India Street

C. Applicant's Interest in Property:

- Owner  
 Tenant  
 Other

D. Property Owner same

E. Owner's Address 181 State Street, Portland, ME 04101

F. Zone (Circle One):

R-1 R-2 R-3 R-5 R-6 R-4

R-P R-1 B-2 B-3 A-B

I-P I-1 I-2 I-2b I-3 I-3b I-4

REFZ W-1

G. Site Plan Approval Required \_\_\_\_\_

H. Present Use of Property Residential - 8 units

I. Section(s) to Which Variance Related 14-139.2; 14-332.1

J. Reasons Why Permit Cannot Be Issued insufficient lot size  
and inadequate parking

K. Requested Variance Would Permit change to 12 units and 12 off-  
street parking spaces at 261 Congress Street

L. Notice Sent to \_\_\_\_\_ Adjacent Property Owners

96 India Street

II. Appearances

A. Those Advocating Variance

Roger Gordon (Optician)  
David Jones (N.Y.)

B. Those Opposing Variance

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attachments, As Necessary)

III. Exhibits (Any documents, photos, plans, further findings of fact, etc. presented to the Board as part of its records)

Appraisal report, financial analysis, photo

IV. Reasons for Decisions - Undue Hardship (The following checklist relates with the Board of Appeals hardship definitions for Space and Bulk variances as contained in Section 602.24C 3.b.(1) (a) through (e)

A. The parcel is exceptional due to physical characteristics or topographic features which amount to more than a mere inconvenience

- Yes/Agreement with statement
- No/Disagreement with statement

Reasons Existing buildings

B. If yes, the unique physical conditions: (Check One)  
Sec. 602.24C 3.b.(1) (b)

- Existed at the time of the enactment of the provision from which a variance is sought; or
- Were caused by natural forces; or
- Were the result of governmental action



96-100  
Cndra Ad

C. Pertinent ordinance provision deprives owner of substantial use or enjoyment of property in the manner commonly enjoyed by owners of property subject to the same provisions (Sec. 602.24C 3.b. (1) (c))

- Yes/Agreement with statement
- No/Disagreement with statement

Reasons \_\_\_\_\_

D. As evidenced by affirmative answers to either IV. A. or IV. C. above the variance will not create a special privilege for the applicant. Sec. 602.24C 3.b. (1) (d)

- Yes/Agreement with statement
- No/Disagreement with statement

Reasons \_\_\_\_\_

E. The variance will not adversely affect neighborhood property in the same zone and will not be detrimental to the general public health and safety Sec. 602.24C 3.b. (1) (e)

- Yes/Agreement with statement
- No/Disagreement with statement

Reasons \_\_\_\_\_

V. Specific Relief Granted

After a public hearing held on Jan. 17, 1985 the Board of Appeals finds that: (Check One)

Approval - All of the conditions required by Sec. 602.24C 3.b. (1) exist with respect to this property, as evidenced by affirmative responses to all statements set forth in IV. A. through IV. E above, and that a space and bulk variance be granted in this case.

Conditions of Approval (If any) \_\_\_\_\_

5-1  
with conditions

96-100  
India Street

( ) Disapproval - All conditions required by Sec. 602.24C 3.b. (1) do not exist with respect to this property, as evidenced by one or more negative responses to statements set forth in IV. A. through IV. E. above, and that a space and bulk variance should not be granted in this case.

VI. Signatures of Board

Merrill D. Kitz Chairman

Jacqueline G. Coe

Robert J. Sanderson

Paul C. Dabney

George S. Marking

Oppose  
M. E. District

~~Abstract -~~

Condition -

- a) Each address (96, 98, 100) <sup>India St</sup> would contain 4 units each.
- b) Total of parking spaces required <sup>shall be located</sup> on site to rear of building - One space per unit shall be required <sup>shall be met</sup> all ordinance requirements <sup>shall be met</sup> for parking on-site.

Note - 6-0 (in favor)