

City of Portland, Maine
Board of Appeals
--ZONING--

Sustained
11/16/56
56/118

November 1, 1956, 19

To the Board of Appeals:

Your appellant, Union Wharf Proprietors, who is the owner of property at End of Union Wharf West side, 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 intended to authorize change of use of the building formerly used for a wholesale fish business at the west side of the end of Union Wharf toward the harbor (part of Assessors' Lot No. 31-L-35) to a plant for processing fish refuse and the like by reduction for the manufacture of fishconcentrates by Maine Marine Products, Inc. is not issuable under the Zoning Ordinance because the property is in an Industrial Zone where the proposed use is not allowable, according to Section 3A of the Ordinance applying to such zones.

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.

UNION WHARF PROPRIETORS

By *Edward J. Jones*
Attorney for Appellant

After public hearing held on the 16th day of November, 1956, 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.

Ben Wilson
Carlton C. Lane
Ruth W. Walsh
John W. Lake
William H. Brown
BOARD OF APPEALS

DATE: November 16, 1956

HEARING ON APPEAL UNDER THE Zoning Ordinance OF Union Wharf Proprietors
AT End of Union Wharf West Side

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

BOARD OF APPEALS

VOTE

MUNICIPAL OFFICERS

	Yes	No
Ben B. Wilson	(X)	()
John W. Lake	(X)	()
Ruth D. Walch	(X)	()
William H. O'Erion	(X)	()
Samuel T. Bernstein	(X)	()
CHARLETON A. LOUF	()	()
	()	()
	()	()

Record of Hearing:

NO OPPOSITION

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

November 13, 1956

Edward T. Gignoux, Esquire
57 Exchange Street
Portland, Maine

Re: Union Wharf Proprietors - End of Union Wharf West Side

Dear Mr. Gignoux:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, November 16, 1956 at 10:30 a. m. to hear your client's appeal under the Zoning Ordinance.

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

BOARD OF APPEALS

Ben B. Wilson

Chairman

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CITY OF PORTLAND, MAINE
BOARD OF APPEALS

November 6, 1956

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, November 16, 1956, at 10:30 a. m. to hear the appeal of Union Wharf Proprietors requesting an exception to the Zoning Ordinance to authorize change of use of the building formerly used for a wholesale fish business at the west side of the end of Union Wharf toward the harbor (part of Assessors' Lot No. 31-L-35) to a plant for processing fish refuse and the like by reduction for the manufacture of fish concentrates by Maine Marine Products, Inc.

This permit is presently not issuable under the Zoning Ordinance because the property is in an Industrial Zone where the proposed use is not allowable, according to Section 3A of the Ordinance applying to such zones.

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

Ben B. Wilson

Chairman

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

November 6, 1956

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BOARD OF APPEALS

Ben B. Wilson

Chairman

Appeal Union Wharf -

Allan - 1112150

Streets involved

Assoc. Maps.

None

31-41

11

14 Harps

✓ Union Wharf

✓ Richardson's Wharf

✓ Midway's

✓ Broadway - Smith - Hough - Small Co. 276 Commercial St.

✓ Central

(41-C-13) ✓

✓ Long

(41-C-2) ✓

✓ Merrill's

(41-C-4) ✓

✓ Richardson's

✓ Merchant's

(41-C-7) ✓

✓ Brown's

✓ Pocahontas

Union

✓ Proprietor of Union Wharf - 240 Commercial St.
✓ Conest Corporation - 76 Elizabeth Evans, R.F.D. 6, Portland

Midway's

Merchant's Wharf

✓ John Gaffney

(41-D-1) ✓

✓ Carr Realty Co.

(41-D-2) ✓

J. B. Brown & Son
57 Exchange St.

(41-D-4)

Dup

Central

Brown's Wharf

✓ Proprietors of Central Wharf

(41-E-2) Dup

✓ Harbor Realty Co.

(31-J-4)

(31-J-9)

Pocahontas Wharf (31-I-9)

✓ Pocahontas Fuel Co., Inc. - 174 Commercial St.

Long Wharf

31-J-2 Dup

Merrill's Wharf

✓ Benjamin Lewis (41-B-1)

31-J-7

Harbor Realty Co.

65 Broadway St.

151 Commercial St.

Widgey Wharf

John Zappia - 35 Congress St.

Carw Realty Co - 217 Commercial St.

Central Wharf

Harbor Realty Co - 40 Geo. J. Lewis.
224 Commercial St.

Prop. of Central Whf. - Central Wharf

Union Wharf