

175 NEAL STREET - 173

CITY OF PORTLAND, MAINE
Application for Permit to Install Wires

Permit No.
 Issued
 Portland, Maine Oct 28, 1955
26

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 H. J. KATZ CO Tel.
 Contractor's Name and Address John E. E Tel.

Location 175 West St. 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 Plugs Light Circuits Plug Circuits
 FIXTURES: No. Light Switches Fluor. or Strip Lighting (No. feet)
 SERVICE: Pipe Cable Underground No. of Wires 4 Size 3/0
 METERS: Relocated 1 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 19 Ready to cover in 19 Inspection Will call

Amount of Fee \$ 2.00
 Signed H. Kelly

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 C. G. Herbert
 (OVER)

*Penning
 3/22/66
 Blue 1129
 3/23/66*

LOCATION 175 Neal St
INSPECTION DATE 4/20/66
WORK COMPLETED 4/20/66
TOTAL NO. INSPECTIONS 2/40
REMARKS.

FEEES FOR WIRING PERMITS EFFECTIVE JULY 31, 1963

WIRING		
1 to 30 Outlets	(including switches)	\$ 2.00
31 to 60 Outlets	(including switches)	3.00
Over 60 Outlets, each Outlet	(including switches)	.05
(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, Dishwashers, etc. — Each Unit		1.50
TEMPORARY WORK (limited to 6 months from date of permit)		
Service, Single Phase		1.00
Service, Three Phase		2.00
Wiring, 1-50 Outlets		1.00
Wiring, each additional outlet over 50		.02
Circuses, Carnivals, Fairs, etc.		10.00
MISCELLANEOUS		
Distribution Cabinet or Panel, per unit		1.00
Transformers, per unit		2.00

(COPY)

CITY OF PORTLAND, MAINE
Department of Building Inspection



Certificate of Occupancy

LOCATION #173-175 Neal St.

Date of Issue April 27 1966

Issued to M J Katz Company (Reuben Katz)
173-175 Neal St.

This is to certify that the building, premises, or part thereof, at the above location, built ~~altered~~
—changed as to use under Building Permit No. 66/275, has had final inspection, has been found to conform
substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for
occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Entire

APPROVED OCCUPANCY

Office, Shop and Storage of
Plumbing Supplies.

Limiting Conditions:

This certificate supersedes
certificate issued

Approved:

Nelson F. Cartwright
Inspector
(Date)

Gerald E. Mulberry
Inspector of Buildings

Notice. This certificate identifies lawful use of building or premises, and ought to be transferred from
owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar

CITY OF PORTLAND, MAINE

City Planning Board

TO: Each Member of the
City Planning Board

DATE: July 9, 1965

FROM: Wm. Bruce Dalton, Planning Director

SUBJECT: MINUTES OF THE PLANNING BOARD MEETING ON JULY 9, 1965

A regular meeting of the City Planning Board was held on Friday morning, July 9, 1965, in Room 209, City Hall, Portland, Maine.

	<u>Persons Attending</u>
John P. Connolly, Vice Chairman	
Harry E. Cummings	
Richard H. Goodrich	
Albert G. Hobbs	
Mitchell Cope, Associate	
John E. Pancoast, Associate	
Wm. Bruce Dalton, Planning Director	
Floyd E. McKay, Planner II	
Carolyn R. Man nester, Planning Analyst	
Henry Willett, Landscape Architect	
Robert D. Cursey, Planner I	
Robert Demaine, Planning Intern	
Janice Hoskins, Planning Intern	
Albert Searr Building Inspector	
Daniel Toppi, developer	
Richard Holden, developer	

The Vice Chairman called the meeting to order at 9:00 A.M.

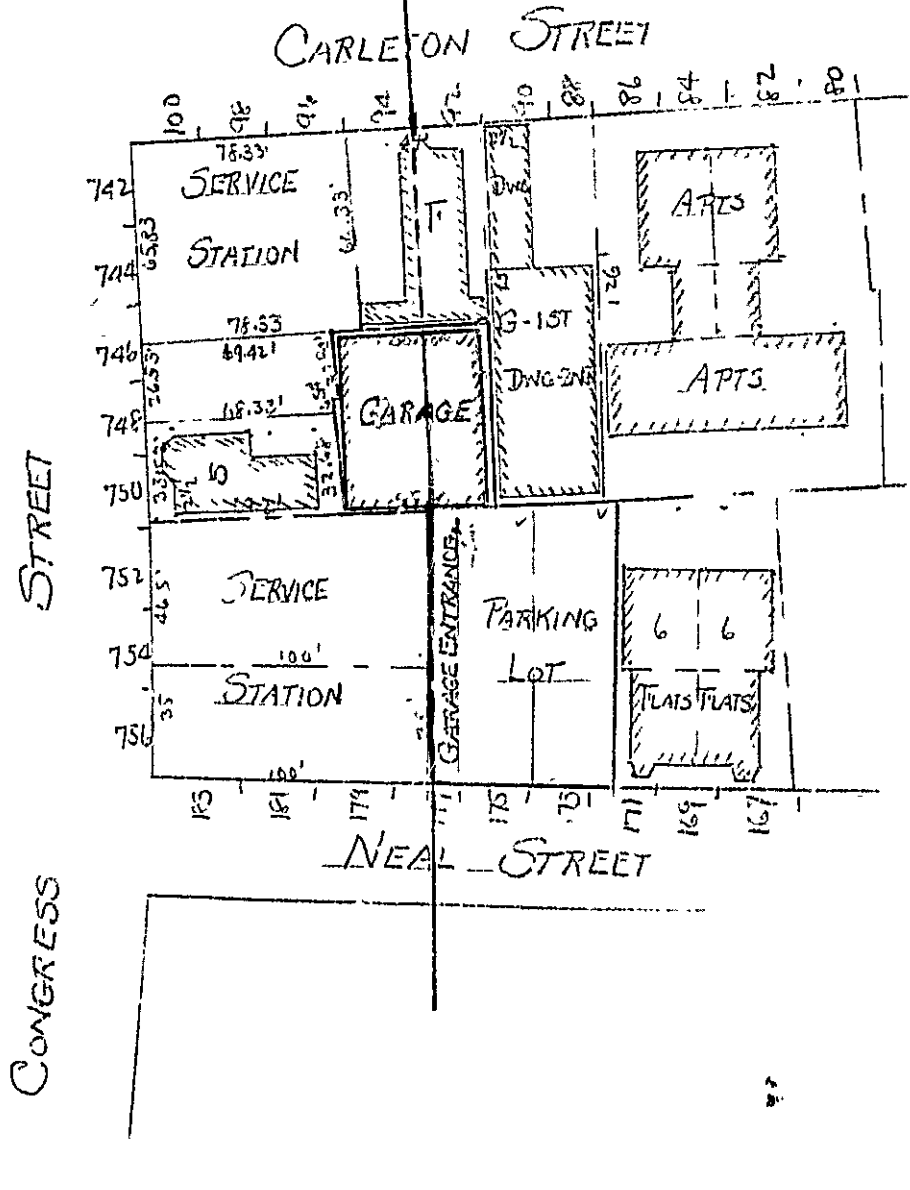
1: Petition to include legal services in R-5 Zone Appeals - Mr. Toppi

Mr. Toppi owns a 29,000 square foot 102 foot frontage lot at 522 Deering Avenue in an R-5 Zone across the street from the B-2 Zone at Woodford Corner. Under the present zoning Mr. Toppi can appeal for parking on the lot in connection with businesses in the B-2 zone. However, he would like to rent space to two lawyers for offices in the house which sits on the lot. He is therefore petitioning to have legal services included as an appealable use in the R-5 Zone. Mr. Toppi outlined the present land use along the Deering Avenue frontage between Revere and Lincoln Streets. He felt the proposed professional zone would serve his need in this case but fears final adoption by the City Council might be a year away. Asked by the Board if this area was being considered for the proposed Professional Zone, Mr. McKay said it would be appropriate. Mr. Hobbs stated that while law offices in this area might be a logical use, they might not be suitable in all R-5 zones in the city. It was noted that there has been some pressure to expand the B-2 zone at Woodford Corner to include the block on which Mr. Toppi's property is located. Mr. Toppi pointed out the Woodford Merchant's Association has been buying up dilapidated property in the area and the recent sale of the Mosher property at the corner of Woodford Street and Forest Avenue might prelude building activity which would eliminate the present parking lot on Grace Street.

54-G

from 175 Neal
California Oil Co.

B-2 ← R-6



175 Neal char

Mr. Cummings moved that the petition be referred to the staff for study and report. It was so voted.

2. Change of non-conforming use at R175 Neal Street

A plumbing firm wishes to establish an office and storage of contractor's supplies in a former repair garage on the interior of the block. The only access to the building is from Neal Street over a lot which is in an R-6 zone and the access is therefore a non-conforming use. Mr. Sears explained that according to the Zoning Ordinance that the Planning Board must be consulted before the matter can be considered by the Board of Appeals. He stated there had been no complaints in a similar case approved on Brackett Street. It was felt the proposed use would be a more desirable use than a repair garage. Mr. Goodrich moved that the Planning Board recommend to the Zoning Board of Appeals that the proposed use of the access be approved. It was so voted.

3. Subdivision - Jordan and Hammond

Preliminary to the development of a new subdivision adjacent to Sunset Heights, Jordan and Hammond are proposing a swap of 8.5 acres of privately owned land for 7.22 acres of unused Evergreen Cemetery land. Mr. Willette showed the Board a map on which the two parcels were outlined and the proposed street layout was drawn. He stated that Karl Switzer, Director of Parks and Recreation, has approved the land swap and that the staff felt the proposed subdivision was a good solution to completing of the neighborhood. It was pointed out that because of the gully in the area, the swap would actually improve the compactness of the Cemetery. It was suggested that a park could be developed as an interim use on the portion being taken by the City.

It was moved by Mr. Cummings and seconded by Mr. Hobbs that the City Council should be informed that at the request of Jordan & Hammond the proposed land swap had been considered and recommended as a preliminary step in connection with the proposed subdivision, and that Mr. Switzer's approval in writing be included with the recommendation. It was so voted.

4. Residential-Professional Zone

A draft of the proposed amendment to the Zoning Ordinance (Sec. 6-1) was completed just before the meeting. Copies have been given to the Corporation Counsel and the Building Inspector who have agreed in principle but have not had an opportunity for item by item examination.

Copy of draft attached to official copy of Minutes

The original R-7 proposal would have allowed all uses in R-6. Since it is expected that most of these zones would abut R-5 zones, the revision specifies all uses in R-5.

Mr. Cope expressed concern that the revision would be more restrictive on potential residential developers than on commercial developers. Mr. McKay explained that the new flexible zoning concept being considered by the Board ought to take care of this objection but that including the two proposed changes in the ordinance in a single package would be unwieldly. Also he felt that the maximum lot coverage and height limitations would be in line with the present restriction.

Mr. Dalton said the preamble explained the intent of the ordinance. He expanded on the fencing, landscaping and set-back requirements. He stated that every effort had been made to insure development as harmonious as possible with adjacent residential properties.

Mr. Holden, who wishes to construct an office building on outer Brighton Avenue which would require use of the new proposed zone, said that the chief concern of neighborhood residents appears to be traffic generation. Mr. Holden wished to know how long it would be before the new zone would be effective. Mr. Dalton said the staff work was just about done on the ordinance. Now the areas of the city to be so-zoned must be determined. He estimated a month to six weeks before the proposal could go to Council. At that point the Planning Board no longer has control of the time factor.

Mr. Holden asked if he made petition for an extension of the present B-1 zone in the area and it were denied, if he could come back and petition for the Residential-Professional Zone; the answer was yes.

Mr. Cummings moved and Mr. Goodrich seconded that the staff should proceed on the proposed zone as outlined. It was so voted.

5. Downtown Idea Exchange - Parking Meters

Copies of an article appearing in Downtown Idea Exchange, a publication to which the Department has recently subscribed, were distributed to Board members for general information purposes.

6. Communique from Victor Gruen Associates (letter attached to official copy of Minutes)

Copies of a letter from Victor Gruen Associates, consultants on the Downtown General Neighborhood Renewal Plan, were distributed to Board members. Mr. Dalton told the Board we had furnished Gruen with all the material they had requested but apparently they were not satisfied. Mr. Goodrich moved and Mr. Hobbs seconded that the report be received and filed. The motion carried.

7. Communique from Superintendent of Schools

Mr. William Soule, Superintendent of Schools, forwarded to the Planning Board yesterday communique on the request of parents from the Hall School and parents from the Butler-McLellan School concerning building needs in those districts. Mr. Dalton said he had not had an opportunity to have copies of the communique made for the Board. Mr. Hobbs moved and Mr. Goodrich seconded that the report be received and referred to the staff for a preliminary report at its next work session.

There being no further business to come before the Board, the meeting was therefore adjourned at approximately 10:30 A.M.

End of Minutes

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: William Bruce Dalton, Planning Director
FROM: Albert J. Sears, Building Inspection Director
SUBJECT: Change of use of garage at R.175 Neal Street

DATE: June 25, 1965

This building which has been used for many years both as a repair and a storage garage is located partly in a B-2 Zone where the use is conforming and partly in an R-6 Zone where it is non-conforming. However, the entire building is within the allowable 30-foot extension of the business use into the residential zone so that the building itself is presently conforming as to use.

The only entrance to the building is from Neal Street and in order to reach it, it is necessary to cross the vacant land located between the building and Neal Street, which is a separate lot from that on which the building is located and is located in the R-6 Zone. Therefore the garage use is non-conforming as far as the passage over this land in the R-6 Zone is concerned.

The H. J. Katz Company is considering purchasing this property if they can use it for the headquarters, shop, and storage for their plumbing contracting business. They also would like to fix up the two vacant lots fronting on Neal Street, which are under the same ownership as the building for neighborhood parking. These lots have been used over the years for various types of parking, but without any lawful authorization to do so.

To change the use of the building from a garage use to the proposed use it is necessary that the latter be allowable in a B-2 Business Zone but the storage of contractor's equipment and supplies is not. Mr. Reuben Katz of the plumbing concern would therefore like to appeal in the name of the Community Oil Company, the present owners, for the proposed use of the building under the provisions of Section 24-C of the Zoning Ordinance. The accompanying plans are therefore referred to you for action by the Planning Board and report to the Board of Appeals as specified in this section of the Ordinance.

The use of the vacant land for off-street parking will also need to be included in the appeal as a conditional use which may be authorized by the Board of Appeals in the R-6 Zone in which the property is located.

Albert J. Sears

AJS:m
attachment

R6 RESIDENCE ZONE



APPLICATION FOR PERMIT

Class of Building or Type of Structure Second Class
Portland, Maine, June 24, 1965

PERMIT ISSUED
00275
APR 25 1966
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect alter repair demolish in all the following adding 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 173-175 Neal St. Within Fire Limits? Dist. No.
Owner's name and address Community Oil Co. 175 Front St. So. Portland Me Telephone
Lesser's name and address Prospective owner H.J Katz Company (Reuben Katz) 7a Washington Ave Telephone 3-7343
Contractor's name and address Telephone
Architect Specifications Plans yes No. of sheets 1
Proposed use of building Office, Shop & Storage for Plumbing Contractor's Business No. families
Last use Repair Garage No. families
Material brick No. stories 1 Heat Style of roof Roofing
Other buildings on same lot
Estimated cost \$ Fee \$ 2.00
per 4/25/66

General Description of New Work

To Change Use of garage at rear #175 Neal St. to office, sl. p & storage for a plumbing contractor's business.

To provide off-street neighborhood parking for sixteen passenger cars on lot #173-175 Neal St. in front of garage.

This application is preliminary to get settled the question of zoning appeal. In event the appeal is sustained the applicant will furnish complete information, estimated cost and pay legal fee.

Appeal sustained 7/29/65

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 H.J. Katz Co. (Reuben Katz) 7a Washington Ave.

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 solid or filled land? earth or rock?
Material of foundation Thickness, top 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:

J. E. Katz

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

H.J. Katz Company (Reuben Katz)

ACTION COPY

Signature of owner by

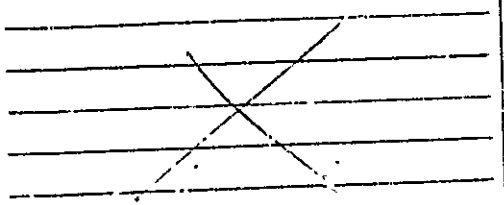
Reuben Katz

7m

Permit No. 64275
Location 173-175 Road Street
Owner W. J. Katz Company
Date of permit 2/14/66
Notif. closing-in _____
Inspn. closing-in _____
Final Notif. _____
Final Inspn. _____
Cert. of Occupancy issued 4/27/66
Staking Out Notice _____
Form Check Notice _____

NOTES

14-2-7-6 Completed
RA





FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, March 11, 1966

PERMIT ISSUED
MAY 11 1966
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

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 273-175 Neal St. Use of Building Storage for Plumbing Supplies No. Stories 3 New Building Existing
 Name and address of owner of appliance H. J. Katz Co. (Reben Katz) 72 Washington Ave.
 Installer's name and address owner Telephone

General Description of Work

To install Oil-fired steam heating system (replacement)

IF HEATER, OR POWER BOILER

Location of appliance first floor Any burnable material in floor surface or beneath? none
 (boiler room)
 If so, how protected? Kind of fuel? oil
 Minimum distance to burnable material from top of appliance or casing top of furnace 3'
 From top of smoke pipe front of appliance over 3' From sides or back of appliance over 3'
 Size of chimney flue 12x12 Other connections to same flue none
 If gas fired, how vented? Rate of maximum demand per hour
 Will sufficient fresh air be supplied to the appliance to insure proper and safe combustion? yes

IF OIL BURNER

Name and type of burner Weil-McLain-gunt type Labelled by underwriters' 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 Size of vent pipe 14"
 Location of oil storage inside Number and capacity of tanks 275 gals.
 Low water shutoff? yes Make McD-Miller No 47-2
 Will all tanks be more than five feet from any flame? yes How many tanks enclosed?
 Total capacity of any existing storage tanks for furnace burners

IF COOKING APPLIANCE

Location of appliance Any burnable material in floor surface or beneath?
 If so, how protected? Height of legs, if any
 Skirting at bottom of appliance? Distance to 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 food 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 et. paid? 2.00. (\$2.00 for one heater, etc., \$1.00 additional for each additional heater, etc., in same building at same time.)

APPROVED:
 O.V. 3-11-66

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

H J Katz Company (Reben Katz)

Signature of Installer by: Reben Katz

INSPECTION COPY

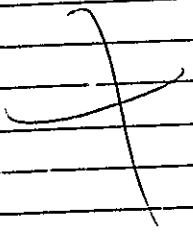
NOTES

Permit No. 661138
 Location 173-175 Paul Street
 Owner J. J. Kelly & Co. (Rochester)
 Date of permit 5/11/66
 Approved _____

1	1" Pipe	
2	ext. pipe	
3	kind of heat	
4	burner R.G. City	
5	iron & Lab.	
6	stack cont.	
7	high iron	
8	terrace	
9	paper	
10	val	
11		
12		
13	fan	
14	oil charge	
15	instructor cart	
16	low water shut off	

3-29-66 set in place *JJK*

4-27-66 Completed *JJK*



CITY OF PORTLAND, MAINE
Application for Permit to Install Wires

Permit No. **54749**

Portland, Maine **4/5/66**, 19

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 **H. J. KATZ** Tel. _____
 Contractor's Name and Address **Speller Electric Co** Tel. _____
 Location **175 Grand St** 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 _____ Plugs _____ Light Circuits _____ Plug Circuits _____
 FIXTURES: No. **20** Light Switches **5** Fluor. or Strip Lighting (No feet) **200**
 SERVICE: Pipe _____ Cable _____ Underground _____ No. of Wires _____ Size _____
 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 _____ 19 _____ Ready to cover in _____ 19 _____ Inspection _____ 19 _____
 Amount of Fee \$ **2.00**

Signed *A. J. Speller*

DO NOT WRITE BELOW THIS LINE

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

CG 283

INSPECTED BY *F. W. Hebert*
 (OVER)

LOCATION *Neal ST. 175*
 INSPECTION DATE *4/5/66*
 WORK COMPLETED *4/5/66*
 TOTAL NO INSPECTIONS *1*
 REMARKS:

FEES FOR WIRING PERMITS EFFECTIVE JULY 31, 1963

WIRING		
1 to 30 Outlets	(including switches)	\$ 2.00
31 to 60 Outlets	(including switches)	3.00
Over 60 Outlets, each Outlet	(including switches)	.05
(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, Dishwashers, etc. — Each Unit		1.50
TEMPORARY WORK (limited to 6 months from date of permit)		
Service, Single Phase		1.00
Service, Three Phase		2.00
		1.00

(COPY)

CITY OF PORTLAND, MAINE
Department of Building Inspection



Certificate of Occupancy

LOCATION #173-175 Neal St.

Issued to H. J. Katz Company
72 Washington Ave.

Date of Issue November 24, 1965

~~This is to certify that the building, premises, or part thereof, at the above location, built, altered, or changed as to use under Building Permit No. _____, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.~~

PORTION OF BUILDING OR PREMISES

Area as shown on plot plan.

APPROVED OCCUPANCY

Off-street parking for
twenty passenger cars.

Limiting Conditions:

This certificate supersedes
certificate issued

Approved:

(Date)

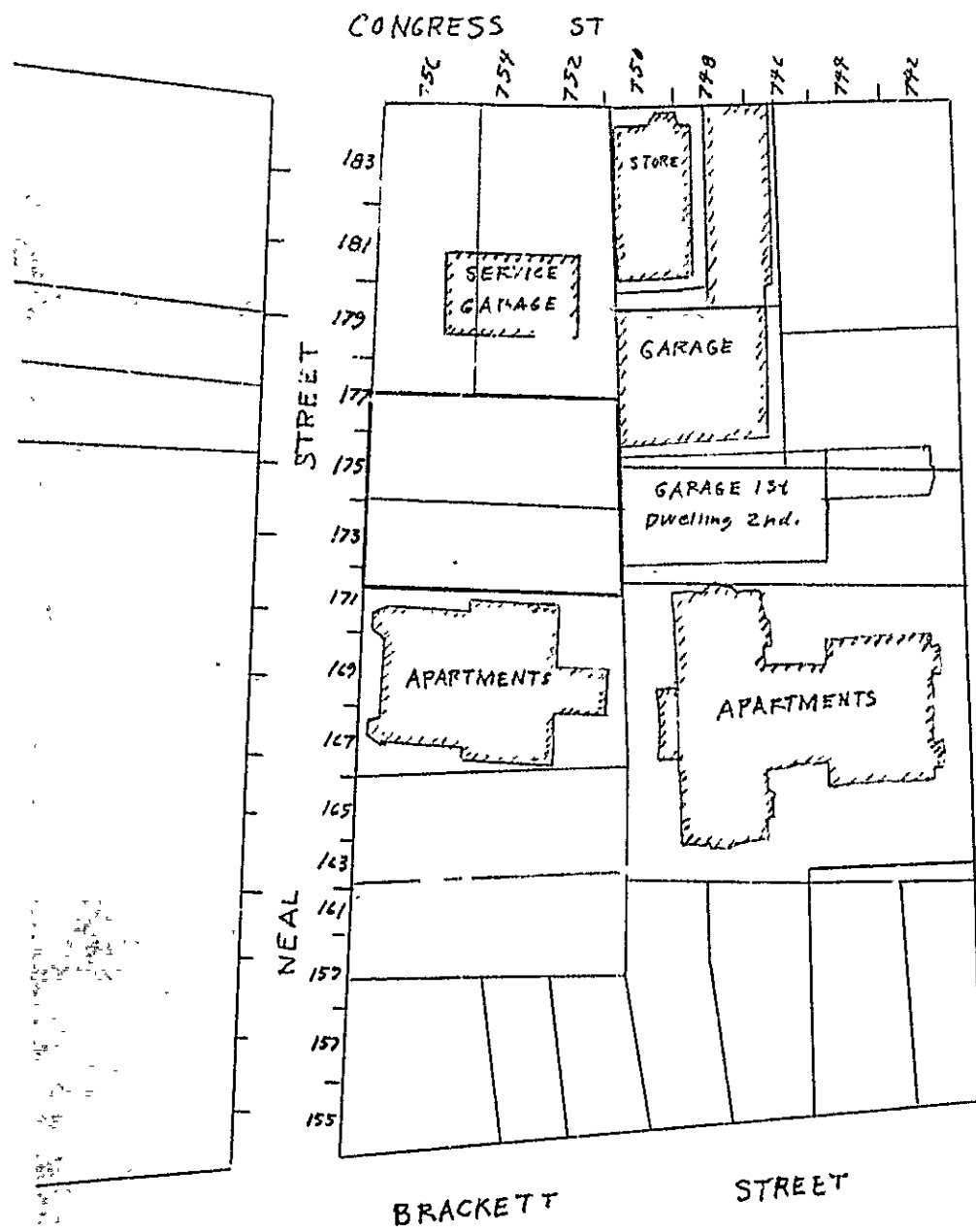
Nelson F. Cartwright
Inspector

Gerald E. Mayberry
Inspector of Building

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

173-175 Neal St
54 G-5, 7

8/65



APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

Portland, Maine August 17, 1965

Location 173-175 Neal Street Zone R-6 Zone

To the INSPECTOR OF BUILDINGS, Portland, Maine

The undersigned hereby applies for a certificate of occupancy to allow the use of the above named premises for Off-street parking

as set forth on the attached site plan (made by A. Bernstein whose address is 15 Bramhall Street to show compliance with the Zoning

Ordinance according to the intended use and the zone in which the property is located; and in accordance with the following pertinent information:

Owner (name, address and phone number) H. J. Katz Co., 7a Washington Ave.

Lessee (name, address and phone number) _____

Is proposed use to be accessory to a building or other use on this lot? no
If so, what is use of building or other use Residence of H. J. Katz Co. at 7a Washington Ave.

If off-street parking is sought, what is proposed maximum number of vehicles to be parked--passenger cars? 16, commercial vehicles? _____

Have you secured on the site plan the written approval of existing and proposed entrances to and exits from the premises for vehicles over public sidewalks by the Traffic Engineer (Dept. of Pub. Works)? _____
And, if access to the premises is available from more than one street, have you secured similar approval by the Planning Board? _____?

Have you shown on the site plan the true location of all trees on the public street along the frontage of the premises (both streets if a corner lot)? no trees

Do you propose to remove or disturb any tree on a public street? no
If so, have you secured on the site plan the written approval of the Director of Parks and Recreation? _____

Area obtained 7/24/65 Signature of Owner H. J. Katz Company

By Richard Katz
(duly authorized thereto)

2.00 fee

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To: H. J. Katz Co.,
7a Washington Ave.

COMMENCING the above proposed use of the premises would be IN VIOLATION of the Zoning Ordinance unless a Certificate of Occupancy is first procured from the Department of Building Inspection.

However, improvement of the premises according to the site plan and the above application may now proceed without further authorization, but subject to the conditions indicated below--notice of readiness for final inspection to be given to this department when the premises have been placed in compliance with the requirements:

DATE 8/24/65

Albert J. Sears
Inspector of Buildings

INSPECTION COPY

11-24-65 Completed



R6 RESIDENCE ZONE
APPLICATION FOR PERMIT

Class of Building or Type of Structure second class

Portland, Maine, November 22, 1965

PERMIT ISSUED
NOV 24 1965
CITY OF PORTLAND

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 113-175 Neal St. Within Fire Limits? _____ Dist. No. _____
 Owner's name and address H J Katz Company (Rouben Katz) 7a Washington Ave. Telephone _____
 Lessee's name and address _____ Telephone _____
 Contractor's name and address King Rutland, 163 Maine Ave. Telephone 797-3400
 Architect _____ Specifications _____ Plans no No. of sheets _____
 Proposed use of building Storage for Plumbing Supplies No. families _____
 Last use " Garage No. families _____
 Material brick No. stories 1 Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ 500.00 Fee \$ 3.00

General Description of New Work

To replace front window with entrance door. (3' x 7' opening-existing ^{header} ~~header~~-brick)
 To relocate ^{non-bearing} partitions for office space from one side of building to other side.
 2x4 studs 16" o.c. covered with plywood.

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 contractor

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 _____ solid or filled land? _____ earth or rock? _____
 Material of foundation _____ Thickness, top _____ 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:

J. E. M.

Miscellaneous

Will work require disturbing of any trees 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

J Katz Company (Rouben Katz)

CS 301

INSPECTION COPY

Signature of owner by: King Rutland

M.

Appeal Granted 7/29/65
65/81

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

VARIANCE APPEAL

California Oil Co., owner of property at 173-175 and 175 Neal 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: changing use of the building from a garage to a shop with storage of supplies and equipment for a plumbing contractor, and for using the two front lots at 173-175 Neal Street that are a part of the same property for off-street parking of sixteen passenger cars. This permit is presently not issuable because (1) The storage of contractor's equipment and supplies is not allowable in a B-1 Business Zone, as it would need to be under the provisions of Sec. 17-D-3 of the Ordinance for such a change to be made in the present use of the building, which is non-conforming because its only access is from Neal Street over land located in an R-6 Residence Zone; (2) The off-street parking use proposed on the front lots is not allowable in the R-6 Residence Zone in which they are located unless authorized by the Board of Appeals under the provisions of Sec. 7-A-7d 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.

California Oil Co.

K. O'Malley - Owner
APPELLANT

DECISION

After public hearing held July 29, 1965, the Board of Appeals finds that all of the above conditions do exist with respect to this property and that a variance should be granted in this case.

It is, therefore, determined that a variance from the provisions of the Zoning Ordinance should be granted in this case.

Franklin G. Hinckley
Wm. W. Street
John J. Perry
BOARD OF APPEALS

J. E. RUBINSKY
299 NORTON STREET
NEW HAVEN, CONN. 06511

AUG 26 1965

Board of Appeals
City of Portland, Me.
Gentlemen:

Thank you for your letter of the 14th asking for my opinion on the petition to the change in the Zone ordinance to allow the conversion of the property numbered 173 and 175 to a plumbing warehouse and the front of the property for parking 16 cars.

I would have preferred to appear before you personally to express my decided objections but due to physical reason I am unable to travel.

In my considered opinion such a change would mean the deterioration of a fine residential section, would inevitably create noise and traffic hazards and result in the deterioration of the properties and depreciating their desirability with the resulting loss due to vacancies and lossing of real-estate values.

In my humble opinion granting of this petition and the variance it asks for

JUL 26 1965

Would certainly adversely affect my property,
which has 29 tenants and is the largest
piece here in terms of occupancy, and
also its valuation and tenant desirability -
appreciably.

Yours truly

J. E. Rensley

A.P.- 173-175 and Rear 175 Neal Street

July 9, 1965

Mr. Reuben Katz
H. J. Katz Company
7 Washington Avenue

cc to: Corporation Counsel

Dear Mr. Katz:

Building permit and certificate of occupancy for changing the use of the building on the lot at Rear 175 Neal Street from a garage to a shop with storage of supplies and equipment for a plumbing contractor, and for using the two front lots at 173-175 Neal Street that are a part of the same property for off-street parking of sixteen passenger cars, are not issuable under the Zoning Ordinance for the following reasons:

1. The storage of contractor's equipment and supplies is not allowable in a B-1 Business Zone, as it would need to be under the provisions of Sec. 17-D-3 of the Ordinance for such a change to be made in the present use of the building, which is non-conforming because its only access is from Neal Street over land located in an R-6 Residence Zone.
2. The off-street parking use proposed on the front lots is not allowable in the R-6 Residence Zone in which they are located unless authorized by the Board of Appeals under the provisions of Sec. 7-A-7d of the Ordinance.

We understand that you would like to exercise your appeal rights in this matter. Accordingly you should come to this office to file the appeal on forms that are available here. Unless you have a valid contract to purchase the property, the appeal will need to be made in the name of and signed by an authorized agent of the actual owner, which according to Assessor's records is the California Oil Company of Perth Amboy, N. J.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

July 26, 1965

California Oil Co.
175 Front Street
So. Portland, Maine

cc: Mr. Reuben Katz
7 Washington Ave.

Gentlemen:

July 29, 1965

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

July 19, 1965

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, July 29, 1965, at 4:00 p.m. to hear the appeal of California Oil Co. requesting an exception to the Zoning Ordinance to permit changing the use of the building at 173-175 and Rear 175 Neal Street from a garage to a shop with storage of supplies and equipment for a plumbing contractor, and for using the two front lots at 173-175 Neal Street that are a part of the same property for off-street parking of sixteen passenger cars.

This permit is presently not issuable under the Zoning Ordinance because (1) The storage of contractor's equipment and supplies is not allowable in a B-1 Business Zone, as it would need to be under the provisions of Sec. 17-D-3 of the Ordinance for such a change to be made in the present use of the building, which is non-conforming because its only access is from Neal Street over land located in an R-6 Residence Zone; (2) The off-street parking use proposed on the front lots is not allowable in the R-6 Residence Zone in which they are located unless authorized by the Board of Appeals under the provisions of Sec. 7-A-7d of the Ordinance.

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

h

California Oil Co.
175 Front St.
So. Portland, Maine

cc: H.J. Katz Co.
7 Washington Ave.

Gentlemen:

Enclosed please find copy of the decision of the Board of Appeals relating to your request to change the use of the building at 173-175 and Rear 175 Neal Street from a garage to a shop with storage of supplies and equipment for a plumbing contractor, and for using the two front lots for off-street parking of sixteen passenger cars.

It will be noted that this appeal was granted.

Very truly yours,

Robert W. Donovan
Assistant Corporation Counsel

h
Enclosure (1)

INQUIRY BLANK

ZONE B-27 R-6
FIRE DIST. 1-B

CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION

Letter-
Verbal-
By Telephone

Date June 11, 1965

LOCATION R 175 Neal Street OWNER _____

MADE BY Reuben Katz of H. J. Katz Co. TEL. _____

ADDRESS 7 Washington Avenue

PRESENT USE OF BUILDING Garage NO. STORIES 1

LAST USE OF BUILDING Garage CLASS OF CONSTRUCTION Second

REMARKS _____

INQUIRY 1- Would it be allowable under the Zoning Ordinance to convert this building to shop and storage for plumbing contracting business
2- Can lots at 173-175 Neal Street, which are part of the same property be used for off-street parking?

ANSWER i- See letter

DATE OF REPLY 6/15/65 REPLY BY AGS

Herbert F. Stout
Communications
Engineering, Inc.

~~3 Mountfort Street~~
972-2700

Interested in going
into building at
near 175 Neal Street

Use probably O.K.

INQUIRY BLANK

Please file off

ZONE B-2-R-1

FIRE DIST. 1-B

CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION

Date 3/1/60

Verbal
By Telephone
By letter

LOCATION Rear 175 1/2 St OWNER Commercial Co

MADE BY W. J. McMillan TEL. 5-2000

ADDRESS 204 Ke... St

PRESENT USE OF BUILDING Warehouse NO. STORIES 1

LAST USE OF BUILDING same CLASS OF CONSTRUCTION Steel

REMARKS _____

INQUIRY Whether it is allowable to install a partition
along the rear wall of the warehouse under section 17-B
of the Building Code, Portland, Maine?

ANSWER We have not a rule in the degree
of non-compliance of the rear wall as regards
and therefore it is allowable under section
17-B of the Building Code, Portland, Maine.

DATE OF REPLY 3/3/60 REPLY (W. J. McMillan)



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, January 22, 1958

00035
1-22-1958

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

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 175 Neal St. Use of Building Garage No Stories 1 New Building Existing "
Name and address of owner of appliance Community Oil Co, 204 Kennebec St.
Installer's name and address Community Oil Co, 204 Kennebec St. Telephone 4-3964

General Description of Work

(2) To install Oil-fired suspended hot air heaters (Thatcher - manufacturer) Model 532-140 replacing gas unit heaters.

IF HEATER, OR POWER BOILER

Location of appliance Suspended from ceiling in garage Any burnable material in floor surface or beneath? none
If so, how protected? ceiling in garage at least 8' Kind of fuel? oil
Minimum distance to burnable material, from top of appliance or casing top of furnace 2'
From top of smoke pipe 4' From front of appliance over 4' From sides or back of appliance over 3'
Size of chimney flue 18x13 Other connections to same flue none
If gas fired, how vented? with 7" flue Rated maximum demand per hour
Will sufficient fresh air be supplied to the appliance to insure proper and safe combustion? yes

IF OIL BURNER

Name and type of burner Thatcher-gun type labelled by underwriters' 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 Size of vent pipe 1 1/2"
Location of oil storage located inside surrounded by steel rail and imbeded in cement Number and capacity of tanks 1-275 Gal.
Low water shut off Make No.
Will all tanks be more than five feet from any flame? yes How many tanks enclosed? none
Total capacity of any existing storage tanks for furnace burners none

Permit Issued with Letter

IF COOKING APPLIANCE

Location of appliance Any burnable material in floor surface or beneath?
If so, how protected? Height of Legs, if any
Skirting at bottom of appliance? Distance to 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

*One to be vented into existing chimney - oil going into VanPacker chimney.
Application for construction of prefab chimney filed today.

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

APPROVED [Signature] 1-23-58

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 Company

MAINE PRINTING CO.

INSPECTION COPY

Signature of Installer by: William S. Wood

NOTES

1	Year type	
2	Year of install	
3	Number of chimneys	
4	Number of supports	
5	Number of labels	
6	Number of vents	
7	High draft control	
8	Low draft control	
9	High support & protection	
10	Low support & protection	
11	Number of pipes	
12	Number of tanks	
13	Number of oil tanks	
14	Number of oil tanks	
15	Number of oil tanks	
16	Number of oil tanks	

3-16
 Permit No. 58/85
 Location 175 Neal St.
 Owner Community O.S.G.
 Date of permit 1/27/58
 Approved: [Signature]

2-14-58. no work started
 Excess rain days
 installation being
 probably not be
 made until Spring
 the existing pump
 units was still there
 in tanks

3-17-58. Two furnaces
 labeled OK & hung
 from reinforced
 roof joists. OK.
 Not connected to
 chimneys yet.
 Oil Tank not in
 place.

Check fill pipe ✓
 Vent pipes ✓
 Tank protection ✓

4-1-58 Completed
 [Signature]

X



R6 RESIDENCE ZONE

APPLICATION FOR PERMIT

PERMIT ISSUED

Class of Building or Type of Structure 2nd class
Portland, Maine, January 22, 1958

37 JAN 27 1958
CITY OF PORTLAND

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 175 Neal St. Within Fire Limits? yes Dist. No. 3
 Owner's name and address Community Oil Co. 204 Kennebec St. Telephone
 Lessee's name and address Telephone
 Contractor's name and address owners Telephone 4-3964
 Architect Specifications Plans No. of sheets
 Proposed use of building Garage No. families
 Last use No. families
 Material brick No. stories 1 Heat Style of roof Roofing
 Other building on same lot
 Estimated cost \$ Fee \$ 2.00

General Description of New Work

To construct prefab chimney.

The applicant either has or will procure the instructions of the manufacturer of this prefab chimney and will follow them in ~~new~~ erection and will see to it that the supports are adequate to carry the weight of the chimney as well as all other loads which might come upon those members.

Type of heat and fuel-- Hot Air-Oil
 Make of chimney and size and type-- Van Packer 7"
 How supported-- to rafters by Van Packer chimney support.
 Clean-out fitting to be used. no

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 owners

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 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
 Size Girder Columns under girders Size Max. on centers
 Kind and thickness of outside sheathing of exterior walls?
 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:

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
Community Oil Company

INSPECTION COPY

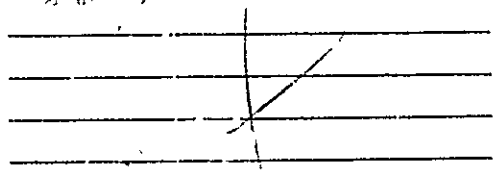
Signature of owner W. Williams

W. Williams

F.M.

NOTES

2-20-58 Not started (AP)
 3-5-59 Not started (AP)
 3-17-59 Pro fat chimney not started (AP)
 4-1-58 Comp. leted (AP)



Permit No.	578 / 844
Location	1735 Pearl St
Owner	Amesbury Co. Inc.
Date of permit	12-27-58
Notif. closing-in	
Inspn. closing-in	
Final Notif.	
Final Inspn.	
Cert. of Occupancy issued	
Shutting Out Notice	
Rec'd Check Notice	

3-4-59

The applicant either has or will have a permit for the work to be done.

The work to be done is in accordance with the plans and specifications on file in the office of the inspector.

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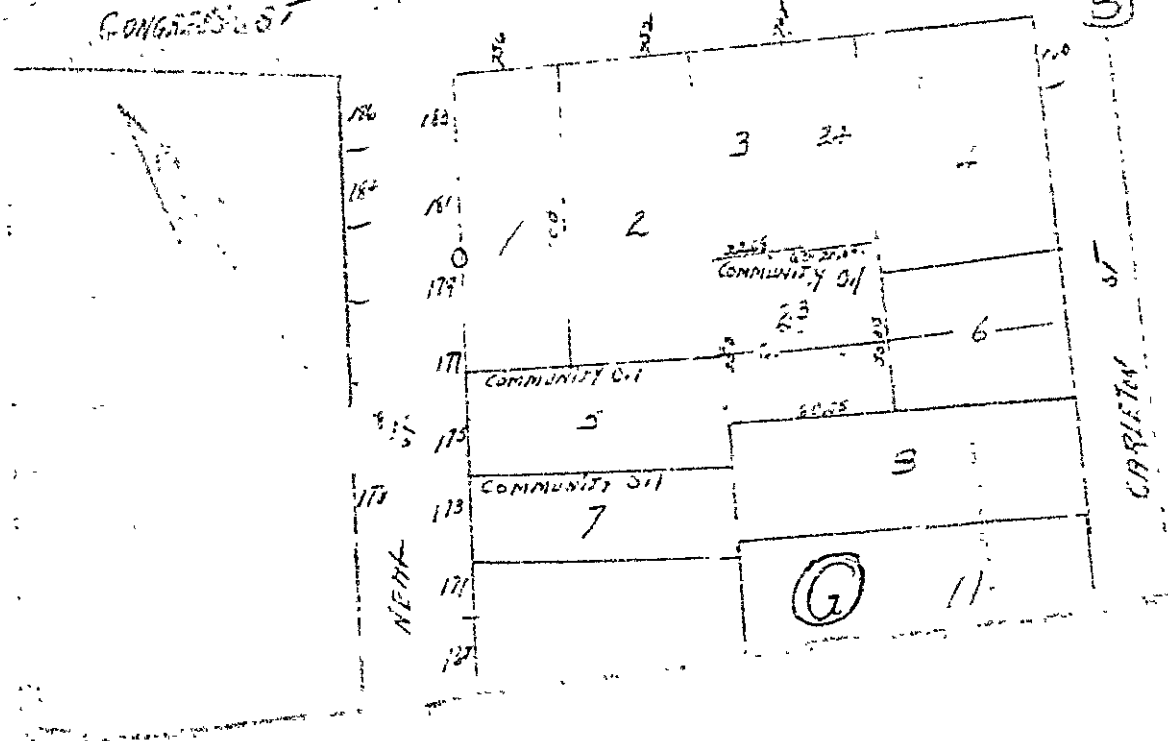
INSPECTION COPY

113-175-R-105 (54-G-7-5.5-4-23)

CONGRESS ST

A

3



NEMA

CARLETON

RMT- 2/4/58-

(note on end of letter)

*On 1/29/58 there were
2 trucks + 4 autos
parked on these lots at 230
in the afternoon -*

2-1-58. Two Tractor Trucks & 4 Passenger cars. 11:45 AM
See back of letter.

AP - 175 Neal Street

FU-RMT-2/4/58

Installation of two suspended oil-fired warm air heaters and construction of prefabricated chimney to serve one of these heaters

Community Oil Company - 43964
204, Kennebec Street

Gentlemen:

With the issuance herewith of two Building Permit, one to cover installation of two suspended heaters in the garage at 175 Neal Street and the other to cover installation of a prefabricated chimney to serve one of the heaters, it is important to call your attention to the application of the Zoning Ordinance to the use of this entire property which apparently you acquired a year or two ago.

This record indicates that you own the building on a separate lot at the rear of 175 Neal Street (assessors lot no. 54023) also two lots having frontage, one at 173 Neal Street (assessors lot no. 5407), the other at 175 Neal (assessors lot no. 5405), the latter lot containing the driveway which represents the only means of reaching the garage in the rear.

Both of the lots fronting on Neal Street and nearly one-half of the building on the lot in the rear are in an R-6 Residence Zone under the Zoning Ordinance while the balance of the lot in the rear is in a B-2 Business Zone. The garage use is non-conforming in the R-6 Zone in the sense that it could not now be established as a new use. From some research it appears that you are permitted to carry on the same use as you have been in this building which I understand is largely a place to repair your own trucks - - that because a similar use has existed in the building since 1938 when the Zoning Ordinance became effective.

Use of the driveway over the lot at 175 Neal is also non-conforming because it leads to the non-conforming garage. It too has existed since 1938 and therefore that use of that particular lot may be continued.

A few years ago a transportation company leased the building and apparently both lots on Neal Street. Upon complaint we found that they no doubt had a right to continue the use of the building as a place to repair their trucks but not to carry on the transportation business, and that they had the right to continue the use of the driveway over one of the Neal Street lots. However, they began to use both of the lots fronting on Neal Street for parking of trucks and trailers and for passenger cars. We were able to establish beyond any reasonable doubt that these uses of the Neal Street lots were in violation with the Zoning Ordinance. Since then the transportation company moved out clearing up the violation.

The purpose of this letter is to advise you that the two lots having frontage on Neal Street may not be used for any use in violation of the Zoning Ordinance as applied to the R-6 Zone where the property is located except that of the driveway to reach the garage.

It appears that you use the garage mainly, at present, for repair of your own vehicles and that you may have the practice of letting trucks or passenger cars stand on those two Neal Street lots either awaiting a chance to be put in the garage for repairs or awaiting someone to come and get them after repairs have been made. It is my belief that this use of the two Neal Street lots is non-conforming with the Zoning Ordinance and should be discontinued without delay.

If you are not satisfied with this disposition of the matter, and can produce affidavits that the two Neal Street lots were used for these or closely similar non-conforming uses in 1938, please contact this office as soon as possible with those affidavits, that the matter may be correctly cleared up.

Very truly yours,

~~W. M. McDonald~~
Inspector of Buildings

WMcD:M

Note: When this reminder comes up please contact me to see if we have heard anything from Community Oil so that if we have not you can begin to check to see how they are using the two Neal Street lots.

WMcD

2.4 58. Jr. Foley says, letter was written - 2-1-58
To Florida, in attempt to find out additional
information as to the loss of the bond.
The cars belong to his employees. These
cars and tank trucks to be removed.
He will try to have it done by
Tuesday Feb. 11. If Jr. Foley, in the mean
time hears from Florida, he will
call us. FIVE



APPLICATION FOR PERMIT

Class of Building or Type of Structure _____ Installation _____

Portland, Maine, ~~May~~ June 5, 1953

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to ~~erect, alter, repair or 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 175 Neal St. Within Fire Limits? yes Dist. No. _____
 Owner's name and address Leor Richards, 175 Neal St. Telephone _____
 Lessee's name and address _____ Telephone _____
 Contractor's name and address Community Oil Co., 204 Kennebec St. Telephone 5-2002
 Architect _____ Specifications _____ Plans yes No. of sheets 1
 Proposed use of building Repair Garage No. families _____
 Last use _____ " " _____ No. families _____
 Material brick No. stories 1 Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ _____ Fee \$ 1.00

General Description of New Work

To install 1-1000 gallon fuel oil tank underground beneath building. Top of tank will be 3' beneath concrete floor in garage. Tank bears Underwriters label and is painted with asphaltum. Fuel oil will be used for heating the building in the future. Tank will also be used for storage of diesel oil for owner's own equipment. One electric pump to be installed inside of building.

BEFORE Covering Tank and any PIPING APPROVAL of FIRE DEPT. Required.

1/5/55 Permit denied - Aggr's concerns

sent to Fire Dept. 6/5/53
and a form to Fire Dept. 6/8/53

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** Community Oil Co.

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 A. [Signature]
CHIEF OF BUREAU

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

Leo Richards
Community Oil Co.

Signature of owner by: *M. Jordan*

INSPECTION COPY

GARAGE

Tank will be painted with
lead or epoxy.

22 off

3' under
sement

12 ft. steel

1000'

4"

5'

vent 1/2"

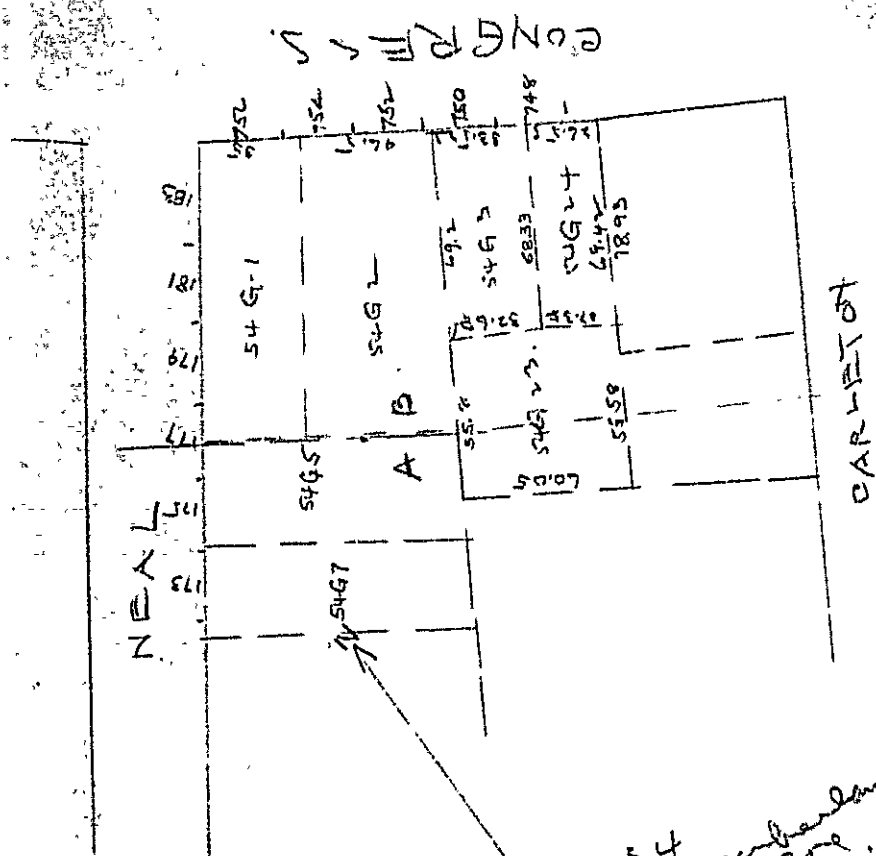
off.
fill
2"

wound in conduit

NEAL ST.

wallace

Les Richards



6/11/53

- 534 Cumberland Ave.
 Elevation of Cemention
 runs 7.50 to top 14 G 3
 173 near 54 G 7.4
 175 near 54 G 5
 175" (near) 54 G 23

WARREN McDONALD
INSPECTOR OF BUILDINGS

On reply refer
to file AP 175 Neal St. (Tank for
Fuel Oil and Diesel Oil)
FU

CITY OF PORTLAND, MAINE
Department of Building Inspection

June 12, 1953

Copy to: Community Oil Co.
204 Kennebec St.

Copy to: Wallace Campbell Jr. Esq.
97a Exchange St.

Mr. Leo Richards
175 Neal St.
Mr. Efsthathios A. Demetriou
534 Cumberland Ave.

Gentlemen:-

We are unable to issue to Community Oil Co. a permit for which that company applied, intended to authorize installation of a 1000 gallon tank beneath the floor of the garage at the rear of 175 Neal St., because there is great doubt if the building is now being used in compliance with the Zoning Ordinance, and it becomes evident that the proposed tank, as far as it will be used for Diesel oil, would prolong and tend to perpetuate the present use of the building which, we understand, is being used for the storage of, as well as repair of trucks of Mr. Richards' Transportation Co.

Shortly after our letter of May 21st, concerning application for a permit to install a similar tank underground of the open lot having frontage at 175 Neal St., Mr. Richards' attorney immediately phoned to me about the proposition, but it has slipped my mind who that attorney was, otherwise a copy of this letter would be sent to him.

The method of using the proposed tank for fuel oil and for Diesel oil - presumably at different times - is not understood; but it is clear that storage of Diesel oil means trucks and the question of the trucks being there is the major one under the Zoning Ordinance.

About half of the building toward Congress St. is in a Limited Business Zone and the balance of the building and all of the lot on Neal St. is well in an Apartment House Zone. In neither of these zones is a repair garage (stated in the application) or the storage of more than one truck allowable. If either operation is to be carried on there lawfully, it would have to be based on conclusive information that the building was so being used in 1938 and that the use had not been discontinued for any continuous period of two years.

Otherwise, the uses are not allowable and would have to be abandoned. If you can establish by affidavit or otherwise that the repair garage and the storage of more than one truck are lawful uses under the conditions cited above, then the uses may not only continue but on filing the affidavit or other conclusive information to establish the uses as non-conforming be allowed to continue, then we will be able to issue the permit for installation of the tank.

However, before we can issue such a permit, we shall have to understand more clearly about the dual use of it.

Our only record of heat in the building is that of a permit issued in 1945 to install two gas-fired unit heaters, which were approved by our inspector shortly after that. The application for that permit indicates that there was then a coal-fired boiler besides the unit heaters. Perhaps you now have in mind installation of an oil burner in connection with this coal-fired boiler. If there is already an oil burner connected with the boiler, then it must have been installed unlawfully without a permit. If neither of these is the case, some explanation is needed as to the tank to store fuel oil.

Very truly yours,
Inspector of Buildings

W McD/G

Order with appl at 175 Neal
Order must meet Wallace Campbell has a copy
MM 6/16/53



(B) LIMITED BUSINESS ZONE
(A) APARTMENT HOUSE ZONE
APPLICATION FOR PERMIT

Class of Building or Type of Structure Installation

Portland, Maine, May 18, 1953

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to ~~erect and construct~~ 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, plan; and specifications, if any, submitted herewith and the following specifications:

Location 175 Neal St. Within Fire Limits? _____ Dist. No. _____
 Owner's name and address Leo Richards, 175 Neal St. Telephone _____
 Lessee's name and address _____ Telephone _____
 Contractor's name and address Community Oil Co., 204 Karnebec St. Telephone 2-7481
 Architect _____ Specification _____ Plans YRS No. of sheets 1
 Proposed use of building _____ No. families _____
 Last use _____ No. families _____
 Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ _____ Fee \$ 1.00

General Description of New Work

To install 1-1000 gallon diesel oil tank for private use. Tank bears Underwriters label and is painted with asphaltum. Top of tank will be 3' underground. 1 1/2" piping from tank to pump. New installation. One electric pump to be installed.

BEFORE Covering Tank and any Piping THE TANK AND PIPING SHALL BE APPROVED BY THE DEPT. OF FIRE DEPT. Required.

Refused
5/18/53

Sent to Fire Dept. 5/18/53
From Fire Dept. 5/20/53

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 Community Oil Co.

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? _____

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? YRS

APPROVED:

Oliver T. Hubbard
INSPECTOR OF BUILDINGS

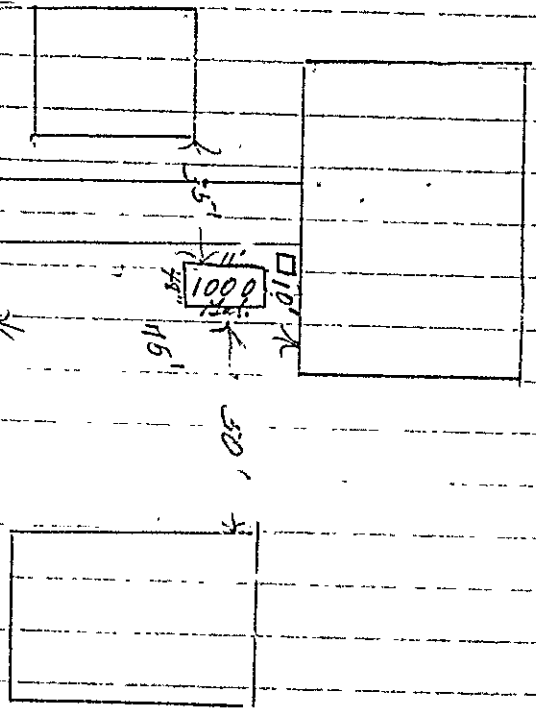
Leo Richards,
Community Oil Co.

Signature of owner by *J. N. Edward*

INSPECTION COPY

Permit to install pump and tank for
Diesel oil.

Gen. Richards
145-944144



Memorandum from Department of Building Inspection, Portland, Maine

175 Neal St.—Installation of diesel oil tank for Leo Richards by
Community Oil Co., installers

Before tank and piping is covered from view, installer is required to notify Fire Department Headquarters of readiness for inspection and to refrain from covering up until approved by the Fire Department.

This tank of 1000 gallons capacity is required to be of steel or wrought iron no less in thickness than No. 10 gauge and before installation is required to be protected against corrosion, even though galvanized, by two preliminary coats of red lead and heavy coat of hot asphalt, or equivalent.

Pipe lines connected to underground tanks, other than tubing and except fill lines and test wells, must be provided with double swing joints arranged to permit the tank to settle without impairing the efficiency of the pipe connections.

Owner and installer will have to bear the responsibility for the structural capacity of the tank to support loads from above such as heavy motor trucks.

If tank will be so located as to be subjected to the action of tide water or "ground" water, adequate anchorage or weighting must be provided to prevent "floating" when tank is empty or nearly so.

S

CC: Mr. Leo Richards
175 Neal St.

Oliver T. Sanborn, Chief
of the Fire Department

(Signed) Warren McDonald
Inspector of Buildings

City of Portland, Maine
Municipal Officers
—BUILDING CODE APPEAL—

*Dismissed
without prejudice
3/16/48
48/26*

March 29, 1948

To the Municipal Officers:

Your appellant, Thomas Kare, who is the owner of property at 175 Neal Street, respectfully petitions the Municipal Officers of the City of Portland to permit an exception to the provisions of the Building Code relating to this property, as provided in Section 115, Paragraph a of the Building Code, on the ground that the enforcement of the Code in this case involves practical difficulty or unnecessary hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Building Code.

Application for building permit to change use of part of building at 175 Neal Street to distribution of packaged food products at wholesale and to continue present use as Repair and Service Garage in a corner of the building toward Congress Street and toward Neal Street is not issuable under the Building Code because fire resistive partitions with fire doors in them are not proposed to separate the office and stockroom of the wholesale business from the Major garage use for storage of four motor trucks, contrary to Section 212-b-2 of the Building Code, which requires that these partitions and doors be of such materials as to be rated as having 2-hour fire resistance. Automatic sprinkler system is proposed in lieu of fire resistive partitions.

The facts and conditions which make this exception legally permissible are as follows:—

An exception is necessary in this case to avoid practical difficulty and unnecessary hardship and can be granted without substantially departing from the intent and purpose of the Building Code.

Thomas Kare
Appellant

City of Portland, Maine
Municipal Officers

*Dismissed
with out
for judgment 4/16/48*

--BUILDING CODE APPEAL--

Decision

Public hearing was held on the 16th day of April, 1948,
on petition of Thomas Kane, owner of property at
175 Neal Street, seeking to be permitted an exception to the provisions of the
Building Code relating to this property.

Building permit to change use of part of building at 175 Neal Street to distribution
of packaged food products at wholesale and to continue present use of Repair and
Service Garage in a corner of the building toward Congress Street and toward
Neal Street is not issuable under the Building Code because fire resistive par-
titions with fire doors in them are not proposed to separate the office and the
back room of the wholesale business from the major Garage use for storage of four
motor trucks, contrary to Section 212b-2 of the Building Code, which requires that
these partitions and doors be of such materials as to be rated as having 2-hour fire
resistance. Automatic sprinkler system is proposed in lieu of fire resistive
partitions.

~~It is determined that an exception to the Building Code may be permitted in
this specific instance.~~

Inasmuch as appellant's appeal for
exception to the Zoning Ordinance to permit change of use of
part of this building to wholesale distribution of packaged foods was denied, this
appeal for exception to the Building Code is dismissed without prejudice.

Robert L. Gatchell
Robert L. Gatchell
Chairman
Municipal Officers

Municipal Officers

Demond 4/15/58
4/12/58

City of Portland, Maine
Board of Appeals
—ZONING—

March 29, 19 48

To the Board of Appeals:

Your appellant, Thomas Kane, who is the owner of property at 175 Neal 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 17, Paragraph E of the Zoning Ordinance,

Application for building permit to partition off stockroom and office in garage in rear of 175 Neal Street and to change the use of part of the building to distribution of packaged food products at wholesale, including storage of several motor trucks for use in that business is not issuable under the Zoning Ordinance because the proposed use for wholesale business in a part of the building is not an allowable use in either the Limited Business Zone or the Apartment House Zone, in each of which a part of the building is located, according to Sections 5A and 7A of the Zoning Ordinance. Existing use as Repair and Major Garage including storage of more than one commercial vehicle is not conforming with the Ordinance in either of these zones but is allowed to continue because it apparently existed there in 1938 when Ordinance became effective. Section 13A pertaining to such non-conforming uses does not permit changing present non-conforming use to non-conforming wholesale

The facts and conditions which make this exception legally permissible are as follows:— business proposed.

An exception is necessary 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.

Thomas Kane
Appellant

City of Portland, Maine
Board of Appeals

—ZONING—

Decision

Public hearing was held on the 16th day of April, 1948,
on petition of Thomas Kane, owner of property at
175 Neal Street, seeking to be permitted an exception to the regulations of
the Zoning Ordinance relating to this property.

Building permit to partition off stock room and office in garage in rear of 175 Neal Street and to change the use of part of the building to distribution of packaged food products at wholesale, including storage of several motor trucks for use in that business is not issuable under the Zoning Ordinance because the proposed use for wholesale business in a part of the building is not an allowable use in either the Limited Business Zone or the Apartment House Zone, in each of which a part of the building is located, according to Sections 5A and 7A of the Zoning Ordinance. Existing use as Repair and Major Garage including storage of more than one commercial vehicle is not conforming with the Ordinance in either of these zones but is allowed to continue because it apparently existed there in 1938 when Ordinance became effective. Section 13A pertaining to such non-conforming uses does not permit changing present non-conforming use to non-conforming wholesale business proposed.

The Board finds that an exception to the Zoning Ordinance is not necessary in this case to grant reasonable use of property where necessary to avoid confiscation and can not 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 not be permitted in this specific case.

Robert W. Giddens
Helen C. Frost
Edward T. Colley
Gerald A. White

William H. Holbrook

Board of Appeals

April 30, 1948

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF THOMAS KANE

AT 175 Neal Street

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

Present for City

Board of Zoning Appeals members:-

NOTE: Continued from April 16, 1948

VOTE

	Yes	No
Mr. Getchell	()	(x)
Mrs. Frost	()	(x)
Mr. Colley	()	(x)
Mr. Holbrook	()	(x)
Mr. Cole	()	(x)
	()	()
	()	()
	()	()
	()	()

Municipal Officers:-

Mr. Hinckley representing Mr. Kane

City officials:-

- OPPOSED: Mr. Rubinsky of Carleton Apts.
 James H. Desmond representing Father Holtz, 92 Carleton Street
 Mr. Harvey representing O'Connor estate and himself
 Mr. Roger L. Deering, 178 Neal Street
 Mr. Dole of Walker Street
 Mrs. Flora Young of Carleton Street
 John Crawford of Carleton Street
 Mrs. Clark of Neal Street
 Mrs. Whittemore of Walker Street
 Mrs. Gladys Austin of Walker Street

At 175 Neal Street-1

April 20, 1948

Mr. Thomas Kane
37 Danforth Street
Portland, Maine

Dear Mr. Kane:

As I listened to your statement at the public hearing on your zoning appeal at 175 Neal Street, two things came to my mind that, seems to me, you ought to be aware of when you discuss the proposition with the objectors in the neighborhood.

As I remember it, you sort of emphasized the objectionable features to the neighborhood which may have been apparent in the past, and I seem to get the impression that, if you were compelled to remove the repair and major garage there, there would be much more objectionable and obnoxious operations than would be the case if the exception for the wholesale business were allowed.

There is little doubt that if the neighborhood could establish that your operations at any time on this property were more injurious, noxious or offensive to the neighborhood than the operations in 1933 were, action would lie under the Zoning Ordinance because in Sections 5 and 7, referring to Limited Business Zones and Apartment House Zones, respectively, there occurs the rule that no premises shall be used for any use injurious, noxious or offensive to a neighborhood by reason of the emission of odor, fumes, dust, smoke, vibration or noise or other cause.....

There is also considerable doubt if you have a right under the Zoning Ordinance to, as you said--put on a black top pavement on the two vacant lots having direct frontage on Neal Street and line it off for a public, commercial parking space. This parking space of itself is a non-conforming use in the Apartment House Zone where all of both vacant lots is located, and it is my belief that you do not have any right to such a commercial parking space unless first approved by the Board of Appeals after the usual appeal procedure, it appearing very doubtful you could establish such a use as having existed in December, 1938 and therefore allowed to continue as an existing non-conforming use.

Very truly yours,

Inspector of Buildings

WHD/S

CC: Mr. Franklyn G. Hinckley
192 Middle Street

Edward T. Gilman
Assistant Comptroller

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

April 10, 1948

Mr. Thomas Kane
37 Danforth Street
Portland, Maine

Dear Mr. Kane:

The Board of Appeals and Municipal Officers will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, April 16, 1948 at ten-thirty o'clock in the forenoon to hear your appeals under the Zoning Ordinance and the Building Code.

Please be present or be represented at that time in support of your appeals.

Very truly yours,

BOARD OF APPEALS

Robert L. Getenell

Chairman

M

cc: Franklin G. Hinckley, Esq.
192 Middle Street
Portland, Maine

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

April 26, 1948

Mr. Thomas J. Kane
37 Danforth Street
Portland, Maine

Dear Mr. Kane:

The Board of Appeals will hold a continued public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, April 30, 1948 at ten-thirty o'clock in the forenoon to hear your appeal under the Zoning Ordinance.

Please be present or be represented at that time in support of your appeal.

Very truly yours,

BOARD OF APPEALS

Robert L. Getchell

Chairman

M

cc: Franklin G. Hinckley, Esq.
192 Middle Street
Portland, Maine

CITY OF PORTLAND, MAINE
LEGAL DEPARTMENT

April 26, 1948

TO THE BOARD OF APPEALS:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, April 30, 1948 at ten-thirty o'clock in the forenoon to hear the following appeals under the Zoning Ordinance:

Thomas J. Kane - 175 Neal Street - Change of use of part of rear garage to wholesale distribution of packaged foods. (Continuance)

Mrs. A. M. Greenholm - 12 Rue Street - metal fire escape on rear of lodging on these premises not permissible because it is proposed only about 4' from rear lot line instead of the 7' required in the Limited Business Zone where property is located.

Ervin C. Luran - 204 Spring Street - Outside wooden fire escape on these premises not allowable because it would be only 7'6" from rear property line instead of 15' as required, and would be directly on side property line instead of 10' from that line as required by Section 7C of the ordinance.

BOARD OF APPEALS

Robert L. Getchell

Chairman

H

WARREN McDONALD
INSPECTOR OF BUILDINGS

On reply refer
to File AP 175 Neal Street-I

CITY OF PORTLAND, MAINE
Department of Building Inspection

FU

March 26, 1948

Mr. Thomas Kane
37 Danforth Street
Portland, Maine

Subject: Application for building permit to partition off stockroom and office in garage in rear of 175 Neal Street and to change the use of part of the building to distribution of packaged food products at wholesale, including storage of several motor trucks for use in that business--and proposed Zoning and Building Code appeals relating thereto

Dear Sir:

Building permit for the above work and change of use is not issuable under the Zoning Ordinance because the proposed use for wholesale business in a part of the building is not an allowable use in either the Limited Business Zone or the Apartment House Zone in each of which a part of the building is located--according to Sections 5A and 7A of the Zoning Ordinance applying respectively to these zones. The existing use of the building as Repair and Major Garage including the storage of more than one commercial vehicle is not conforming with the Ordinance in either of these zones but is allowed to continue because it apparently existed there in 1938 when the Ordinance became effective. According to Section 13A pertaining to such non-conforming uses the Zoning Ordinance does not permit changing the present non-conforming use to the non-conforming wholesale business now proposed in a part of the building.

In your application for the permit you have indicated that you propose to continue the present use as Repair and Service Garage in a corner toward Congress Street and toward Neal Street.

The permit is not issuable under the Building Code because fire resistive partitions with fire doors in them are not proposed to separate the office and stockroom of the wholesale business from the Major Garage use for storage of four motor trucks in connection with the wholesale business, contrary to Section 212-b-2 of the Building Code which requires that these partitions and doors be of such materials as to be rated as having 2-hour fire resistance.

You have indicated your desire to seek an exception from the Board of Appeals under the Zoning Ordinance and a variance of the requirements as to fire resistance of the Building Code from the Board of Municipal Officers (appeal board under Building Code), claiming in the latter case that the automatic sprinkler system in the building is sufficient compensation for the use of non-fire-resistive partitions.

There is enclosed therefore an outline of both appeal procedures.

Very truly yours,

(Signed) WARREN McDONALD

Inspector of Buildings

WMCD/j

Enclosure: Outline of appeal procedure.

CC: Mr. Franklin G. Hinckley
192 Middle Street

The Best Foods, Inc.
c/o Mr. Carl F. Wood, 21 Chapman Street

✓ Edward T. Gignoux, Assistant Corporation Counsel

C
O
P
Y

W. Carlstrom

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

April 6, 1948

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, April 16, 1948 at ten-thirty o'clock in the forenoon to hear the appeal under the Zoning Ordinance and Building Code of Thomas Kane requesting exception to permit alterations in building at 175 Neal Street to permit distribution of packaged food products at wholesale in part of premises and to continue use as repair and service garage in another part of premises.

This permit is not issuable under the Zoning Ordinance because the proposed use for wholesale business in a part of the building is not an allowable use in either the Limited Business Zone or the Apartment House Zone, in each of which a part of the building is located, according to sections 5A and 7A of the Zoning Ordinance. Existing use as repair and major garage including storage of more than one commercial vehicle is not conforming but is allowed to continue because it apparently existed there in 1938 when the Ordinance became effective. However, Section 13A pertaining to such non-conforming uses does not permit changing present non-conforming use to non-conforming wholesale business proposed.

Permit is not issuable under the Building Code because fire resistive partitions with fire doors in them are not proposed to separate the office and stockroom of the wholesale business from the major garage use for storage of four motor trucks, contrary to Section 212-b-2 of the Code, which required that these partitions and doors be of such materials as to be rated as having 2-hour fire resistance. Automatic sprinkler system is proposed in lieu of fire resistive partitions.

This appeal is taken under Section 17E of the Zoning Ordinance which provides that the Board of Appeals, by unanimous vote of its members, may permit exceptions in specific cases so as to grant reasonable use of property where necessary to avoid confiscation and without substantially departing from the intent and purpose of the Zoning Ordinance, and also under Section 115, Paragraph a, of the Building Code which provides that exception may be permitted on the ground that the enforcement of the Code would involve practical difficulty or unnecessary hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Building Code.

All persons interested either for or against this appeal will be heard at the above time and place.

BOARD OF APPEALS - MUNICIPAL OFFICERS
Robert L. Getchell
Chairman

M
Unable to be present, but would

©.K. The above appeal.

Helen Whipple Morgan