

85-87 ELM STREET



Full cut # 920R - Half cut # 622R - Third cut # 9203R - Fifth cut # 9203R



(B) LIMITED BUSINESS ZONE
APPLICATION FOR PERMIT

Class of Building or Type of Structure concrete block

Portland, Maine, Oct. 20, 1953

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect ~~ALTER OR ADD TO~~ 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: 83-85 Elm St. Within Fire Limits? yes Dist. No. 1

Owner's name and address Theodore Veetland, 113 Vaughan St. Telephone _____

Prospective buyer _____ Telephone _____

Contractor's name and address not let Telephone _____

Architect _____ Specifications _____ Plans yes No. of sheets 1

Proposed use of building Service Garage No. families _____

Last use _____ No. families _____

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

Other buildings on same lot _____

Estimated cost \$ 28,000. Fee \$ 28.00

General Description of New Work

To construct 1-story concrete block service garage 47' x 74' as per plans.

Demond P. S. Lot
W. W. D.

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 Dominic Barra

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 _____ 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

INSPECTION COPY

Signature of owner D. E. Barra

AP 83-85 Elm St.

October 28, 1953

Mr. Domenic E. Barra,
82 Elm Street

Mr. Frank C. Capozza
27 Arlington Street

Mr. Theodore K. Swetland,
113 Vaughan Street

Gentlemen:

A check of the plan filed with the application for a permit for construction of a concrete block service garage 47 feet by 74 feet on the lot at 83-85 Elm Street discloses a matter of non-compliance with Zoning Ordinance regulations.

Location of the front wall of the proposed building only two feet from the line of Elm Street will be closer to the street line than the front walls of at least one and perhaps both of the existing dwelling houses on the adjoining lot toward Lancaster Street. This would be in violation of the requirements of Section 15-J of the Zoning Ordinance and hence we are unable to issue a permit for construction of the building in the location shown unless authorization to do so is secured from the Board of Appeals.

If the owner wishes to exercise his appeal rights and will so inform us, we will send him an outline of the appeal procedure and certify the case to the Corporation Council, who serves as clerk for the Appeal Board. Please telephone me for further information if this question of appeal is not fully understood. However, before we can certify any appeal action, it is necessary that the location plan be revised to show the actual distances of the existing dwellings from street and side lot lines and what clearance, if any, there is to be between the side wall of the rear dwelling and that of the new building.

Although the plan filed with the application for permit is not complete enough to check against Building Code requirements, a cursory examination discloses the following questions as to compliance with some of them:

1. It appears that, in order to comply with Section 204-b-4 of the Code, it will be necessary to provide fire-resistive windows and doors, besides those already so shown, for all wall openings except those in the front wall. This means that such windows will need to have metal sash and wire glass and all door openings so located will have to be equipped with standard fire-resistive doors.
2. Class "B" fire door with six inch raised threshold is required at opening to heater room, as specified by Section 204-f-4.
3. If floor drain is to be connected to public sewer, an approved oil and grease separator is required in the line, as specified by Section 204-i-1.
4. Because excavation for rear wall and side wall towards Lancaster Street will be so close to property lines, it is necessary that the owners of the adjoining property be notified in writing of the intent of such excavation being made and that a copy of that notice be on file at this office before a permit can be issued under any circumstances, as provided by Section 307-a-4.

Mr. Dominic E. Barra
Mr. Frank C. Capozza
Mr. Theodore R. Sweetland-----2

October 28, 1953

Needless to say, even though the question of zoning were to be cleared up by appeal, we shall be unable to issue a permit for construction of the building until plans complete enough in all particulars to show compliance with Building Code requirements have been furnished.

Very truly yours,

AJS/H

Inspector of Buildings

P.S. The zoning appeal could be carried through before Mr. Barra buys the property with present owner's consent.

Bara Job-Elm St.

AJG:

I was unable to get Frank Capozza and perhaps it just as well.

Pls. Handle it much like any other job where the objective is applying.- a letter to Bara and owner (Sweetland I think) ~~xxxxxx~~ better make it joint to all three including Frank-Bara's name first, then Frank, then owner.

Tell them first about the location discrepancy and zoning appeal-tell them to phone me if they do not understand the appeal-insist that they give a location plan which will show clearly the location in figures with relation to lot lines and street lines.

As regards Bldg. Code list the discrepancies as far as possible in order of their importance and rather specific. For instance with regard to the fire windows or doors, tell them which windows are wrong-not just those 30 ft from lot lines etc. and tell them what kind of windows they should show, making it clear that the plan is to be revised in all particulars to show compliance.

Also tell them that account of closeness to house next door, they will have to notify owner in writing and give us a copy of what they mean to do, before we shall be able to finally issue the permit, even if they clear up all the other obstacles.

None of the three understand very well, so the simpler the language the better.

wncd

10/28/53

New Service Garage for H. P. Bara at 23-85 Elm Street
10/27/53

1- Zoning: - New Building will be closer to street line than existing dwelling house on adjoining lot, which is 35' to 40' back from street.
Use as service garage OK, but parking or storage is needed for the commercial motor vehicle.

2- Special & General Use Requirements:

Plans not complete enough to determine but note: a- All doors and windows lower than 50' to lot line must be fire-resistant.
b- Separation of heater room and raised thresholds.

c- Grease separator for floor drain.

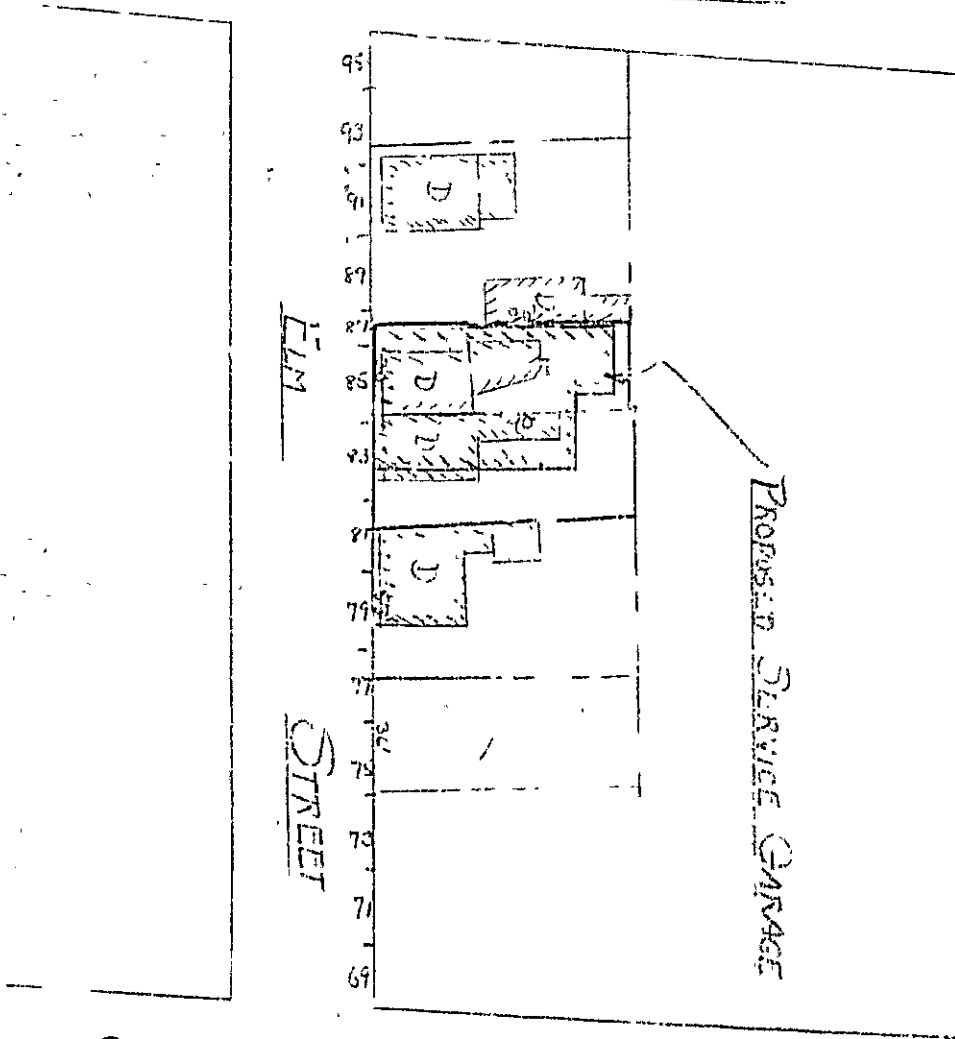
d- Notification to adjoining property owner.

e- Permits for demolition of existing building.

f- Blocking of windows in adjoining dwelling.

LANCASTER

STREET



OXFORD

STREET

Inquiry 83-85 Elm St.
of August 19, 1953

August 20, 1953

Paul Stewart, Esq.
193 Middle Street

Copy to: Mr. Stewart for his client

Dear Mr. Stewart:

In response to your telephone request of Mr. Sear's of this office for your client, Domenic Barra, concerning the application of the Zoning Ordinance to the use of the property at 83-85 Elm St., for Mr. Barra's business which is now located at 82 Elm St.--the present buildings possibly to be demolished and a new building erected, I have had a number of conversations with Mr. Barra and others having conferred at the office on his behalf. Apparently there was a misunderstanding on my part of the kind of work which Mr. Barra performs on motor vehicles, and, under the belief that his business had to be classified as a Repair Garage, as defined in Sect. 204a1 of the Building Code, he was told that his business is not an allowable use under the Zoning Ordinance in the Limited Business Zone, where 83-85 Elm St. is located, unless first authorized by the Board of Appeals after the usual appeal procedure--all as stated in Secv. 5A of the Zoning Ordinance applying to Limited Business Zones.

Later Fire Chief Sanborn told me that Mr. Barra at 82 Elm St. performs only the work of repairing and replacing auto seat covers and the lining of the inside of motor vehicle tops. Upon receiving that information I phoned Mr. Barra, he told me that these are all the operations that he is doing now and all that he proposes to do at 83-85 Elm St., whereupon I told him that such repairs are clearly classified as minor repairs, and are permitted in a Service Garage (as defined in Sect. 204a1 of the Code) which is an allowable use under the Zoning Ordinance in the Limited Business Zone at 83-85 Elm St.

The best answer that we can give to your inquiry: "Is it lawful under the Zoning Ordinance for a building to be constructed at 83-85 Elm St. for conducting the same type of business as is now carried on by Mr. Barra at 82 Elm St." is that a Service Garage is an allowable use under the Zoning Ordinance in the Limited Business Zone, where 83-85 Elm St. is located, without recourse to the Board of Appeals.

The Building Code defines a Service Garage as "one where motor vehicles, other than those habitually kept there, are serviced and maintained by such acts as changing oil, greasing, changing tires, and making minor repairs and minor replacements, but where no major repairs are made."

The key word in this definition seems to be "minor" as modifying both "repairs" and "replacements". The methods and practices of the entire automotive industry change quite rapidly, and there is a natural tendency on the part of service and repair shops to expand their activities for additional profit and to attract more trade. We would like it understood that construction and use of the building ^{would be} as a Service Garage, and should Mr. Barra later desire to take on operations which could be classified as major repairs or other than minor repairs or replacements, he would find it necessary to seek the right from the Board of Appeals before starting it.

It seems evident that the work which Mr. Barra has described to me represents minor repairs. If, however, he is accustomed to do any spray painting or should plan later to do so, we would be inclined to call such work major repairs, not so much on account of the size of the work as because of the recognized hazard. If there is in his business any similar hazardous operation (we do not have thorough knowledge of what repairing

Paul Stewart, Esq.-----2

August 20, 1953

seat covers and car upholstery etc. involves) it would be a good idea to get the proposition finally settled before the Board of Appeals before he commits himself to buying the property. That may be done in the name of the present owner.

Another question under the Zoning Ordinance is the matter of location of the building. There are few limitations as to this, but he would not be permitted to locate any exterior wall of his building closer to any street line than an exterior wall of any habitation on an adjoining lot.

His new building, of course, would have to comply with requirements for garages as contained in Sects. 204 and 212 of the Building Code.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMcD/B

INQUIRY BLANK

ZONE 2-1

FIRE DIST 1

CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION

Verbal
By Telephone

Date August 12, 1953

LOCATION 83-87 Elm Street OWNER _____

MADE BY Ronald A. Goddard of Professor Co. TEL. 2-1979

ADDRESS 127 Marginal Way

PRESENT USE OF BUILDING _____

CLASS OF CONSTRUCTION _____ NO. OF STORIES _____

REMARKS: Mr. Goddard is making inquiry for
Domestic Bar.

INQUIRY: 1- Would it be allowable to erect a
building at this location to carry on
the auto-top and upholstery business
now conducted at 82 Elm Street, really
across the street?

ANSWER: No, because the proposed use is classed
as a repair garage, which is not an allow-
able use in the Limited Business zone in which
the property is located.

8/14/53 - Upon learning from Domestic Bar
that he wishes to reply with a reply at least
cover up building, if not to top, can build there
a service garage, allowed in B Zone

DATE OF REPLY 8/12/53

REPLY BY A. J. Sears
Mr. B. A. [unclear]
The P. [unclear]

INQUIRY BLANK

ZONE 13

P. C.

FIRE DIST. 13

CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION

Date 1/27/53

Verbal
By Telephone

LOCATION 85 Elm St. CITY Portland

MADE BY D. J. ... TEL. 3-6971

ADDRESS 85 Elm St.

PRESENT USE OF BUILDING _____ NO. STORIES _____

LAST USE OF BUILDING _____ CLASS CONSTRUCTION _____

REMARKS _____

INQUIRY Can the applicant ...
and ...
...?

ANSWER Answer: P. M. K. Concrete ...
...

... shall have ...
... only
... of ...

DATE OF REPLY 1/27/53 REPLY BY D. J.

1/14/53 - Applicant ...
... do not ...
... of ...

INQUIRY BLANK

ZONE B

CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION

FIRE DIST. 1B

Verbal
By Telephone

Date 1/21/52

LOCATION 85 Elm Street OWNER _____

MADE BY Anthony Vega TEL. _____

ADDRESS 85 Elm Street

PRESENT USE OF BUILDING Two family dwelling house

CLASS OF CONSTRUCTION Third NO. OF STORIES 2

REMARKS: _____

at this location.
INQUIRY: 1. Is it allowable to mix up bleach water for sale to grocery stores and the like or for sale from house to house?

1/22/52

ANSWER: In limited business use where property is located, no wholesale business (which manufacture for sale to stores would be) is allowable. If products to be sold at retail, more than 50% of the products manufactured must be sold at retail to the consumer on the premises where manufacture takes place. Claimed appeal rights. Spoke about possibility of abrogation of same.

DATE OF REPLY 1/21/52 REPLY BY R. J. Sears

INQUIRY BLANK

ZONE B

CITY OF FORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION

FIRE DIST. _____

Date 10/6/50

Verbal
By Telephone

LOCATION 85 Elm St. OWNER _____

MADE BY Therese Swetland TEL. 2-2732

ADDRESS 113 Vaughan St.

PRESENT USE OF BUILDING Dwelling NO. STORIES _____

LAST USE OF BUILDING _____ CLASS CONSTRUCTION 39

REMARKS Dwelling to be demolished

INQUIRY Could be a garage attached on the
lot to be used for making automobile
tops and similar? Case probably
would be drawn into building.

ANSWER Has not seen if there would be
under Repair Garage. If so would
be allowable under zoning ordinance.
Would have property owner talk
with office.

DATE OF REPLY 10/6/50 REPLY BY P.H.

X PH Phipps has that if car was driven in the lot
it would be a repair garage only allowed if authorized
by Bd of Appeals, and that building would have to comply
with Bldg Code for Repair Garage anyway under 11/1/50