

AP 12-16 (called 5) Avon Place

March 30, 1933

Megquier & Jones Co.,
33 Pearl Street
Portland, Maine

Copy to: Mr. Edward E. Blanchard
5 Avon Place

Gentlemen:

We are unable to issue a permit for erection of a metal fire escape to project from the front wall of the building at 12-16 (called 5) Avon Place because it would project over a public way and is shown less than twelve feet above the grade, contrary to Sect. 303-g-2 of the Building Code. It is also necessary that such a projection be approved by the Municipal Officers before issuance of a permit, but it is useless to place the application before them for consideration until the plan has been revised to show compliance with the Code.

Very truly yours,

Warren McDonald
Inspector of Buildings

AJS/B

City of Portland, Maine
Board of Appeals
—ZONING—

Sustained
8/29/52

52/78

...August 13, 1952....., 19

To the Board of Appeals:

Your appellant, Edward E. Blanchard, who is the owner of property at 12-16 Avon Place, 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 authorize construction of a metal fire escape from the second floor and to authorize construction of certain partitions in the second story of the former repair and storage garage at 12-16 Avon Place, is not issuable under the Zoning Ordinance because, although the change from non-conforming repair and storage garage to a plastering contractor's place of business -- also non-conforming in the Apartment House Zone where the property is located -- is allowable under the provisions of Section 1/A of the Zoning Ordinance, relating to change from one non-conforming use to another, the same section provides that in no such case can any structural alterations take place. Also, the proposed fire escape would be only about 7' from the side property line toward Avon Street instead of the minimum of 10' required by the Zoning Ordinance in the Apartment House Zone.

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.

Edward E. Blanchard
Appellant

After public hearing held on the 29th day of August, 1952, the Board of Appeals finds that an exception is necessary in this case to grant reasonable use of property where necessary to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

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

William H. O'Brien
John W. Lake
John W. Lake
John C. Swift
Edward J. Colby
BOARD OF APPEALS

DATE: August 29, 1952

HEARING ON APPEAL UNDER THE Zoning Ordinance of Edward E. Blanchard
 AT 12-16 Avon Place

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	
Helen C. Frost	(x)	()	
Robert L. Getchell	(x)	()	
William H. O'Brien	(x)	()	
Edward T. Colley	(x)	()	
John W. Lake	(x)	()	
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Record of Hearing:
 No opposition.

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

August 26, 1952

Mr. Edward F. Blanchard
30 Market Street
Portland, Maine

Dear Mr. Blanchard:

The Board of Appeals will hold a public hearing in
the Council Chamber at the City Hall, Portland, Maine on Friday,
August 29, 1952 at 10:30 a. m. to hear your appeal under the
Zoning Ordinance.

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

Very truly yours,
H. MERRILL LUTHE
Chairman

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

August 19, 1952

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, August 29, 1952 at 10:30 a. m. Daylight Saving Time to hear the appeal of Edward E. Blanchard requesting exception to the Zoning Ordinance to authorize construction of a metal fire escape from the second floor and to authorize construction of certain partitions in the second story of the former repair and storage garage at 12-16 Avon Place.

This permit is presently not issuable under the Zoning Ordinance because although the change from non-conforming repair and storage garage to a plastering contractor's place of business -- also non-conforming in the Apartment House Zone where the property is located -- is allowable under the provisions of Section 144 of the Zoning Ordinance, relating to change from one non-conforming use to another, the same section provides that in no such case can any structural alterations take place. Also, the proposed fire escape would be only about 7' from the side property line toward Avon Street instead of the minimum of 10' required by the Zoning Ordinance in the Apartment House Zone.

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 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

H. MERRILL LUTHE

Chairman

K



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, September 5, 1952

RECEIVED
SEP 11 1952
CITY OF PORTLAND

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 5 AXON PLACE Use of Building lastering business and apartment No. Stories New Building Existing " "
Name and address of owner of appliance Edward A. Blanchard, 5 AXON PLACE
Installer's name and address A. M. Wright Co., 221 FOREST AVENUE Telephone 2-8171

General Description of Work

To install oil burning equipment in connection with existing steam heating system
(new installation)

IF HEATER, OR POWER BOILER

Location of appliance Any burnable material in floor surface or beneath?
If so, how protected? Kind of fuel?
Minimum distance to burnable 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
Will sufficient fresh air be supplied to the appliance to insure proper and safe combustion?

IF OIL BURNER

Name and type of burner Mastercraft Labeled 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
Location of oil storage basement Number and capacity of tanks 2-275 gal.
If two 275-gallon tanks, will three-way valve be provided? How many tanks fire proofed?
Will all tanks be more than five feet from any flame? yes
Total capacity of any existing storage tanks for furnace burners none

IF COOKING APPLIANCE

Location of appliance Any burnable material in floor surface or beneath?
If so, how protected? Kind of fuel?
Minimum distance to wood or combustible material from top of appliance
From front of appliance From sides and back From top of smoke pipe
Size of chimney flue Other connections to same flue
Is hood to be provided? If so, how vented? Forced or gravity?
If gas fired, how vented? Rated maximum demand per hour

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Amount of fee enclosed? 2.00 (\$2.00 for one heater, etc., 50 cents additional for each additional heater, etc., in same building at same time.)

APPROVED:

9/5/52 WJM OR.

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

A. M. Wright Co.

Signature of Installer Donald P. [unclear]

INSPECTION COPY



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

PERMIT ISSUED
01327
AUG 22 1952
CITY of PORTLAND

Portland, Maine, August 22, 1952

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: 5-7 Avon Place Use of Building: Plastering business, No. Stories: 3-2 **New Building**
Name and address of owner of appliance: Edward Blanchard, 5-7 Avon Place **Existing "**
Installer's name and address: Wilbur F. Blake, Inc., 9 Forest Street Telephone: 2-5968

General Description of Work

To install steam boiler (replacement)

IF HEATER, OR POWER BOILER

Location of appliance: boiler room in basement Any burnable material in floor surface or beneath? no
If so, how protected? _____ Kind of fuel? oil
Minimum distance to burnable material, from top of appliance or casing top of furnace: over 15"
From top of smoke pipe: over 15" From front of appliance: over 4' From sides or back of appliance: over 3'
Size of chimney flue: 9x20 Other connections to same flue: none
If gas fired, how vented? _____ Rated maximum demand per hour: _____
Will sufficient fresh air be supplied to the appliance to insure proper and safe combustion? 2 louvres are to be cut in boiler room wall taking air from basement or an automatic door to be provided between basement & boiler room

IF OIL BURNER

Name and type of burner: by others Labeled by underwriter's laboratories? & boiler room
Will operator be always in attendance? _____ Does oil supply line feed from top or bottom of tank? _____
Type of floor beneath burner: _____
Location of oil storage: _____ Number and capacity of tanks: _____
If two 275-gallon tanks, will three-way valve be provided? _____
Will all tanks be more than five feet from any flame? _____ How many tanks fire proofed? _____
Total capacity of any existing storage tanks for furnace burners: _____

IF COOKING APPLIANCE

Permit Issued with Memo

Location of appliance: _____ Any burnable material in floor surface or beneath? _____
If so, how protected? _____ Kind of fuel? _____
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? _____ Forced or gravity? _____
If gas fired, how vented? _____ Rated maximum demand per hour: _____

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Amount of fee enclosed? 2.00 (\$2.00 for one heater, etc., 50 cents additional for each additional heater, etc., in same building at same time.)

APPROVED:
8/22/52 O.F. Wjw.

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

Wilbur F. Blake, Inc. Permit Issued with Memo

INSPECTION COPY

Signature of Installer by: Wilbur F. Blake

Memorandum from Department of Building Inspection, Portland, Maine

3-7 Avon Place -- Installation of Steam Boiler for Edward Blanchard
by Wilbur F. Blake, Inc. -- August 22, 1952

The Building Code now provides that sufficient fresh air must be supplied to such an appliance to insure proper and safe combustion. Mr. Blake has answered that question on the application by saying: "Two louvres are to be cut in boiler room wall taking air from basement or an automatic door to be provided between basement and boiler room."

We have no way of knowing whether or not either of these arrangements will produce sufficient fresh air, but our inspector wonders why some direct opening is not made to the outside air through the wall of the boiler room, perhaps through a part of the existing window now temporarily closed. At any rate the installer will have to assume the responsibility for this.

It is our recollection that the basement is no longer used as a garage and that the building is not more than two stories high. If that is true, a fire resistive heater room is no longer required, but is of course allowable.

Edward Blanchard
3 Avon Place

(Signed) Warren McDonald
Inspector of Buildings



APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 1

Portland, Maine, May 8, 1952

PERMIT ISSUED

MAY 27 1952

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 52/423 pertaining to the building or structure comprised in the original application 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 12-16 Avon Place Within Fire Limits? Dist. No.
Owner's name and address Edward E. Blanchard, 30 Market Street Telephone
Lessee's name and address Telephone
Contractor's name and address J. R. Kennedy, 105 Preble Street Telephone
Architect Plans filr No. of sheets
Proposed use of building plastering contractor's place of business & apartment No. families 1
Last use Repair and storage garage and apartment No. families
Increased cost of work 500. Additional fee 1.50

Description of Proposed Work

To provide 4" standard steel pipe filled with concrete to be securely wedged between concrete floor and steel beam over, as per plan.
To provide protection at hatches of elevator as per plan.
To rebuild stairway from first to second floor as per plan and provide railing.

Permit Issued with Letter

Permit to be issued to Edward E. Blanchard

Details of New Work

Is any plumbing involved in this work? Is 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
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

Approved: with letter by [Signature]

Signature of Owner: [Signature]
Permit Issued with Letter
Approved: [Signature]
Inspector of Buildings

REPRODUCTION COPY



APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 2
Portland, Maine, August 1, 1952

PERMIT 188880
SEP 11 1952
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 52/423 pertaining to the building or structure comprised in the original application 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 12-16 Avon Place
Owner's name and address E. Edward L. Blanchard, 30 Park Street
Contractor's name and address owners
Proposed use of building Contractor's place of business & apartment
Last use repair and storage garage and apartment
Increased cost of work 900. Additional fee 3.00

Description of Proposed Work

To change a portion of second floor to office, drafting and storage space.
To erect steel partitions as shown on plan. All work shown on plan to be done.

Permit Issued with Letter

Details of New Work August 29/52

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
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

Approved: Edward E. Blanchard

Signature of Owner
Approved: Warren Wald
Inspector of Building

APPLICANTS COPY



(A) APARTMENT HOUSE ZONE
APPLICATION FOR PERMIT

Class of Building or Type of Structure Brick Building
Portland, Maine, March 31, 1952

00433
APR 10 1952
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to ~~erect~~ ~~repair~~ ~~and~~ ~~alter~~ ~~the~~ following building ~~structure~~ ~~located~~ 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 12-16 Avon Place Within Fire Limits? _____ Dist. No. _____
Owner's name and address Mr. Edward E. Blanchard, 30 Market St., Telephone 2-2474
Lessee's name and address _____ Telephone _____
Contractor's name and address _____ Telephone _____
Architect _____ Specifications _____ Plans yes No. of sheets 3
Proposed use of building Plastering contractor's place of business & apartment No. families 1
Last use Repair and storage garage and apartment No. families 1
Material brick No. stories _____ Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot _____
Estimated cost \$ _____ Fee \$.50

General Description of New Work

To change use from a repair and storage garage to office and storage of equipment and motor vehicles in connection with the business of a plastering contractor, still maintaining the one apartment existing in the building.

Permit Issued with Letter

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

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 _____ accommodated _____ number commercial cars to be accommodated _____
Will automobile repairing be done other than 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

Edward E. Blanchard

NOTES

7-8-52 Work progress very slow
 in best of the inside. De delay with
 in change of plan.

7-15-52 There is still
 work to be done on
 and 2nd story partitioning
 which is up to the
 in

7-15-52 Was not able to
 had to return to office of J.M.

9-12-52 - Left for partial
 closing in. Subject to
 on 2nd floor. W.J.M.

9-29-52 Permission to close
 in after approval of
 inspection W.J.M.

1-13-53 - Believe that clearance
 be crossed off + certificate
 issued. But there is still
 the requirement of a fire
 escape from 2nd floor.

1-22-53 - Fire door has not
 do not have metal cover
 everything else done including
 regarding elevator.

1-23-53 What not done on
 door frames + fire escape has
 not been started.

4-8-53. Elevator in use. Get
 permit as yet. 2" plaster wall
 enclosure for elevator shaft
 door metal covered but not
 self-closing wood frames
 around openings exposed. No
 safeties on elevator.

The Code Portland Co. to
 get permit covering work
 done and work required for
 safeties. Fire escape work

Permit No.	53123
Location	1216 Oregon Place
Owner	Edward C. Johnson
Date of permit	7/10/52
Notif. closing-in	8/13/52
Insp. closing-in	
Final Notif.	
Final Insp.	
Certs. of Occupancy issued	

to be done at this time
 5-6-53. Elevator safeties
 worked out by Mr. Blomquist
 recommendation Portland Co. who
 have done work necessary to put it
 separate. But applicant did not
 want to get into the safety code,
 a little with the resubmitting of the
 elevator, the enclosure and safeties
 required to have a permit. This
 is not to do anything more about
 safeties give detailed information
 as to the enclosure. W.J.M.

5-7-53 - Better - work
 on elevator work not completed.
 Safety at floor levels as worked
 out by Mr. Blomquist's name on
 operation as far as they go but
 do not feel work complete.
 Closing a floor level before door
 is closed. Mr. Blomquist has spoken
 of door closed in error then
 with some tripping arrangement
 he has in mind, but this would
 permit door to start before
 door is closed. Mr. Blomquist is
 to have electric case about
 door be provided with electrical
 control so elevator can not
 leave floor before door is closed.
 The elevator is hand operated with
 a manually controlled motor or
 arranged that it acts as a booster
 when needed, that is, hand to heavy
 forward operation. It seems this could
 be permanently hooked up with the motor
 and the door system worked out.

See second sheet

Location 12-16 Avon Place

Complaint No. _____

Permit No. 52-423

7-2-53. Talked with Mr. Grote of
Portland Co. by phone. Following
is an arrangement he proposes
to install.

When elevator not in use
all shaft windows are closed
and only doors that can be
opened in at floor where
elevator is.

When elevator is ready
for use it is started and
doors close when it is 3 or 4 feet
from level. No doors can be
opened outside the shaft
until it reaches a floor
level and then the doors
at that level only.

Mr. Grote said they close
next week and that they
will start this work the
following week.

Mr. Blanchard agreed to
cover the exposed wood, door
frames etc. around this
enclosure. etc.

7-24-53. Mr. Grote has started
this work, door frames on Wood
not yet covered. etc.

8-10-53. Called Mr. Blanchard,
Mr. Grote is working on this
from time to time trying to
get the operation of safety
features as per usual
conversation 7-2-53. Mr.
Blanchard said wood has
been covered. etc.

10-14-53. Doors are open at 1st floor,
then in basement and can be
opened on 3rd floor. etc.

10-15-53. Called Mr. Grote Portland
Co. Will call Monday 19th for
appointment. etc.

10-26-53. Out to town to look
at elevator. etc.

10-28-53. Mr. Grote & callow by
Friday. etc.

11-4-53. Spent over this on location
with Mr. Grote. He said that doors
at levels other than where the
car is can not be opened from
the outside. Doors are self-
closing and close when car
leaves a floor level. This he
demonstrated on the job. etc.

12-16 Avon Place
Blanchard Co. Blanchard
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AP 12-16 Avon Place
6/8/53 WMcD

May 18, 1953

Mr. Edward E. Blanchard
12-16 Avon Place

Dear Mr. Blanchard:

Making due allowance for the exigencies of business and moving etc., the situation of your new shop and plant at 12-16 Avon Place, is most discouraging as regards compliance with the Building Code and the common rules of safety.

After all of our negotiations, you were required by law to have from this department a certificate of occupancy, authorizing the new use of the property, before you occupied the building. You have been occupying it for many months, but we have never been able to issue that certificate.

One of the most important problems is providing enclosure of the elevator shaftway against fire and the necessary safeties in connection with the operation of the elevator to avoid loss of life and injury to persons. I have had several conversations with Mr. Grote of the Portland Company about this matter, and it is my understanding that you have provided the fire-resistant partitions around the shaftway and that each opening in this enclosure has a fire door. However, on May 6 our inspector reported that all of the safety devices had not been provided but that you are using the elevator, and that a part of the safety provisions, at least the door closers on the doors to the shaftway, is being supplied by your own forces.

I find that we were trying to get this elevator mechanism and safety straightened out as long ago as last September. This morning I learned from Mr. Grote, that you were to provide a certain type of door closer on the doors to the shaftway enclosure and when they were supplied you were to notify him and the Portlar Company would provide interlocks so that the doors to the enclosure at a given level could not be opened from the outside unless the elevator car was at that level. Mr. Grote is coming to this office today to file the application for the part of the work engaging the elevator mechanism, but the elevator company cannot do that work until you supply the door closers.

Now, Ed, you can hardly say that we are being abrupt when I tell you that we shall expect the elevator mechanism to be all in order, and the fire escape to be installed in good order, and your notice that everything has been completed, and inspection and approval by this department so that we can issue the certificate of occupancy before June 8, 1953.

Very truly yours,

Harrison McDonald
Inspector of Buildings

WMcD/b

AP 52/423-
Amend. #2 -
12-16 Avon Place

September 10, 1952

Mr. Edward E. Blanchard,
30 Market Street,
Portland, Maine

Dear Mr. Blanchard:

Your appeal under the Zoning Ordinance concerning the change of use of the building at 12-16 Avon Place and the projection of a proposed metal fire escape closer to the side lot line nearer Avon Street than is ordinarily allowable in the Apartment House Zone where the property is located having been sustained, Amendment #2 to Permit 52/423 covering partitioning off of office, drafting, and storage space in the second story of the building, is issued herewith subject to the following conditions:

1. The erection of the proposed fire escape is not included in this amendment, but is to be covered by a separate permit or another amendment to this permit filed by the contractor who is to do the work, together with a plan showing all details of its construction and erection.
2. While not controlled by the Building Code, the ventilation of the new inside toilet room is governed by State Law, and it is suggested that you consult the City Plumbing Inspector concerning requirements in this regard.
3. The use of the existing elevator in the building is still in question. It is understood that a representative of the Portland Company, which is to place it in operating condition, is to apply for a permit for such work, furnishing full information as to details of the work involved. It is also understood that certain openings in the shaftway enclosure have already been filled in with metal lath and plaster partitions. Doors on openings to the shaftway will need to be at least standard fire-resistive doors made either automatic or self-closing.

Very truly yours,

WBCD/H

Inspector of Buildings

P.S. We are unable to check for issuance for the required certificate of occupancy until the partition work is completed and we can check the whole job for the total future occupancy. It is not lawful to occupy the second floor as office, drafting room, etc., until the certificate of occupancy has been issued from this department, and that of course cannot be issued until the fire escape is built, and the arrangements about the elevator made to comply with Building Code.

AP 12-16 Avon Place

August 11, 1952

Mr. Edward E. Blanchard
30 Market Street
Portland, Maine

Copy to Corporation Counsel

Dear Mr. Blanchard:

A building permit to authorize construction of a metal fire escape on the front of the building and to authorize construction of certain partitions in the second story of the former repair and storage garage at 12-16 Avon Place, is not issuable under the Zoning Ordinance because, although the change from non-conforming repair and storage garage to a plastering contractor's place of business--also non-conforming in the Apartment House Zone where the property is located--is allowable under the provisions of Section 14A of the Zoning Ordinance, relating to change from one non-conforming use to another, the same section provides that in no such case can any structural alterations take place. The partitions and the fire escape represent structural alterations.

You have indicated your desire to seek an exception from the Board of Appeals so there is enclosed an outline of the appeal procedure. If you desire to get the decision of the Board at the earliest possible time, the appeal should be filed at the office of Corporation Counsel before the close of business on Thursday, August 14.

Very truly yours,

WMCD/S

Warren McDonald
Inspector of Buildings

It is noted that you propose the fire escape on the front of the building, and it is not known whether or not it would project beyond the line of Avon Place. In case it would so project, we would not know your rights to that projection, and would suggest that you look into them before the appeal comes to hearing. A fire escape is required, or at least some emergency means of egress from second floor, because you are likely to have more than two persons on the second floor at times.

Encs Outline of appeal procedure

AP 12-14 Avon Place

May 26, 1932

Mr. Edward E. Blanchard
30 Market Street
Portland, Maine

Re: Mr. Blanchard's

Amendment #1 to Permit 52-423 for re-building of stairway from first to second floor and for providing of protection in each story for openings in the existing elevator shaftway in the building at 12-14 Avon Place is issued herewith. It is noted that you now plan to put the existing elevator into operation in the near future instead of removing it and filling in the openings in the floors. Our last record concerning this elevator indicates that it was in a dangerous condition and therefore it is likely that considerable work will be needed to put it in safe operating condition. If and when the elevator is put into operation again, it is necessary that either the shaftway be fully enclosed with partitions of at least one-hour fire resistance or else that the openings be equipped with hatch doors, tinned on the underside and arranged to operate automatically with the movement of the elevator, together with automatic closing slatted gates at each opening in the shaftways, in order to comply with the requirements of Section 704 of the Building Code relating to existing elevators and shaftways. The wood sheathing doors indicated for installation now on the openings to the shaftway, while providing protection for the time being, may not be adequate to provide the required protection when elevator is made operative.

Very truly yours,

Warren McDonald
Inspector of Buildings

AJS/B

AP 12-16 Avon Place

April 10, 1932

Mr. Edward E. Blanchard
30 Market Street
Portland, Maine

Dear Mr. Blanchard:

Building permit for changing the use of the building at 12-16 Avon Place from repair and storage garage, with one apartment in second story, to a retail business and service by way of plastering contractor and still maintaining the second story apartment, is issued to you, herewith, subject to the following. If these conditions are not understood, or, if you are unable to abide by them will you be good enough to contact this office without delay.

1. It is to be borne in mind that when the certificate of occupancy has been issued for the new use of the building, based on the two sheets of plans filed with the application for the permit, only those uses indicated on the plans and in the locations shown will be after that allowable. To illustrate, it is understood that all parts of the building except the second story apartment and the central section in first story marked "truck space" will be used for the retail business of service and storage and accessory uses in connection therewith. Though the building is now used almost entirely as a garage, after this certificate of occupancy has been issued, it will only be allowable to use the space in first story marked "truck space" as a garage. No other part of the building may then be used for any kind of a garage and the garage space so indicated could not be located to any other part of the building without further proceedings.

2. Use of the building or premises for parking and storage of more than one truck is non-conforming with the Zoning Ordinance, but we are accepting the affidavit of Mrs. Ros. D'Almeida, wife of the former owner, to establish that in 1938 when the Zoning Law was adopted as many as six commercial automobiles were habitually parked in the building at one time. Thus the maximum number that you would be able to keep there will be six.

3. Our inspector reports a most unusual structural detail in the basement, under the brick wall which separates from the first story the truck space from the space next to it. This is at the easterly wall, where a steel beam supporting a part of the first floor apparently gets its only support at one end upon a dwarf brick pier which is in turn supported upon the bearing plate at the top of a nearby pipe column, the bearing plate projecting out to support the brick work as a cantilever. It is necessary that this situation be made permanently safe in rational fashion; so, as soon as you have determined how to accomplish that, please give us a sketch of it with all the particulars, together with application for amendment to the permit now issued so that the work can be done and everything be in order when the time comes to issue the certificate of occupancy for the new use of the building.

4. It is understood that you later will remove the elevator car and

Mr. Edward E. Blanchard -----2

April 10, 1952

mechanism and floor over the openings at the floors together with, perhaps, some other alterations which will be covered by application for a building permit before the work is started. At present the elevator, its guides and mechanism are all in position, the car being held in place by a temporary puncheon at about the first floor level. It is necessary that you provide substantial and safe railings or barricades around both sides of the elevator well at each floor so that persons may not be involved in accident by falling into the well. Our inspector says that a part at least of the well at second floor is wide open and other parts have only a temporary railing. This must be made safe until such time as the wells are closed in in adequate fashion.

5. Our inspector reports that the window opening into the boiler room and, probably, intended to supply fresh air for combustion purposes is closed up, that the smoke pipe appears to be badly rusted and that the fire door of the boiler room is not operative. All of these matters should be cleared up before we are given notice of readiness for final inspection.

6. The permit is issued and the certificate of occupancy will be on the basis that there will not be more than two persons habitually on the second floor, exclusive of the occupants of the apartment, because there are not sufficient means of egress for more than that number. During our preliminary negotiations about this building, you said that you would like eventually to use the portion of second floor toward Avon Street for offices, drafting room, etc., where there might be more than two persons frequently. You stated, and our inspector found, that the present stairway from second floor is dangerous; I believe it is your plan to rebuild this stairway, to remove all of the elevator and its mechanism and to floor over the elevator wells at each floor. The other structural alterations such as providing partitions in second story office space, a possible fire escape outside or another stairway inside would all be structural alterations for which we are unable to give a permit under the Zoning Ordinance. You have thought of waiting until you got well settled in your new quarters, and then file application for the permit for the proposed structural alterations with the thought of seeking an exception from the Zoning Board of Appeals so that the work could be done.

7. The certificate of occupancy when issued will limit the number of occupants of the second floor to not more than two until such time as you may have secured a special right to equip the second floor for a larger number.

8. When all of the above details have been cleared up, please notify this office of readiness for final inspection so that the certificate of occupancy for the new use may be issued without which it is unlawful to occupy any part of the building except the space in first story marked "truck space" for the new use.

Very truly yours,

Warren McDonald
Inspector of Buildings

EMGD/S

5-2-16
Avon Place
5-2-16
5-2-16
5-2-16

Portland, Maine, March 14, 1952

I, Rose d'Almeida, wife of Jose d'Almeida, (now deceased) of South Portland in the County of Cumberland and State of Maine, hereby certify that during the entire year 1938 and continuously from that time until the death of Mr. d'Almeida, about four years ago, I operated in conjunction with my husband the so-called Avon Garage, situated Nos. 12-20 Avon Place, (also called Nos. 5-7 Avon Place) Portland, Maine, as an automobile repair shop and public storage garage.

During the entire period of our occupancy, we conducted a business of storage of automobiles of both passenger and commercial type. During the entire period we stored a varying number of commercial automobiles at said location, ranging from four to six commercial vehicles at one time.

Signed Rose D'Almeida

STATE OF MAINE

CUMBERLAND, SS:

Portland, March 14, 1952

Personally appeared the above named Rose d'Almeida and made oath that the foregoing statements by her subscribed are true.

Before me,

Harry M. Smith
Notary Public

RECEIVED
MAR 15 1952
DEPT. OF REVENUE
CITY OF PORTLAND

INQUIRY BLANK

ZONE A

FIRE DIST. 1

CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION

Date 3/10/52

Verbal
By Telephone

LOCATION 12-16 Avon Place OWNER _____

MADE BY Sidney Shwartz TEL. 3-1461

ADDRESS 602 Congress Street

PRESENT USE OF BUILDING Repair + Storage Garage NO. STORIES 2 + Basement

LAST USE OF BUILDING Same CLASS CONSTRUCTION 2nd + 3rd

REMARKS _____

INQUIRY 1-7 Would the change of use of this building from its present use to an office for a plastering contractor and storage of his equipment, including possibly one or more trucks, be allowable under the zoning Ordinance?

ANSWER See letter

DATE OF REPLY 3/12/52 REPLY BY C. J. S.

Inquiry 12-16 Avon Place

March 20, 1952

Mr. Harry M. Schwartz
David Schwartz & Sons, Inc.
602 Congress Street
Mr. Edward E. Blanchard
30 Market Street

Gentlemen:

Referring to our letter of March 11th to Mr. Sydney Schwartz in answer to his inquiry as to change of use of the building at 12-16 Avon Place from a repair and storage garage to office and storage of equipment and motor vehicles in connection with the business of a plastering contractor, our letter raising the question as to the parking of more than one commercial motor vehicle on the property, the letter of March 15th from Mr. Harry M. Schwartz seemed to clear up the matter of storage of commercial motor vehicles by including an affidavit by Rosa D'Almeida to the effect that four or more commercial motor vehicles were habitually parked or stored on this property when the Zoning Ordinance became effective in December, 1938, and by the statement that Mr. Blanchard (prospective buyer) would never store more than four commercial motor vehicles on the property at one time.

However, Mr. Schwartz's letter indicated that Mr. Blanchard would probably want to alter the building so as to provide office space and storage room for materials and equipment. Subsequent phone conversation with Mr. Blanchard developed that they would like to subdivide the large room on the second floor by partitions to make an office and a drafting room where there might be three or four people at one time. There is only one stairway from this second floor room and that number of persons accommodated would require under the Building Code a second means of egress to the ground well separated from the entrance stairway. This additional means of egress, whether inside the building or outside fire escape, would have to be classified along with the partitions and any other proposed alterations in the building as "structural alterations" which our letter of March 11 indicated to you would not be allowable under the Zoning Ordinance.

To put this as clearly as possible, it is our belief that, supported by the affidavit as to the use of the building in 1938 for commercial vehicles, we would be able to issue a permit to change the use from garage to Mr. Blanchard's business use, if no structural alterations were involved. If structural alterations were contemplated, we could not issue such a permit.

I have talked at some length with Mr. Schwartz over the phone this afternoon, and it is to be borne in mind that while we give the best decision under the circumstances that we can in such a case, the final outcome has to depend upon what the law actually means.

If these structural alterations are indispensable, the way to proceed is to apply for a building permit at this office to change the use of the building from a Repair and Major Garage to the retail business and service of a plastering contractor, including the construction of certain partitions and any other alterations contemplated, in sufficient detail so that we can tell how the Building Code as well as the Zoning Ordinance apply to the situation. It is obvious from the above, that

Stuart, Blanchard — 2

March 20, 1952

We cannot issue such a permit if structural alterations are involved, but the application could then be the basis for an appeal to the Zoning Board of Appeals seeking the right to make the structural alterations. Such an appeal is filed at the office of Corporation Counsel, according to the procedure enclosed to each of you; but the application for the building permit is the first step. The details in that application will enable us to notify the Corporation Counsel's Office of the brief statement necessary to describe the reasons for the appeal.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMC/s

Enclosure to each addressee: Outline of appeal procedure

Inquiry
12-16 Avon Place

March 11, 1952

Mr. Sidney P. Shwartz
602 Congress Street
Portland, Maine

Dear Mr. Shwartz:

We are in receipt of your inquiry concerning application of the Zoning Ordinance to a change of use of the building at 12-16 Avon Place from a repair and storage garage to office and storage of equipment and motor vehicles in connection with the business of a plastering contractor. In view of the fact that the present use of the building is non-conforming in the Apartment House Zone where the property is located, any proposed change in use would have to be allowable in a Limited Business Zone, which is the zone next greater in degree of restriction to a General Business Zone, this latter zone being the most restricted one in which the present repair garage use of the building is allowable, as provided by Section 14-A of the Zoning Ordinance.

If we understand correctly the proposed new use of the building, it would be in the nature of a retail business, without any wholesale aspects involved, and as such would be allowable in a Limited Business Zone and hence a permissible change of use of the building. However, the parking or storage of more than one commercial motor vehicle is not an allowable use in a Limited Business Zone and therefore, if it were planned to store more than one truck in any part of the building, there would be a question as to compliance with the Ordinance on that score. If it can be established that at least the same number of commercial motor vehicles as it is desired to keep in the building were being stored there in 1938, and an affidavit to that effect can be furnished, there should be no further question as regards this aspect of the use of the building; otherwise it would be necessary to secure the approval of the Board of Zoning Appeals for storage of such a nature.

Aside from the application of the Zoning Ordinance to the proposition, there might or might not be requirements of the Building Code to be met, depending upon how different parts of the building were to be used. Any such requirements cannot, of course, be determined until the exact manner in which the building would be used is known. In any case, a permit from this department would be required for the change of use of the building and any structural alterations to the building, except those necessary to provide compliance with any law, ordinance or regulation applying to the situation, would not be allowable under Section 14-A of the Zoning Ordinance.

Very truly yours,

Warren McDonald
Inspector of Buildings

AJS/B