

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

December 23, 1963

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, January 2, 1964, at 4:00 p. m. to hear the appeal of Marion Fletcher requesting an exception to the Zoning Ordinance to permit erection of a 3 foot by 5 foot sign to project a maximum of 5 feet from the front wall of building at 89 Brackett Street.

This permit is presently not issuable under the Zoning Ordinance because the retail store use to which the sign is to be accessory is non-conforming in the R-6 Residence Zone in which the property is located.

This appeal is taken under Section 24 of the Zoning Ordinance which provides such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

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 property in question as required by Ordinance.

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

82 Brackett Street
Portland, Maine

December 30, 1963

Mr. Franklin G. Hinckley, Chairman
Board of Appeals
Room 208 - City Hall
Portland, Maine

Dear Mr. Hinckley:

I wish to state that I am not in accord with the granting of permit for an erection of a sign from the front of store at 89 Brackett Street.

As stated before such a sign might be a financial gain to the store owner, but to the property owners in the area it will mean a property loss. Certainly the erection of a commercial sign will not enhance the beauty of the street.

I am unable to attend the public hearing of this case scheduled for January 2, 1964, but I wish to vote that this appeal be denied.

Very truly yours,

Margaret M. Foley
MARGARET M. FOLEY

December 26, 1963

Coyne Sign Company
196 St. John Street
Portland, Maine

Gentlemen:

January 2, 1963

, relating to 89 Brackett Street.

ALBERT J. SEARS
INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE
Department of Building Inspection

N.P. - 69 Brackett St.
Dec. 13, 1963

✓ cc to: Corporation Counsel

Joyne Sign Company
195 St. John Street
Marion Fletcher
69 Brackett Street

Gentlemen:

Building permit for erection of a 3 foot by 5 foot sign to project a maximum of 5 foot from the front wall of the building at the above named location is not issuable under the building ordinance because the retail store use to which the sign is to be accessory is non-conforming in the residential zone in which the property is located.

We understand that the owner would like to exercise his appeal rights in this matter. Accordingly we are certifying the case to the Corporation Counsel, to whose office in Room 208, City Hall, he should go to file the appeal. In order for the appeal to be considered at the next meeting of the Appeal Board, it will be necessary for the appeal to be filed not later than Friday, December 20th.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

December 23, 1963

TO WHOM IT MAY CONCERN:

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This permit is presently not issuable under the Zoning Ordinance because the retail store use to which the sign is to be accessory is non-conforming in the R-6 Residence Zone in which the property is located.

This appeal is taken under Section 24 of the Zoning Ordinance which provides such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

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 property in question as required by Ordinance.

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

63/4 1/3/63

~~Planned~~
Planned

DATE: January 3, 1953

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Marion Fletcher

AT 87-89 Brackett Street

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

BOARD OF APPEALS

Frederick B. Nelson

~~Franklin G. Hinkley~~

Ralph L. Young

Harry M. Shwartz

VOTE

YES

NO

()

(x)

()

(x)

()

(x)

Record of Hearing

Opposed: Letters in file

Charles Upham, 105 Brackett Street

L

L

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

VARIANCE APPEAL

December 19, 1962

Marion Fletcher, owner of property at 87-89 Brackett Street
under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals for a variance from the provisions of said Ordinance to permit:

Erection of sign 3 feet by 6 feet to project about 6-1/2 feet from the front wall of the building at this location over and a minimum of 10 feet above the public sidewalk of Brackett Street. This permit is presently not issuable under the Zoning Ordinance because the sign will be accessory to the variety store in the building, which is non-conforming in the R-6 Residence Zone in which the property is located and such an increase in the degree of non-conformity of a non-conforming use is unlawful under the provisions of Section 17-B of the Ordinance.

LEGAL BASIS OF APPEAL: Such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

Marion Fletcher
APPELLANT

DECISION

After public hearing held January 3, 1963, the Board of Appeals finds that all of the above conditions do not exist with respect to this property and that a variance should not be granted in this case.

It is, therefore, determined that a variance from the provisions of the Zoning Ordinance should not be granted in this case.

Harry M. Stimpert
John J. [unclear]
Frederick B. [unclear]
BOARD OF APPEALS

ALBERT J. SEARS
INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE
Department of Building Inspection

AP-87-89 Brackett Street, corner of Gray Street

Dec. 17, 1962

Mr. Marion Fletcher
Mr. Leonard G. Rutherford
89 Brackett Street
Portland Sign Company
231 Brackett Street

cc to: Corporation Counsel

Gentlemen:

Permit for erection of a sign 3 feet by 6 feet to project about 6½ feet from the front wall of the building at the above named location, over and a minimum of 10 feet above the public sidewalk of Brackett Street, is not issuable under the Zoning Ordinance because the sign will be accessory to the variety store in the building, which is non-conforming in the R-6 Residence Zone in which the property is located; such an increase in the degree of non-conformity of a non-conforming use being unlawful under the provisions of Section 17-B of the ordinance.

If an appeal is to be filed in this matter, an authorized representative should go to the office of the Corporation Counsel, in Room 208, City Hall, where appeals are filed and where a copy of this letter is being sent. It should be understood that filing of the appeal is no assurance that it will be granted, particularly if serious opposition to its erection should be expressed by property owners or others in the neighborhood at the public hearing.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

C
O
P
Y

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

December 21 1962

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Thursday, January 3, 1963 at 4:00 p. m. to hear the appeal of Marion Fletcher requesting exception to the Zoning Ordinance to permit erection of sign 3 feet by 6 feet to project about 6-1/2 feet from the front wall of the building over and a minimum of 10 feet above the public sidewalk at 87-89 Brackett Street.

This permit is presently not issuable because the sign will be accessory to the variety store in the building, which is non-conforming in the R-6 Residence Zone in which this property is located, and such an increase in the degree of non-conformity of a non-conforming use is unlawful under the provisions of Section 17-B of the Ordinance.

This appeal is taken under Section 24 of the Zoning Ordinance which provides that such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the appellant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

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 property in question as required by ordinance.

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

*I am not in favor of
the sign*

*Mrs Rose Upham
81 Gray St*

82 Brackett Street
Portland, Maine

December 31, 1962

Mr. Franklin G. Hinckley, Chairman
Board of Appeals
Legal Department
Room 208 - City Hall
Portland, Maine

Dear Mr. Hinckley:

Reference is made to a public hearing to be held in the Council Chamber, City Hall, Thursday, January 3, 1963 at 4:00 PM. regarding erection of store sign at 87-89 Brackett Street.

I am unable to be present at this hearing, but I strongly protest the issuance of permission to erect a sign in a residential zone. Undoubtedly, such a sign will advertise a commercial product which will result in a depreciation of my property.

Very truly yours,


MARGARET M. FOLEY

My family have indicated
by their signatures below
that they also feel that
Mr. Fletcher's appeal should
not be granted.

Very truly yours,

(Miss) Rosalie G. Murphy

(Mrs) Olive Murphy

(Miss) Margaret A. Murphy

December 28 1962
58 Glen St
Portland Me.

Mr Franklin S. Buckley, Chairman
Board of Appeals
City of Portland
Portland Maine

Dear Sir:

This letter is in response
to your notice dated Dec 21, 1962
regarding the appeal of
Mr Marion Fletcher for per-
mission to erect a sign at
17-89 Brackett St.

I shall be unable to
attend the public hearing.
However, in the interest of
maintaining property values,
I wish to express my opinion
that Mr Fletcher's appeal be
denied

84 Brackett St
Barclay, Maine
Dec 28, 1962

Dear Sir,

In regard to the appeal
for the erection of a sign on
the front of the building at 87-89
Brackett St, owned by Marion Fletcher,
I am against it.

The sign will not improve the
appearance of the neighborhood,
and will take away the value of
the property.

I will be working at the time
of the meeting, and will not attend

Thank you,
Respectfully,
Mary J. Foley

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

December 21, 1962

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Thursday, January 3, 1963 at 4:00 p. m. to hear the appeal of Marion Fletcher requesting exception to the Zoning Ordinance to permit erection of sign 3 feet by 6 feet and a minimum of 6-1/2 feet from the front wall of the building over and a minimum of 10 feet above the public sidewalk at 87-89 Brackett Street.

This permit is presently not issuable because the sign will be accessory to the variety store in the building, which is non-conforming in the R-6 Residence Zone in which this property is located, and such an increase in the degree of non-conformity of a non-conforming use is unlawful under the provisions of Section 17-B of the Ordinance.

This appeal is taken under Section 24 of the Zoning Ordinance which provides that such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of the property which is inconsistent with the intent and purpose of the ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action in violation of the provisions of the Ordinance or not; that property of the appellant subsequent to the adoption of this Ordinance whether the granting of the variance will not be adversely affected by will not be contrary to the intent and purpose of the Ordinance.

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 property in question as required by ordinance.

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

19 Clifton Street
Portland, Maine
December 26, 1962

Franklin G. Hinckley
Chairman Board of Appeals
City Hall
Portland, Maine

Dear Mr. Hinckley: I received your letter of December 21, 1962 concerning a sign to be erected on Brackett Street. I wish to say that I do not have any objection to this appeal.

Very truly yours,

Arthur Serunian Jr.

Arthur Serunian Jr.

CITY OF PORTLAND, MAINE
Application for Permit to Install Wires

Permit No. 327
 Issued 3/14/73
 Portland, Maine March 16, 1973

To the City Electrician, Portland, Maine:

The undersigned hereby applies for a permit to install wires for the purpose of conducting electric current, in accordance with the laws of Maine, the Electrical Ordinance of the City of Portland, and the following specifications:

(This form must be completely filled out — Minimum Fee, \$1.00)

Owner's Name and Address P.O. Variety 89 Bancroft St. Tel.
 Contractor's Name and Address Morris Electric Co. 68 Tappan St. Tel. 724-3189
 Location Same Use of Building
 Number of Families Apartments Stores Number of Stories
 Description of Wiring: New Work Additions Alterations
 Pipe Cable Metal Molding BX Cable Plug Molding (No. of feet)
 No. Light Outlets 1 Plugs Light Circuits Plug Circuits
 FIXTURES: No. Fluor. or Strip Lighting (No. feet)
 SERVICE: Pipe Cable X Underground No. of Wires 3 Size 3-25
 METERS: Relocated Added Total No. Meters
 MOTORS: Number Phase H. P. Amps Volts Starter
 HEATING UNITS: Domestic (Oil) No. Motors Phase H.P.
 Commercial (Oil) No. Motors Phase H.P.
 Electric Heat (No. of Rooms)
 APPLIANCES: No. Ranges Watts Brand Feeds (Size and No.)
 Elec. Heaters Watts
 Miscellaneous Watts Extra Cabinets or Panels
 Transformers Air Conditioners (No. Units) Signs (No. Units)
 Will commence 3-16 1973 Ready to cover in 19. Inspection 19. Ready

Amount of Fee \$ 5.00
 Note: Had defective meter and service drops. Signed A.J. Morris

DO NOT WRITE BELOW THIS LINE

SERVICE METER GROUND
 VISITS: 1 2 3 4 5 6
 7 8 9 10 11 12

REMARKS:

INSPECTED BY (OVER)

LOCATION *89 Blue Hill St.*
 INSPECTION DATE *3/22/73*
 WORK COMPLETED
 TOTAL NO. INSPECTIONS
 REMARKS:

FEE SCHEDULE FOR WIRING PERMITS EFFECTIVE JULY 31, 1963

WIRING	
1 to 30 Outlets	\$ 2.00
31 to 60 Outlets	3.00
Over 60 Outlets, each Outlet05
(Each twelve feet or fraction thereof of fluorescent lighting or any type of plug molding will be classed as one outlet).	
SERVICES	
Single Phase	2.00
Three Phase	4.00
MOTORS	
Not exceeding 50 H.P.	3.00
Over 50 H.P.	4.00
HEATING UNITS	
Domestic (Oil)	2.00
Commercial (Oil)	4.00
Electric Heat (Each Room)75
APPLIANCES	
Ranges, Cooking Tops, Ovens, Water Heaters, Disposals, Built-in Dishwashers, Dryers, and any permanent built-in appliance — each unit	1.50
MISCELLANEOUS	
Temporary Service, Single Phase	1.00
Temporary Service, Three Phase	2.00
Circuses, Carnivals, Fairs, etc.	10.00
Meters, relocate	1.00
Distribution Cabinet or Panel, per unit	1.00
Transformers, per unit	2.00
Air Conditioners, per unit	2.00
Signs, per unit	2.00
ADDITIONS	
5 Outlets, or less	1.00
Over 5 Outlets, Regular Wiring Rates	

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

December 21, 1962

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This permit is presently not issuable because the sign will be accessory to the variety store in the building, which is non-conforming in the R-6 Residence Zone in which this property is located, and such an increase in the degree of non-conformity of a non-conforming use is unlawful under the provisions of Section 17-B of the Ordinance.

This appeal is taken under Section 24 of the Zoning Ordinance which provides that such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the appellant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

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BOARD OF APPEALS

Franklin G. Hinckley

Chairman



R6 RESIDENCE ZONE
 CITY OF PORTLAND, MAINE
 DEPARTMENT OF BUILDING INSPECTION
COMPLAINT

Location: 87-89 Brackett St.

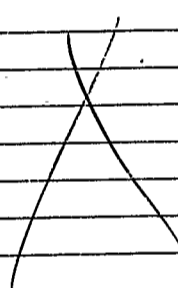
INSPECTION COPY

COMPLAINT NO. 62/62 Date Received November 30, 1962

Location 87-89 Brackett Street Use of Building Store and dwelling
 Owner's name and address J. & K. Vanity, Inc. Telephone _____
89 Brackett St.
 Tenant's name and address Same Telephone _____
 Complainant's name and address _____ Telephone _____ H

Description: A Budweiser sign erected over public sidewalk without a permit.

NOTES: Portland Sign Co., 181 Brackett Street erected this sign.
11/30/62 - Letter to Portland Sign Co. - AJP
12/12/62 - Sign removed. E.S.S.



City 62/62 87-89 Brackett Street

Nov. 30, 1962

Portland Sign Company
181 Brackett Street

cc to: General Variety Store
89 Brackett Street

Gentlemen:

An inspector from this department reports that a sign projecting over the public sidewalk has been erected on the building at the above named location and that he has been informed that your company is responsible for the installation.

Not only has this work been done without a permit, which you must be aware is required for such an installation, but the sign is unlawful under the Zoning Ordinance in the R-5 Residence Zone in which the property is located. Under these circumstances it is necessary that the sign be removed immediately. Failure to do so will make it necessary for me to report both the violation of the Building Code and that of the Zoning Ordinance to the Corporation Counsel.

While the erection of a sign at this location is subject to appeal under the Zoning Ordinance, it cannot be told in advance what action the appeal board might take on such an appeal. Appeal proceedings can be started by filing an application for a permit to erect the sign, but no certification letter on which an appeal may be based can be written until the unlawfully erected sign has been removed.

Very truly yours,

Albert C. Sears
Building Inspection Director

AJS:m



APPLICATION FOR PERMIT

Class of Building or Type of Structure **Third Class**

Portland, Maine, February 5, 1963

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 89 Brackett Street Within Fire Limits Dist. No. _____
 Owner's name and address Marion Fletcher, 67 Brackett St. Telephone _____
 Lessee's name and address _____ Telephone _____
 Contractor's name and address Roland McKee, 28 Mirer St. Telephone _____
 Architect _____ Specifications _____ Plans _____ No. of sheets _____
 Proposed use of building store and dwelling No. families 2
 Last use _____ " _____ No. families 2
 Material frame No. stories 3 Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ 1,200. Fee \$ 6.00

General Description of New Work

To repair after fire to former condition without alterations and without change of use; but if conditions in the areas of repair are found to be dangerously sub-standard of Building Code requirements, both building Dept. and owner will be notified immediately.

Cause - rubbish in cellar
Fire occurred Dec. 11, 1962

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 Fletcher**

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? _____
 Height average grade to top of plate _____ Height average grade to highest point of roof _____
 Size, front depth No. stories 3 Is it on hill and? _____ earth or rock? _____
 Material of foundation _____ Thickness, at 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:
OK - 2/5/63 - A.J.S.

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
 Marion Fletcher

CS 301

INSPECTION COPY

Signature of owner by: _____

PH



Size of plastic face-18 sq.ft. R6 RESIDENCE GROUP
 Flexiglass-Trade name on each piece-Uno Label.

**APPLICATION FOR PERMIT TO ERECT
 SIGN OVER PUBLIC SIDEWALK OR STREET**

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

Portland, Maine, December 13, 1962 19

The undersigned hereby applies for a permit to erect the following described sign extending over a public sidewalk or street in accordance with the Building Code of the City of Portland, and the following specifications:

Location 89 Brackett St. Within Fire Limits: _____ Dist. No. _____
 Owner of building to which sign is to be attached M. Fletcher, 89 Brackett St.
 Name and address of owner of sign National Distributors, 12 York St.
 Contractor's name and address Portland Sign Co., 181 Brackett St. Telephone 5-2552
 When does contractor's bond expire? Dec. 31, 1962 denied 11/31/63

Information Concerning Building Steady Lightin, WOOD

No. stories 3 Material of wall to which sign is to be attached _____

Details of Sign and Connections Refused 11/16/63

Building owner's consent and agreement filed with application yes
 Electric? yes Vertical dimension after erection 3' Horizontal 6 5"
 Weight 100 lbs., Will there be any hollow spaces? yes Any rigid frame? yes
 Material of frame aluminum No. advertising faces 2 material plastic
 No. rigid connections: 4 Are they fastened directly to frame of sign? yes
 No. through bolts _____, Size _____, Location, top or bottom _____
 No. guys 1, material cable Size 5/16
 Minimum clear height above sidewalk or street 10'6"
 Maximum projection into street 6'6" Fee \$ 2.00

Signature of contractor by: [Signature]

INSPECTION COPY

This sign erected unlawfully at this location has been removed. See Complaint 62162

At- 89 Brackett Street

Jan. 4, 1963

Portland Sign Company
181 Brackett Street

cc to: F. & R. Variety Store
89 Brackett Street

Gentlemen:

Appeal under the zoning Ordinance involving the erection of a projecting sign at the above named location having been denied, we are unable to issue the permit required for its erection. Under these circumstances, if you will return to this office within ten days the receipt for fee paid at time of filing application for permit, we will be able to authorize return to you by voucher of the amount paid.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

Referred 1-16-63

AP-27-39 Brackett Street, corner of Gray Street

Dec. 17, 1962

Mr. Marion Fletcher
Mr. Leonard O. Rutherford
89 Brackett Street
Portland Sign Company
181 Brackett Street

cc to: Corporation Counsel

Gentlemen:

Permit for erection of a sign 3 feet by 6 feet to project about 6½ feet from the front wall of the building at the above named location, over and a minimum of 10 feet above the public sidewalk of Brackett Street, is not issuable under the Zoning Ordinance because the sign will be accessory to the variety store in the building, which is non-conforming in the R-6 Residence Zone in which the property is located; such an increase in the degree of non-conformity of a non-conforming use being unlawful under the provisions of Section 17-2 of the Ordinance.

If an appeal is to be filed in this matter, an authorized representative should go to the office of the Corporation Counsel, in Room 203, City Hall, where appeals are filed and where a copy of this letter is being sent. It should be understood that filing of the appeal is no assurance that it will be granted, particularly if serious opposition to its erection should be expressed by property owners or others in the neighborhood at the public hearing.

Very truly yours,

Albert J. Soars
Building Inspection Director

A. J:m

WRITTEN CONSENT AND AGREEMENT RELATING TO A CERTAIN SIGN PROPOSED TO BE
ERECTED PROJECTING OVER A PUBLIC SIDEWALK FROM THE PREMISES

AT _____ IN PORTLAND, MAINE

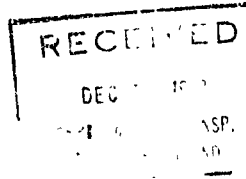
M. Fletcher, being the owner of the
premises at 89 Brackett in Portland, Maine hereby gives
consent to the erection of a certain sign owned by National Distributors
projecting over the public sidewalk from said premises as described in
application to the Inspector of Buildings of Portland, Maine for a permit
to cover erection of said sign;

And in consideration of the issuance of said permit _____
M. Fletcher, owner of said premises, in event said sign
shall cease to serve the purpose for which it was erected or shall become
dangerous and in event the owner of said sign shall fail to remove said sign
or make it permanently safe in case the sign still serves the purpose for
which it was erected, hereby agrees for himself or itself, for his heirs, its
successors, and his or its assigns, to completely remove said sign within ten
days of notice from said Inspector of Buildings that said sign is in such
condition and of order from him to remove it.

In Witness whereof the owner of said premises has signed this
consent and agreement this 13 day of Dec, 1962

Robert M. Gentry
Witness

Marvin Fletcher
Owner





APPLICATION FOR PERMIT

Class of Building or Type of Structure Installation

Portland, Maine, June 15, 1953

RECEIVED
CITY OF PORTLAND
JUN 17 1953

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect ~~and repair~~ ^{and 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 84 Brackett St. Within Fire Limits? yes Dist. No. 3

Owner's name and address F & R Variety, 89 Brackett St. Telephone _____

Lessee's name and address _____ Telephone _____

Contractor's name and address Affiliated Refrigeration Service, 801 Brighton Ave. Telephone 3 5084

Architect _____ Specifications _____ Plans yes No. of sheets _____

Proposed use of building Store No. families _____

Last use _____ No. families _____

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

Other buildings on same lot _____

Estimated cost \$ _____ Fee \$ 2.00

General Description of New Work

To install refrigeration equipment
Compressor located in basement
Freon refrigerant

6/15/53
4/17/53

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** Affiliated Refrigeration Service

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? _____

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:

Oliver D. Lawrence
Inspector of Buildings

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

Affiliated Refrigeration Service

INSPECTION COPY

Signature of owner: Geo P Hawes

APARTMENT HOUSE ZONE

APPLICATION FOR PERMIT

PERMIT ISSUED
00908

JUN 12 1950

CITY of PORTLAND

Class of Building or Type of Structure Third Class

Portland, Maine, April 4, 1950



INSPECTOR OF BUILDINGS, PORTLAND, MAINE *Revised plan 4/29/50*

The undersigned hereby applies for a permit to erect alter or extend ~~or~~ all the following building structure ~~or~~ 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 89 Brackett Street Within Fire Limits? yes Dist. No. 3
 Owner's name and address Marion Fletcher & Leonard Rutherford Telephone _____
 Lessee's name and address 33 Reynolds St., So. P. Telephone _____
 Contractor's name and address Paul Campbell, 16 Ray St., So. Portland Telephone 4-3563
 Architect _____ Specifications _____ Plans yes No. of sheets 2
 Proposed use of building Store and dwelling No. families 2
 Last use _____ No. families 1
 Material frame _____ No. stories 3 Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ 300. Fee \$ 2.00

General Description of New Work

To cut in new door at third floor level
 To provide new apt. on third floor, all rooms are now finished off.
 To demolish existing two story rear piazza and stairway and to construct three story rear ^{shed} addition and stairway as per plan.
 The corner posts and intermediate posts are to be no less than 4x6 nominal dimensions, or equivalent, and these posts are each to be made one continuous length or to be spliced at the floor levels. All splices are to be lapped splices at least 18" long and in no case will a post be set on top of the floor below it. Where the piazza is fastened to the building the weatherboarding will be removed and the timbers of the piazza fastened directly to the frame of the building.

Permit to Demolish only issued 5/26/50
Permit Issued with Letters

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 Paul Campbell**

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 ft
 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? _____

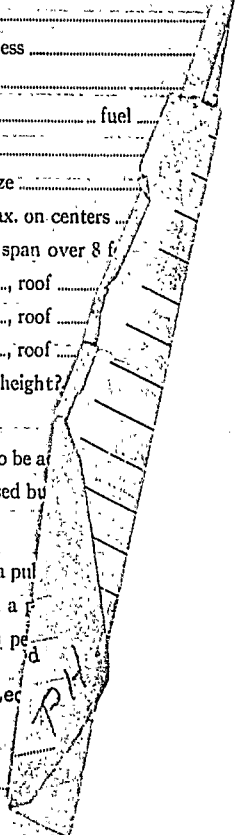
APPROVED: _____

Miscellaneous

Will work require disturbing of any tree on a public way? _____
 Will there be in charge of the above work a person who is a duly licensed professional engineer or architect who will see that the State and City requirements pertaining thereto are observed? yes
 Marion Fletcher & Leonard Rutherford

Signature of owner By: Paul Campbell

INSPECTION COPY



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

Date of Issue September 1, 1950



Issued to Messrs. Leonard Fletcher and
Arthur Ford
This is to certify that the building, premises, or part thereof, indicated below, and ~~back~~
altered—changed as to use at 50, 50a, has had final inspection, has been found to conform substan-
tially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved
for occupancy, limited or otherwise, as indicated below.

APPROVED OCCUPANCY
4-Store and 2-Family Dwelling House
First floor—Store
Second floor—One apartment
Third floor—One apartment

PORTION OF BUILDING OR PREMISES
Little Building

Limiting Conditions:

Inspector of Buildings

This certificate supersedes
certificate issued 1/50:

This certificate identifies lawful use of building and is subject to be superseded from time to time by subsequent orders of the Department of Building Inspection.

August 14, 1920

Messrs. Marion Fletcher & Leonard Rubenstein
89 Brackett Street
Portland, Maine

Gentlemen:

This letter may be used as a temporary certificate of compliance to allow of the new third floor apartment at 89 Brackett Street, Portland, Maine, to be occupied, some of the details which our inspector found not completed on August 14 and which we talked over with Mr. Fletcher this morning. These details are as follows:

- ✓ Fill in tight firestops around the edges of both floor levels in addition.
- ✓ Provide satisfactory railing of the new floor on area on the third landing between second and third floor, at the stairs landing and stairs to the second floor.
- ✓ Provide double 2x4 leader over the roof on ground floor level leading from main building to the new stairway building.
- ✓ Provide wallbeams on the stairway side of the new stairway building and the main house above and see that the roof is tight and see the leaks on the inside of the roof.

Mr. Fletcher said that he was not planning to occupy the building at the moment because the construction was not complete for some days outside of the city.

As soon as these details have been completed, you may apply for a certificate of occupancy for the building. It is suggested that you have another inspection see to it that the building is tight and that the construction of necessary details.

Very truly yours,

Inspector of Buildings
Portland, Maine

W.H.L.

AP 89 Brackett Street-I

June 12, 1950

Mr. Paul V. Campbell
16 Ray Street
South Portland, Maine
Messrs. Marion Fletcher & Leonard Rutherford
33 Reynolds Street
South Portland, Maine

Gentlemen:

The owners' zoning appeal relating to closeness to property lines having been granted by the Board of Appeals subject to the condition that water from the roof of the addition shall be drained by gutters, conductors and other appurtenances in such a way as not to run upon the adjoining property, the building permit to cover construction of 2-story addition at the rear of the building at 89 Brackett Street and to cover change of use of the building from store and one family dwelling house to store and two family dwelling house, is issued to Mr. Campbell, herewith, subject to the following conditions. If for any reason you are unable or unwilling to abide by these conditions and carry them out, it is important that you refrain from starting the work and that you return the permit card immediately for adjustment.

1. Provide a new doorway in the partition between the kitchen on third floor and the rear room adjoining the kitchen, to be no less than 30" wide and no less than 6' 4" high. Because a separate apartment is now being provided on the third floor, the means of egress have to comply with the requirements for apartment houses. The purpose of this door is to afford an opportunity of reaching the new rear stairway through the kitchen on the part of persons in this adjoining room (it is believed that you intend to use the adjoining room as a bedroom) if fire should reach the third floor hall undiscovered, and make it impossible to use the existing stairs and also impossible to get through the hall and through the kitchen to reach the new stairs.

2. All foundation piers are to extend no less than 4' below the finished surface of the ground and no less than 6" above, and the woodwork bearing upon the piers is to be anchored to the piers with metal dowels or equivalent. If this makes the first floor at such a height that steps are needed outside of the first floor of the addition to reach the ground, the steps are to be constructed as required for inside stairs under the Building Code, are to have a platform approximately at first floor level outside the door so that the door will not open directly upon the steps, the steps are to have a foundation of masonry at the foot of the steps extending no less than 4' below the surface of the ground and no less than 6" above. Stairs are to have a handrail on at least one side and the platform also.

3. The 6x6 sills shown are not strong enough, but 6x8 is required set with the 8" dimension upright.

4. The 2x6 roof joists would not be strong enough, but no less than 2x8's are required no more than 18" from center to center. The roof joists and all of the floor joists that will be on spans greater than 8' require no less than 1x3 cross bridging between the joists.

5. It is assumed that you intend to frame the intermediate stairway landings between floors with 2x6 joists, 16" from center to center. These of course will be supported on the exterior wall at one end, but you have not shown any timber at the other end to support the landing. It is assumed that the landings and the stairways are to be left open since it is not allowable to provide closets under such stairs. A 4x6 with

Mr. Paul V. Campbell
Messrs. Marion Fletcher & Leonard Rutherford---2

June 12, 1950

the 6" dimension upright or doubled 2x6 will work out all right to support the 2x6's in the intermediate landings, but the 2x6 joists should either be supported on the upper edge of the supporting member or else notched over no less than 2x3 nailing strips, spiked to the side of the supporting member with the bottom of 2x3 flush with the bottom edge of the supporting member. It is not allowable to support these 2x6 joists by spiking through the supporting member into the end of the grain of the joists.

The cross section indicates a 4x4 post under the outside corner of the intermediate platforms, and I presume that you intend to use such posts in second story as well as in the first story, the 4x4 posts to land upon the doubled 2x8 trimmer beams at the stair well. It will be necessary to double the 2x8 floor joists in first floor beneath this post, although there is no stair well there.

6. The plans do not show and we have been unable to visualize how you intend to support the rafters of the addition where the addition will join the rear gable end of the building and the dormer window which extends to this rear gable end. This of course has to be done in a workmanlike manner and in compliance with Building Code requirements for such construction work. If there is any doubt about it, it would be well to take the matter up with our inspector before you are committed to the arrangement.

7. Because this is to be a new apartment on third floor, the existing inside stairs have to be made to comply with the requirements of the Building Code for exits in an apartment house. Electric lights adequate in size, number and location to illuminate the way down from the third floor clear to a place of safety at the ground level are required. They may be on the owners' meter and controlled by an automatic time switch calculated to turn the lights on automatically at least by sunset each night and to turn them off at sunrise the next morning or later, or these lights may be on the tenants' meter in which case all of the lights clear down through the stair halls must be controlled by a single switch at the top of the stairs at third floor.

A similar arrangement is required to illuminate the stairs in new addition and the same kind of lights and control switch should be provided for the second floor tenant as well.

Handrails are required full length of each run of stairs on at least one side. I believe there are winding treads in both the run from third to second floor and in the run from second to first floor. In the case of these winders the handrail must be adjusted where the winding treads taper down to nothing so that a person going down the stairs will have a guide for the full length and not be likely to fall because there are two or three risers before there is any appreciable width of tread to step on. A good arrangement for safety is to run a handrail full length on the side of the stairs where the winding treads are the widest, but such a handrail should be rounded or run at an angle across the corner where the stairs turn. In fact such a handrail on the side where the winding treads are the widest is required because these existing stairs are really the front stairs.

I have carefully read Mr. Campbell's letter received here May 23, and I can sympathize with his feelings in the matter. I will not attempt to answer his letter except to say that we are having a very busy season and receiving quite a proportion of the plans that are not made in the usual way. In a number of instances we have tried to interpret them and have issued permits with the best help we could give by a letter only to find with the job about half done that there had been a misunderstanding, that the contractor had miscalculated in some manner and then adjustments had to be made usually at the expense of the owner and frequently no one seems satisfied. Mr. Campbell's plans are quite well executed, but we have had to "read between the lines" so to speak. I believe he will do the job in good fashion, and we want to help all we can, but there is very little time to meet all of the demands upon us. I am also conscious of the fact that unless he has made copies of the plans that he has filed here, that we have the only information about the job and he would have to rely upon his memory as to what he had told us. Perhaps he has made copies of these plans but we have had a number of jobs where the contractor has not, and then has gone wrong because he could not remember. That has

Mr. Paul V. Campbell
Messrs. Marion Fletcher & Leonard Rutherford-----3

June 12, 1950

turned out to be an expensive way for the owner to do work.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMcD/G

P. S. As I have prepared the permit for issuance, I have noticed for the first time that Mr. Campbell has given the estimated cost of the work as \$300.00. This is an astonishing figure for so much work, and if we had not experienced all these delays, I would still withhold the permit and ask you to furnish a detailed estimate of the job as I am really required to do. I do not want to delay the work in that way, but it is important that you make as soon as possible a detailed estimate of cost of the work including everything all labor and material, including any material that the owner may have on hand and any second-hand material at fair market prices, and including all labor whether donated or the labor of the owners at fair prices per hour, also all the work on the interior of the building fitting up the third floor apartment, including electric wiring, plumbing and the fixtures, also everything in connection with fitting this third floor space for an apartment, including of course the handrails on the stairs and the electric lighting in both the present stair halls and the addition. It is important that you file this estimate here and adjust the building permit fee accordingly before notice is given of readiness for closing-in the work. No doubt Mr. Campbell is aware of the requirement that none of the interior work can be covered from view until he has notified this office of readiness of inspection, after all of the electric wiring and plumbing work to be concealed has been finished and inspected by the respective inspectors. No wall or ceiling board or finish is to be applied until our green tag has been left at the job.

Before the third floor apartment is lived in, a certificate of occupancy is required from this department. When all work controlled by the Building Code is completed, you should notify this office of readiness for final inspection, when, if everything is found in order, the certificate will be issued.

AP 89 Brackett Street-I

May 26, 1950

Mr. Paul V. Campbell
16 Ray Street
South Portland, Maine
Messrs. Marion Fletcher & Leonard Rutherford
33 Reynolds Street
South Portland, Maine

Gentlemen:

I looked over the job at 89 Brackett Street on the ground this morning and compared the situation with the plans. There are a number of omissions on the plans, notably the detail of where the roof of the addition will join the main building, and some at least of the framing members are not strong enough. There will also probably be one or two minor changes necessary on the third floor and in connection with the existing stairway.

It was suggested to Mr. Fletcher, who was in the store, that if the owners would like it that way, I would issue a preliminary permit to cover demolition only of the existing 2-story rear shed.

We would then proceed with checking the plans the best way we could, and would issue the permit with a letter noting the features needed to produce compliance with the Building Code as far as arrangement and framing members were concerned. However, we cannot describe all the details of framing as they should be.

After the final permit was issued Mr. Campbell would go ahead with the work. I have every reason to believe that he can construct the job in workmanlike manner and comply with the Building Code. In event however during the course of the work, if inspection shows deviation from the requirements, then owner and contractor will cheerfully make good the difference.

Mr. Fletcher said that you would like to proceed on that basis, and there is enclosed to Mr. Campbell, therefore, the preliminary permit covering demolition of the addition only.

I hope that we may be able to issue the final permit with our letter by the middle or latter part of next week. It should be borne in mind that the stairway in the existing shed from the second floor down is an emergency means of egress for the second floor apartment. All possible steps should be taken to make arrangements that this family may not be without a second means of egress during the progress of the work, whether during the demolition, or otherwise.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMD/G

Enclosure to Mr. Campbell: Building permit for demolition only

89 Brackett St - I

RECEIVED
MAY 23 1950
DEPT. OF BLD'G. INSP.
CITY OF PORTLAND

16 Ray St
So Portland Me

My dear Mr McDonald

In reply to your letter which was sent to 16 Ray St Portland instead of South Portland. I would like to state the facts behind my drawings for the Fletcher & Rutherford job.

First I am by no means a contractor nor a architect either. they asked me to do the carpenter work and I drew a set of plans and submitted them to you for approval, which was a waste of time. I received no pay for this and paid for the permit myself. as a small favor to them as

2
they are personal friends of mine,
they have paid a lot of money
for the building and have spent
a lot of money which neither one
has any too much off. The money
they would receive for the rent
means a lot to them.

You as much as say in your
letter that they should hire
an architect and an experienced
builder. The high fee they demand
is discouraging and very expensive
I can build that small addition
as good as any contractor and
save them a lot of money.

I was lead to understand that
you had to approve of the plans
before the City Council acted
on a permit. But now it is

3
3 weeks later and you say
you have not examined the
plans.

The letter ~~you~~ I rec'd today
was mailed last Friday they
called you on the phone Saturday
and you seemed to know
very little whether they were
approved or not.

Why it takes so long to
examine a set of plans for so
simple a structure is more
than I can understand

I have stated the size of the building
and the size of all framing members
from the sill to rafters and how
it joined the main building. What
more I ask you could be done

AP 69 Brackett Street-I

April 20, 1934

Messrs. Harlan Fletcher & Leonard Kuhnert
33 Reynolds Street
South Portland, Maine

Gentlemen:

The following points, suggested in my correspondence with you, have been
alterations in the construction of the building at 69 Brackett Street, Portland,
Maine, which is now being constructed by you. The building is now
under construction and the alterations suggested are as follows:
1. The building is to be constructed of brick and concrete block.
2. The building is to be constructed on a foundation of concrete block.
3. The building is to be constructed on a foundation of concrete block.
4. The building is to be constructed on a foundation of concrete block.

The alterations suggested are as follows:
1. The building is to be constructed of brick and concrete block.
2. The building is to be constructed on a foundation of concrete block.
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3. The building is to be constructed on a foundation of concrete block.
4. The building is to be constructed on a foundation of concrete block.

AP 89 Brackett Street,
Corner of Gray Street-I

April 11, 1950

Mr. Paul Campbell
16 Ray Street
South Portland, Maine

Subject: Application for permit for alterations to
store and dwelling to provide a separate apartment
in the third story thereof at 89 Brackett Street,
corner of Gray Street

Dear Mr. Campbell:

While the application for the work at the above location states that an existing two story rear piazza is to be demolished and a three story piazza constructed in its place, we find that the existing structure is really an enclosed shed containing a stairway. It is apparent from the plans filed with the application that the new structure is to be enclosed rather than open. However, we are unable to issue a permit for any new construction either enclosed or open so close to the lot lines as planned, even though it may be an extension upward of an existing structure.

We find that the present shed is practically on the rear lot line and only about 18" from the side lot line whereas a clearance of 25% of the depth of the lot or about 11' from the rear line and a setback of 10' from the side line are required by the Zoning Ordinance for any new work in the Apartment House Zone where the property is located. Therefore it seems useless to check the plans against Building Code requirements until some way of providing the required second means of egress from the third story has been worked out in accordance with Zoning Ordinance requirements regarding yard spaces. It is unlawful to use the third story for a separate apartment unless two means of egress complying with requirements of exits from apartment houses can be provided and until a certificate for the changed use of the building has been issued by this department.

We will therefore await further information from you before proceeding with detailed checking of the plans filed with the application.

Very truly yours,

Warren McDonald
Inspector of Buildings

AJ3/G

CC: Marion Fletcher & Leonard Rutherford
33 Reynolds Street
South Portland, Maine

89 Brackett Street-I

May 19, 1950

Messrs. Marion Fletcher & Leonard Rutherford
33 Runnells Street
South Portland, Maine

Copy to: Mr. Paul Campbell
16 Ray Street
South Portland, Maine

Gentlemen:

We have received notification from the Zoning Board of Appeals that your appeal relative to closeness to property lines with regard to your proposal to make alterations in the combined store and one family dwelling house at 89 Brackett Street, has been granted. This action by the Board of Appeals is of course subject to full compliance with all terms of the Building Code relating to the proposition.

In reply to my letter of April 20 I find that some revised plans by way of paper tracings were filed here on April 29.

From a quick examination of these paper tracings it seems unlikely that they will be either clear enough to show compliance with the requirements of the Building Code or complete enough.

At any rate you have apparently ignored the statement in the fifth paragraph of my letter of April 20 that we shall need the plans as blueprints with all of the information on them printed from the original or duplicated in some other satisfactory manner so that we can be assured that you and the contractor will have the same information which has been filed here and upon which the building permit may be issued.

You have not filed blueprints, and it is quite doubtful if we can use the plans that you have filed even if they were blueprinted. They are not carefully made, are not clear and are not made after the usual manner of making plans.

I am not refusing to examine the plans, but in the shape they appear to be, examination of them will take a long time not only to decipher the information on the plans but to understand the meaning which the maker intended to convey.

In the pressure of work in this office we can hardly take the extraordinary amount of time necessary to decipher these unusual plans to the exclusion of the many jobs that are coming in here all the time in such shape that we can understand them. Thus, under these circumstances, it would take a long time for us to reach a conclusion, and I strongly recommend that you have your plans prepared by someone who understands Building Code requirements and can prepare the plans in the usual way of making plans used and understood the world over--then file the plans as blueprints with all of the information on them printed from the original.

If you will do that we will try to give you just as quick service as we possibly can.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMD/G

City of Portland, Maine
Board of Appeals

—ZONING—

April 29, 1950

*Sustained
4/27/50*

To the Board of Appeals:

Your appellant, Marion Fletcher & Leonard Rutherford ^{are} the owners of property at 89 Brackett 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 combination store and single family dwelling house at 89 Brackett Street, corner of Gray Street, and to establish a second apartment on third floor is not issuable because the new three story addition proposed in the rear, about 10'6" x 14'6" would be only 18" from the side property line instead of the required 10' and would be only a very few inches from the rear property line instead of the minimum of 11' required by Sections 8B and 8C of the Zoning Ordinance applying to the Apartment House Zone where this property is located.

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.

Marion Fletcher
Appellant

After public hearing held on the 12th day of May, 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 Colley
John W. Lake
John C. Brown
W. H. Hall

Seald A. Cole
BOARD OF APPEALS

DATE: May 12, 1950

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF MARION FLETCHER & LEONARD RUTHERFORD
AT 89 Brackett 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. Lake	(x)	()	
Mr. Cole	(x)	()	
Dr. Holt	(x)	()	
Mrs. Frost	(x)	()	
	()	()	
	()	()	
	()	()	
	()	()	

Record of Hearing:

No opposition

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

May 9, 1950

Mrs. Mary Janugawski
72 Gray Street
Portland, Maine

Dear Madam:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, May 12, 1950 at 10:30 a. m. to hear the appeal of Marion Fletcher and Leonard Rutherford, requesting exception to the Zoning Ordinance to permit alterations in combination store and single family dwelling house at 89 Brackett Street and to establish a second apartment on the third floor of this building.

This permit is presently not issuable under the Zoning Ordinance because the new three story addition proposed in the rear would be only 18" from the side property line instead of the required 10' and would be only a few inches from the rear property line instead of the minimum of 11' required.

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

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

May 9, 1950

Mr. Marion Fletcher
33 Reynolds Street
South Portland, Maine

Dear Sir:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, May 12, 1950 at 10:30 a. m. to hear your appeal under Ordinance relating to the premises at 89 Brackett Street, Portland, Maine.

Please be present or be represented at this hearing in support of your appeal.

Very truly yours,
Edward T. Colley
Chairman

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WARREN McDONALD
INSPECTOR OF BUILDINGS

On reply to Brackett Street-1
to file

CITY OF PORTLAND, MAINE

Department of Building Inspection

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April 20, 1950

Messrs. Marion Fletcher & Leonard Rutherford
33 Reynolds Street
South Portland, Maine

Gentlemen:

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O
P
Y

The building permit, applied for by contractor Paul Campbell, intended to cover alterations in the combination store and single family dwelling house at 89 Brackett Street, corner of Gray Street, and to establish a second apartment on the third floor of the building, is not issuable under the zoning Ordinance because the new three story addition proposed in the rear, about 15' 6" x 14' 6" would be only 18" from the side property line instead of the required 10' and would be only a very few inches from the rear property line instead of the minimum of 11' required—by sections SB and SC of the Ordinance applying to the Apartment House Zone where the property is located.

You have indicated your desire to seek an exception from the Board of Appeals in this specific case; so, there is enclosed an outline of the appeal procedure.

The application for the permit and the plans, however, are inconsistent in that the application refers to an open piazza while the plans seem to clearly indicate that the proposed addition is to be an enclosed part of the building.

The plans are otherwise incomplete so that we would be unable to issue a building permit based upon them in that the true arrangement of stairs at all three levels, the pitch and width of the stairs and the fact that they are to have handrails are not shown, the framing of the first floor appears to be missing, and it is not clear how you plan to join-up the proposed flat roof of the addition with the gable-end pitch roof of the present main building.

We shall have to have all of these details shown as well as all other details and proposed changes intended to find whether or not the proposal complies with Building Code requirements, and we shall need the plans as blueprints with all of the information on them printed from the original or duplicated in some other satisfactory manner so that we can be assured that the owner and the contractor have the same information which has been filed here and upon which a building permit would be issued.

If you wish to secure public hearing on your appeal at the earliest possible time, the appeal should be filed at the office of Corporation Counsel no later than Saturday, April 22. In that case the public hearing would likely occur on Friday, April 28.

It is important that you furnish revised plans showing all of the details mentioned above and any others necessary to show compliance with the Building Code to this office well in advance of the public hearing, otherwise we shall have to request the Board of Appeals to withhold action until we can get the correct and full information.

WMcD/G

Enclosure: Outline of appeal procedure

CC: Mr. Paul Campbell
16 Ray Street
South Portland, Maine

✓ Mark Barrett, Assistant Corporation Counsel

Very truly yours,

Warren McDonald
Inspector of Buildings



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

PERMIT NO. 02995 NOV 5 1947

Portland, Maine, Oct 21 1947 Nov. 3

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 74 Gray St. Use of Building Residential No. Stories 2 New Building Existing "
Name and address of owner of appliance J. Lane 74 Gray St
Installer's name and address Community Oil Co Telephone 2-7481

General Description of Work

To install Oil burner and steam boiler

IF HEATER, OR POWER BOILER

Location of appliance or source of heat Type of floor beneath appliance
If wood, how protected? Kind of fuel
Minimum distance to wood or combustible material, from top of appliance or casing top of furnace
From top of smoke pipe From front of appliance From sides or back of appliance
Size of chimney flue Other connections to same flue
If gas fired, how vented? Rated maximum demand per hour

IF OIL BURNER

Name and type of burner Silent Blower Labeled by underwriter's laboratories? yes
Will operator be always in attendance? yes Does oil supply line feed from top or bottom of tank? Bottom
Type of floor beneath burner Cement
Location of oil storage Basement Number and capacity of tanks 1-275
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 275

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

APPROVED: OK. 11-4-47 P.M.

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 Installer

Community Oil Co J.P. Woodard

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FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, October 15, 1947

401-15000
02785
OCT 17 1947

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 **74 Gray Street** Use of Building **Dwelling** No. Stories **1** Building Existing **Yes**
Name and address of owner of appliance **Ida Lane, 74 Gray Street**
Installer's name and address **Community Oil Co., 512 Cumberland Ave.** Telephone **2-7481**

General Description of Work

To install **oil burning equipment in connection with existing steam heat**

IF HEATER, OR POWER BOILER

Location of appliance or source of heat
If wood, how protected? Type of floor beneath appliance
Minimum distance to wood or combustible material, from top of appliance or casing top of furnace Kind of fuel
From top of smoke pipe From front of appliance From sides or back of appliance
Size of chimney flue Other connections to same flue
If gas fired, how vented? Rated maximum demand per hour

IF OIL BURNER

Name and type of burner **Silent Glow** Labelled by underwriter's laboratories? **yes**
Will operator be always in attendance? Does oil supply line feed from top or bottom of tank? **bottom**
Type of floor beneath burner **concrete** Number and capacity of tanks **1-275 gal.**
Location of oil storage **basement** 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? **1.00** (\$1.00 for one heater, etc., .50 cents additional for each additional heater, etc., in same building at same time.)

APPROVED:

OK. 10-16-47. P.M.

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**

Community Oil Co.

INSPECTION COPY

Signature of Installer By

J.P. Howard