

13-23 CARLETON STREET



CITY OF PORTLAND

R LOVELL BROWN
BUILDING AND INSPECTION DIRECTOR

13-23 Carleton Street

May 17, 1977

Butler/Payson Co.
c/o Kermit Lipez
Curtis, Thaxter, Corey,
Lipez & Stevens
1 Canal Plaza
Portland, Maine

c.c. Butler School Associates
Att: David Schurman
24 Exchange St.

Gentlemen:

Certificate of Occupancy for the use of the premises at the above named location for an off street parking lot for 34 passenger cars is not issuable under the Zoning Ordinance because the proposed use is not allowable in the R-6, Residential Zone in which this property is located unless authorized by the Board of Appeals. Sec. 602.7.4.8.d)

We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office in Room 113, City Hall to file the appeal on forms which are available here. A fee of \$15. for a Conditional Use Appeal shall be paid at this office at the time the appeal is filed. If the fee has been paid and the appeal filed prior to this letter then consider this letter as a matter of formality. Sec. 602.24.D

Very truly yours,

A. Allan Soule
A. Allan Soule
Assistant Director

AAS:k

*Copy
replied*

13-23 Carleton Street

Nov. 19, 1977
~~May 12, 1977~~

Butler/Payson Co.
c/o Kermit Lipez
Curtis, Baxter, Corey,
Lipez & Stevens
1 Canal Plaza
Portland ME 04111

Following is the decision of the Board of Appeals regarding your petition to permit off street parking for 34 passenger cars at the above named location. Please note that your appeal was granted.

Also, before your permit can be issued, you must pay the permit fee itself. The fee will be \$15. Please make out check payable to - City of Portland.

Very truly yours

A. Allan Stule
Assistant Director

AAS:k.

APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

Portland, Maine Oct. 22, 1976

Location 13 -23 Carlton St.

Zone R-6

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 parking lot

as set forth on the attached site plan (made by David Schurman whose address is 24 Exchange St.) 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) Butler School Assoc. 24 Exchange St.
774-0440

Lessee (name, address and phone number) _____

Is proposed use to be accessory to a building or other use on this lot?

_____ If so, what is use of building or other use _____

If off-street parking is sought, what is proposed maximum number of vehicles to be parked - passenger cars? 34, 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 Public 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)?

Do you propose to remove or disturb any tree on a public street? _____
If so, have you secured on the site plan the written approval of the Director of Parks and Recreation? _____

Signature of Owner BUTLER SCHOOL ASSOCIATES

By David Schurman - Architect
(duly authorized thereto)

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To:

COMMENCING the above proposes 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) _____

Inspector of Buildings

CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
Processing Form

Applicant: 74 Exchange St. Date: Oct. 26, 1976
Mailing Address: 12-27 Carlton St. Address of Proposed Site: 65-100-5
Proposed Use of Site: 13 BOD on 1st Site Identifier(s) from Assessors Maps: 65-100-5
Acreage of Site / Ground Floor Coverage: 13 BOD on 1st Zoning of Proposed Site: 65-100-5

Site Location Review (DEP) Required: () Yes (X) No
Board of Appeals Action Required: (X) Yes () No
Planning Board Action Required: () Yes (X) No

Proposed Number of Floors:
Total Floor Area:

Other Comments:

Date Dept. Review Due: Nov. 2, 1976

PLANNING DEPARTMENT REVIEW 10/26/76
(Date Received)

- ☒ Major Development — Requires Planning Board Approval: Review Initiated
☐ Minor Development — Staff Review Below

	LOADING AREA	PARKING	CIRCULATION PATTERN	ACCESS	PEDESTRIAN WALKWAYS	SCREENING	LANDSCAPING	SPACE & BULK OF STRUCTURES	LIGHTING	CONFLICT WITH CITY PROJECTS	FINANCIAL CAPACITY	CHANGE IN SITE PLAN
APPROVED	<u>NA</u>		X	X	X	X			X	X		
APPROVED CONDITIONALLY		X					X					
DISAPPROVED												

REASONS: On November 9, 1976, the Portland Planning Board approved a site plan for this proposal. The ~~site~~ plan was revised from the original to show 31 parking spaces with nine foot widths. The Board's approval also involved the provision of landscaping which had been submitted in the ~~form~~ and which has been revised according to recommendations of the City Arborist. This approval ~~is~~ is conditional upon both these revisions. The Building Permit should be withheld ~~until~~ until ~~the~~ the property has been conveyed to the applicant by the City.

(Attach Separate Sheet if Necessary)

Charles J. Tucker 11/12/76
SIGNATURE OF REVIEWING STAFF/DATE

PLANNING DEPARTMENT COPY

CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
Processing Form

78

Applicant Butler School Assoc.
24 Exchange St.
Mailing Address
Parking lot
Proposed Use of Site
11,800 sq ft
Acreage of Site / Ground Floor Coverage

76
Oct. 26, 1965
Date

12-23 Carlton St.
Address of Proposed Site
55-A-4-5
Site Identifier(s) from Assessors Maps
R-6 Residential
Zoning of Proposed Site

Site Location Review (DEP) Required: () Yes (☒) No
Board of Appeals Action Required: (☒) Yes () No
Planning Board Action Required: () Yes (☒) No

Proposed Number of Floors _____
Total Floor Area _____

Other Comments: _____
Date Dept. Review Due: Nov. 3, 1976

BUILDING DEPARTMENT SITE PLAN REVIEW
(Does not include review of construction plans)

- ☐ Use does NOT comply with Zoning Ordinance
☐ Requires Board of Appeals Action
☐ Requires Planning Board/City Council Action

Explanation _____

- ☐ Use complies with Zoning Ordinance — Staff Review Below

Zoning:
SPACE & BULK,
as applicable

COMPLIES

COMPLIES
CONDITIONALLY

DOES NOT
COMPLY

DATE	ZONE LOCATION	INTERIOR OR CORNER LOT	40 FT. SETBACK AREA (SEC 21)	USE	SEWAGE DISPOSAL	REAR YARDS	SIDE YARDS	FRONT YARDS	PROJECTIONS	HEIGHT	LOT AREA	BUILDING AREA	AREA PER FAMILY	WIDTH OF LOT	LOT FRONTAGE	OFF-STREET PARKING	LOADING BAYS
✓	✓	✓	✓														
				✓													

CONDITIONS
SPECIFIED
BELOW

REASONS
SPECIFIED
BELOW

REASONS: _____

SIGNATURE OF REVIEWING STAFF/DATE

BUILDING DEPARTMENT — ORIGINAL

CITY OF PORTLAND, MAINE
SITE PLAN REVIEW
 Processing Form

78

Applicant Butler School
 Mailing Address 2 Exchange St.
 Proposed Use of Site 11,800 sq ft
 Acreage of Site / Ground Floor Coverage

Date Oct. 26, 1976
 Address of Proposed Site 12-13 Carleton St.
 Site Identifier(s) from Assessors Maps 55-1-4-5
 Zoning of Proposed Site R-5 Residential

Site Location Review (DEP) Required: () Yes (x) No
 Board of Appeals Action Required: (x) Yes () No
 Planning Board Action Required: () Yes (x) No

Proposed Number of Floors _____
 Total Floor Area 11,800

Other Comments: _____
 Date Dept. Review Due: Nov. 3, 1976

RECEIVED

PUBLIC WORKS DEPARTMENT REVIEW OCT 26 1976

DEPARTMENT OF PUBLIC WORKS

	TRAFFIC CIRCULATION	ACCESS	CURB CUTS	ROAD WIDTH	PARKING	SIGNALIZATION	TURNING MOVEMENTS	LIGHTING	CONFLICT WITH CITY CONSTRUCTION PROJECT	DRAINAGE	SOIL TYPES	SEWERS	CURBING	SIDEWALKS	OTHER	
APPROVED	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	CONDITIONS SPECIFIED BELOW
APPROVED CONDITIONALLY								JP								REASONS SPECIFIED BELOW
DISAPPROVED		JP	JP													

REASONS: Corrections in review are due to the reception of a revised plan

(Attach Separate Sheet if Necessary)

John P. Lyne 11-3-76
 SIGNATURE OF REVIEWING STAFF/DATE

PUBLIC WORKS DEPARTMENT COPY

Applicant: John D. Dunn
Address: 13-23 Carlton St.
Assessors #: 55-A-4-5

Date: October 25 1976

CHECK LIST AGAINST ZONING ORDINANCE

- ☒ Date - 11/26
- ☒ Zone Location - R-1
- ☒ Interior or corner lot -
- ☒ 40 ft. setback area (Section 21) - No
- ☒ Use - Parking Lot
- ☒ Sewage Disposal -
- ☒ Rear Yards -
- ☒ Side Yards -
- ☒ Front Yards -
- ☒ Projections -
- ☒ Height -
- ☒ Lot Area - 12,920 sq ft -
- ☒ Building Area -
- ☒ Area per Family -
- ☒ Width of Lot -
- ☒ Lot Frontage -
- ☒ Off-street Parking - 34
- ☒ Loading bays -

- ☒ Site Plan -
- ☒ Shoreland Zoning -
- ☒ Flood Plains -

APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

Portland, Maine

Oct. 22, 1976

Location 13-23 Carlton St.

Zone

R-6

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

parking lot

as set forth on the attached site plan (made by David Schumacher whose address is 24 Exchange St.) to show David Schumacher 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)

Durham School 495-1174 24 Exchange St.

Lessee (name, address and phone number)

Is proposed use to be accessory to a building or other use on this lot?

 . If so, what is use of building or other use

If off-street parking is sought, what is proposed maximum number of vehicles to be parked - passenger cars? 34, 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 Public 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)?

Do you propose to remove or disturb any tree on a public street?

If so, have you secured on the site plan the written approval of the Director of Parks and Recreation?

Signature of Owner

By

(duly authorized thereto)

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To:

COMMENCING the above proposes 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)

Inspector of Buildings

APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

Portland, Maine Oct. 22, 1976

Location 13 - 23 Carlton St. Zone R-6

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 parking lot

as set forth on the attached site plan (made by David Schurman whose address is 24 Exchange St.) 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) Butler School Assoc, 24 Exchange St.
774-0440

Lessee (name, address and phone number) _____

Is proposed use to be accessory to a building or other use on this lot?

_____. If so, what is use of building or other use _____

If off-street parking is sought, what is proposed maximum number of vehicles to be parked - passenger cars? 34, 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 Public 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)?

Do you propose to remove or disturb any tree on a public street? _____
If so, have you secured on the site plan the written approval of the Director of Parks and Recreation? _____

Signature of Owner BUTLER SCHOOL ASSOCIATES

By David Schurman - Architect
(duly authorized thereto)

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To:

COMMENCING the above proposes 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) _____
Inspector of Buildings

APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

Portland, Maine Oct. 22, 1976

Location 13-23 Carlton St. - Rear

Zone R-6

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 parking lot

as set forth on the attached site plan (made by David Schurman whose address is 24 Exchange St.) 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) Butler School Assoc. - 24 Exchange St. 774-0440

Lessee (name, address and phone number) _____

Is proposed use to be accessory to a building or other use on this lot?

_____. If so, what is use of building or other use _____

If off-street parking is sought, what is proposed maximum number of vehicles to be parked - passenger cars? 15, 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 Public 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)?

Do you propose to remove or disturb any tree on a public street?

If so, have you secured on the site plan the written approval of the Director of Parks and Recreation? _____

Signature of Owner BUTLER SCHOOL ASSOCIATES

By David Schurman - Architect
(duly authorized thereto)

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To:

COMMENCING the above proposes 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) _____

Inspector of Buildings

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

CONDITIONAL USE APPEAL

Findings of Fact

The applicant is Butler School Associates and he is interested in the property located at 13-23 Carleton St. as parking lot. The owner of the property is _____ and his address is _____. The property is located in a R-6 Zone. The present use of the property is vacant.

The applicant respectfully petitions the Board of Appeals for a conditional use permit to permit off street parking for 34 passenger cars which is not issuable under the Zoning Ordinance because the proposed use is not allowable in the R-6 Residential Zone in which this property is located unless authorized by the Board of Appeals. (Sec. 602.8.d)

Further Findings of Fact

See State St

Appearances

The names and addresses of those appearing in support of the application are: _____

See State St

and the names and addresses of those appearing in opposition to the application are: _____

Exhibits

The documentary evidence presented to the Board, including, but not by way of limitation, plans, specification, photographs, etc. consisted of the following:

See State St

REASONS FOR DECISIONS

The proposed building or use (~~will~~/will not) be in harmony with the general purpose, goals, objectives and standards of the Land Development Plan, the Zoning Ordinance and the Site Plan Ordinance, as evidenced by: _____

The proposed building or use (~~will~~/will not) have a substantial adverse effect, including monetary, upon adjacent property, the character of the neighborhood, the traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare, because of the following: _____

.... The proposed building or use (~~will~~/will not) be constructed, arranged and operated so as to interfere with the development and use of neighboring property in accordance with the applicable zoning regulations as demonstrated by: _____

... The proposed building or use (~~will~~/will not) be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, as evidenced by: _____

and the persons or agencies responsible for the establishment of the proposed use (~~will~~/will not) provide adequately for such services as shown by: _____

The proposed building or use (~~will~~/will not) result in the destruction, loss or damage of any natural, scenic or historic feature of major importance, because of the following: _____

The proposed building or use (will/~~will not~~) comply with all standards imposed on it by the regulations applicable to the zone in which the use will be located and any additional standards relating to the specific conditional use as demonstrated by the following: _____

The proposed building or use at the particular location requested (is/~~is not~~) necessary or desirable to provide a service or a facility which is in the interest of the public convenience or which (will/~~will not~~) contribute to the general welfare of the neighborhood or community, as demonstrated by: _____

The public goals described above (~~can~~/can not) be met by the location of the proposed building or use at some site or in some area which may be more appropriate than the proposed site, because of the following: _____

All steps possible (have/~~have not~~) been taken to minimize any adverse effects of the proposed buildings or use on the immediate vicinity through building design, site design, landscaping and screening as evidenced by: _____

SPECIFIC RELIEF GRANTED

After a public hearing on Nov. 10, 1976, the Board of Appeals find that all of the conditions required by the Ordinance (do/do not) exist with respect to this property and that a conditional use should _____ be granted in this case.

Condition - screen against headlights
on south side of Carleton.

It is therefore determined that a conditional use _____ be granted
in this case by:

Walter Carlson

Jacqueline Cohen

Thomas Murphy

James O'Malley

Paul D. Snow

CITY OF PORTLAND, MAINE
Building & Inspection Services

February 20, 1975

13-23 Carleton St.

CDS
PO Box 7130
Portland, Maine 04112

Gentlemen:

The application which you filed for a Certificate of Occupancy for the use of the premises is contingent upon the following conditions outlined by the Appeal Board:

- A. Installation of light screening and fence.
- B. Planning Board will work with Mr. Kinney, other abutters and developer, to provide fencing as needed and added light if necessary.

When the work is completed on the parking lot, please notify this office so that a final inspection may be made and the Certificate of Occupancy issued.

Very truly yours,

Earle S. Smith
Plan Examiner

sk

January 20, 1975

CDS
PO box 7130
Portland, Maine 04112

c.c. Corporation Counsel

Re: 13-23 Carleton St. (Assessors # Lot 55-A-1-5)

Gentlemen:

Certificate of Occupancy for use of the premises at the above named location as an off street parking lot for 64 passenger cars is not issuable under the zoning ordinance because the proposed use is not allowable in the R-1 Residential Zone in which this property is located unless authorized by the Board of Appeals. (Sec. 602.7A.8.a)

We understand you would like to exercise your appeal rights in this matter. Accordingly, your authorized representative should come to this office in Room 113, City Hall to file an appeal on forms which are available here. A fee of \$15 for Conditional Use Appeal shall be paid at this office at the time the appeal is filed. If the fee has been paid an appeal filed prior to this letter, then consider this letter a matter of formality. (Sec. 602.24.D)

Very truly yours,

A. Allan Soule
Assistant Director

AAS:k

24 1-24-75
mgj
\$15.00

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

APPLICATION FOR A CONDITIONAL USE APPEAL

C.D.S., Inc., owner of property at 13-23 Carleton St. (#55-A-4-5)

under the provisions of Section 602.24 D of the Zoning Ordinance of the City of

Portland, hereby respectfully petitions the Board of Appeals to permit: a certificate of occupancy for use of the premises at the above named location as an off-street parking lot for 64 passenger cars which is not issuable under the Zoning Ordinance because the proposed use is not allowable in the R-6 Residential Zone in which this property is located unless authorized by the Board of Appeals, Section 602.7A.8.d.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24 D (3) of the Zoning Ordinance have been met. (See reverse side hereof for said conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If site plan approval is required, a preliminary or final site plan is attached hereto as Exhibit A.

CDS, INC.
Paul S. [Signature]
APPELLANT

602.24 D (3) Conditions for Conditional Uses.

a. Authorized Uses. A conditional use permit may be issued for: any use specifically listed as a conditional use in the regulations applicable to the zone in which it is to be located.

b. Standards. A conditional use permit for the conditional uses listed in Sections 602.2 through 602.13 shall be granted only if evidence is presented which establishes:

- (1) That the proposed building or use will be in harmony with the general purpose, goals, objectives and standards of the Land Development Plan, the Zoning Ordinance and the Site Plan Ordinance.
- (2) That the proposed building or use will not have a substantial adverse effect including monetary, upon adjacent property, the character of the neighborhood, traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare.
- (3) That the proposed building or use will be constructed, arranged and operated so as not to interfere with the development and use of neighboring property in accordance with the applicable zone regulations.
- (4) That the proposed building or use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- (5) That the proposed building or use will not result in the destruction, loss or damage of any natural, scenic or historic feature of major importance; and
- (6) That the proposed building or use complies with all standards imposed on it by the regulations applicable to the zone in which the use is to be located and any additional standards relating to the specified conditional uses.

c. General Considerations: In determining whether the evidence establishes that the foregoing conditions have been met, the Board shall consider:

- (1) Whether and to what extent the proposed building or use at the particular location requested is necessary or desirable to provide a service or a facility which is in the interest of the public convenience or which will contribute to the general welfare of the neighborhood or community;
- (2) Whether and to what extent such public goals can be met by the location of the proposed building or use at some site or in some area which may be more appropriate than the proposed site; and
- (3) Whether and to what extent all steps possible have been taken to minimize any adverse effects of the proposed building or use on the immediate vicinity through building design, site design, landscaping and screening.

ESZ

2/11/78

City of Portland
Board of Appeals

Dear Sirs:

I hope you will excuse our writing, but as residents of 74 West Street, we feel that our voice should be heard, specifically about the request to allow parking off street at the Butler School playground area.

This seems to be excessive - I feel that the school is to be converted into apartments + that parking is necessary - not for 64 autos.

Further - I am afraid that should this parking be allowed at this time without

a specific schedule for the school building,
nothing would be accomplished.

Therefore may I propose that this request
be tabled for six months or until there
is a definite commitment with approved
plans for the development of the school

Sincerely

Elizabeth + John Zeman

741 West St.

285 Carleton Street Hall
Portland, Maine 04111
RE: 13-23 Carlton St. (SS-A-45)



City of Portland, Maine
Building & Inspection Services
Attention Mr. Thomas J. Murphy - Secretary
Room 113 City Hall
Portland, Maine 04111

RECEIVED
FEB 10 1975
DEPT. OF BLDG INSP.
CITY OF PORTLAND

28 Carleton Street

Portland, Maine

04102

February 5, 1975

Attention Mr. Thomas J. Murphy,
Secretary

As owner & tax-payer of my
family home at 28 Carleton Street
for fifty two (52) years (since 1923)
quite a record in itself, I hereby
voice a vigorous protest against
the proposed out-door parking area
for sixty four (64) cars from 13-23
Carleton Street. The reasons are
as follows:-

1 - noise

2 - lights

3 - attraction of undesirable elements

4 - litter

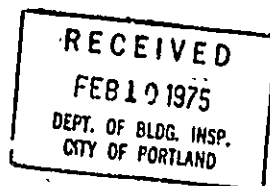
5 - possible vandalism - probable

6 - general overall unattractiveness
(over)

Any one(1) of these six(6) obnoxious
points would constitute a serious
menace to the entire neighborhood,
not to mention any combination
of the same. If permission should
be granted, what protection to
property owners does the Zoning
Ordinance offer? It would, in
this instance, defeat its purpose.

Very truly yours,

(Mrs.) Eleanor Cross Hall



CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

All person interested either for or against this Conditional Use appeal will be heard at a public hearing in Room 112, City Hall, Portland, Maine on Wednesday, February 12, 1975 at 4:00 p.m. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by Ordinance.

C.D.S., Inc., owner of property at 13-23 Carleton Street (#55-A-4-5) under the provisions of Section 602.24 D of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit a certificate of occupancy for use of the premises at the above named location as an off-street parking lot for 64 passenger cars. Permission is not allowable under the Zoning Ordinance because the proposed use is not allowable in the R-6 Residential Zone in which this property is located unless authorized by the Board of Appeals, Section 602.7A.8.d.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24 D (3) of the Zoning Ordinance have been met.

Thomas J. Murphy
Secretary

Just A K. Miller
Frank P. Briggs

February 10, 1975

Dear Sirs:

We have never protested anything before concerning city affairs, but now seems to be the time to speak out. We hope to attend the public hearing on Feb. 12 concerning the use of the property at 13-23 Carleton St., but thought we would send a letter also. In the past six years we have been on the corner of West and Carleton we have seen the neighborhood's appearance greatly damaged by the cutting of trees. We realize the necessity of that and hope that new trees will eventually be planted, but to make a parking lot out of the above mentioned property would add insult to injury. We know beyond a doubt that if such a thing ever took place, that vandalism would be a major problem in this area. A small concrete building was constructed on this lot a few years ago-just a few yards from our property. We saw the building demolished by vandals. Fires were set, the large concrete blocks were chipped out and the metal door lasted only a matter of days. The building was never even used. A parking lot in this spot would not only effect the value and appearance of the entire neighborhood, but would require the strictest twenty-four hour policing ever required in this area. We can see nothing but headaches ahead for the people in this neighborhood and for the city of Portland.

Sincerely Yours,

Irv & Barb McCalmon
Irv and Barbara McCalmon

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

CONDITIONAL USE APPEAL

Findings of Fact

The applicant is CDS, Inc. (David Schurman, President) and he is interested in the property located at 13-23 Carleton Street as holder of an option. The owner of the property is City of Portland and his address is 389 Congress Street, Portland, ME. The property is located in a R-6 Zone. The present use of the property is playground.

The applicant respectfully petitions the Board of Appeals for a conditional use permit to permit a certificate of occupancy for use of the premises at the above-named location as an off-street parking lot for 64 passenger cars.

Further Findings of Fact

CDS, Inc. is the holder of an option which must be exercised by March 31, 1975.

Appearances

The names and addresses of those appearing in support of the application are: David Schurman, President CDS, P.O. Box 7130, Portland, ME, Charleton Smith, Esquire, 148 Pine Street, Portland, ME.

and the names and addresses of those appearing in opposition to the application are: Dorothy LeButt, 144 Pine Street, Portland, ME, Wesley Kinney, Cumberland Center, ME, Scott Dexter, (minor address unknown), Philip Jenkins, Tate Street, Portland, ME, David Osborn, (minor address unknown).

Exhibits

The documentary evidence presented to the Board, including, but not by way of limitation, plans, specification, photographs, etc. consisted of the following: A report from the Planning Department and several letters both in support and in opposition to the proposed use.

REASONS FOR DECISIONS

The proposed building or use (will/~~XXXXXX~~) be in harmony with the general purpose, goals, objectives and standards of the Land Development Plan, the Zoning Ordinance and the Site Plan Ordinance, as evidenced by: The conditions placed upon the development of the parking lot by the Planning Board

The proposed building or use (~~will~~/will not) have a substantial adverse effect, including monetary, upon adjacent property, the character of the neighborhood, the traffic conditions, utility facilities and other matters affecting the public health, safety and general welfare, because of the following: the present use of the property and its suitability as a parking lot in the particular neighborhood and also the conditions imposed upon the use permit by the Board of Appeals

The proposed building or use (will/~~XXXXXX~~) be constructed, arranged and operated so as to interfere with the development and use of neighboring property in accordance with the applicable zoning regulations as demonstrated by: it will aid in the development of adjacent property because the development of the Butler School will retain the character of the neighborhood.

The proposed building or use (will/~~XXXXXX~~) be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, as evidenced by: the applicant will preserve a 24 foot strip for storage of snow during snow removal operations. There are existing sewers on the property which adequately serve it.

and the persons or agencies responsible for the establishment of the proposed use (will/~~XXXXXX~~) provide adequately for such services as shown by: Approval of the proposed plans by the Building Inspector

The proposed building or use (~~will~~/will not) result in the destruction, loss or damage of any natural, scenic or historic feature of major importance, because of the following: because of the retention of existing trees.

The proposed building or use (will/~~will not~~) comply with all standards imposed on it by the regulations applicable to the zone in which the use will be located and any additional standards relating to the specific conditional use as demonstrated by the following: Reports of the Building Inspector and Planning Staff

The proposed building or use at the particular location requested (is/~~is not~~) necessary or desirable to provide a service or a facility which is in the interest of the public convenience or which (will/~~will not~~) contribute to the general welfare of the neighborhood or community, as demonstrated by: Current parking need

The public goals described above (can/~~cannot~~) be met by the location of the proposed building or use at some site or in some area which may be more appropriate than the proposed site, because of the following: Lack of parking in the area.

All steps possible (~~have not~~/have ~~been~~) been taken to minimize any adverse effects of the proposed buildings or use on the immediate vicinity through building design, site design, landscaping and screening as evidenced by: Report of the Planning Staff and approval by the Building Inspection Department

SPECIFIC RELIEF GRANTED

After a public hearing on February 12, 1975, the Board of Appeals find that all of the conditions required by the Ordinance (do/~~do not~~) exist with respect to this property and that a conditional use should _____ be granted in this case.

It is therefore determined that a conditional use _____ be granted *

in this case by:

James O'Malley
Walter E. Wilson

Jacqueline C. Oler
Thomas J. Murphy
Gail D. Snow

* Subject to the following conditions: (a) Installation of light screening on fence
(b) Planning Staff will work with Mr. Kinney and other abutters and the developer to provide fencing as needed as well as additional lighting if such is found necessary.

February 14, 1975

Councilor J. Donald MacWilliams
51 Beacon Street
Portland, ME 04103

RE: 13-23 Carleton Street - Zoning Board of Appeals

Dear Mr. MacWilliams:

I enclose herewith for reference a copy of the decision of the Zoning Board rendered at its hearing on February 12, 1975, regarding the Butler School Playground.

Very truly yours,

Charles A. Lane
Assistant Corporation Counsel

CAL/dlh

Enclosure

February 14, 1975

Mr. David Schurman
President
CDS, Inc.
P.O. Box 7130

RE: 13-23 Carleton Street - Board of Appeals

Dear Mr. Schurman:

Enclosed herewith is a copy of the decision of the Board of Appeals regarding the above-captioned matter.

Please note that the appeal of CDS, Inc. regarding the change of the use of the subject property from a playground to a parking lot was approved by the Board.

Very truly yours,

Charles A. Lane
Assistant Corporation Counsel

CAL/dlh

Enclosure

February 10, 1975

Community Development Services, Inc.
P.O. Box 7130
Portland, ME 04112

RE: Appeal to Zoning Board

Dear Sir:

I enclose herewith for your reference a copy of the report prepared by the Planning staff of the City of Portland regarding your proposed use of the Butler School Play Yard.

Very truly yours,

Charles A. Lane
Assistant Corporation Counsel

CAL/dlh

Enclosure

APPLICATION FOR CERTIFICATE OF OCCUPANCY FOR USE OF PREMISES

13-23 Carlton St.

Portland, Maine January 17, 1975

Location Lot 55-A- 4 & 5, Pine St

Zone R-6

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 parking

as set forth on the attached site plan (made by CDS whose address is PO Box 7130, Portland, Me) 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:-

PROPOSED

Owner (name, address and phone number) CDS, PO Box 7130, Portland, Me. 04112

Lessee (name, address and phone number) _____

Is proposed use to be accessory to a building or other use on this lot?

yes . If so, what is use of building or other use apartments

If off-street parking is sought, what is proposed maximum number of vehicles to be parked - passenger cars? 64, commercial vehicles 0

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 Public Works)?

no

And, if access to the premises is available from more than one street, have you secured similar approval by the Planning Board? no

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)? yes

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? n/a

Signature of Owner [Signature]

By _____
(duly authorized thereto)

THIS IS NOT A CERTIFICATE OF OCCUPANCY

To:

COMMENCING the above proposes 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) _____

Inspector of Buildings

3-17-75 Not started [Signature]

Appeal sustained conditionally 2-12-75

Bitter School Parking

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

All person interested either for or against this Conditional Use appeal will be heard at a public hearing in Room 112, City Hall, Portland, Maine on Wednesday, February 12, 1975 at 4:00 p.m. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by Ordinance.

C.D.S., Inc., owner of property at 13-23 Carleton Street (#55-A-4-5) under the provisions of Section 602.24 D of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit a certificate of occupancy for use of the premises at the above named location as an off-street parking lot for 64 passenger cars. Permission is not allowable under the Zoning Ordinance because the proposed use is not allowable in the R-6 Residential Zone in which this property is located unless authorized by the Board of Appeals, Section 602.7A.8.d.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24 D (3) of the Zoning Ordinance have been met.

Thomas J. Murphy
Secretary

CITY OF PORTLAND, MAINE
Building & Inspection Services

January 20, 1975

c.c. Corporation Counsel

CDS
PO box 7130
Portland, Maine 04112

Re: 13-23 Carleton St. (Assessors # Lot 55-A-4-5)

Gentlemen:

C
O
P
Y

Certificate of Occupancy for use of the premises at the above named location as an off street parking lot for 64 passenger cars is not issuable under the zoning ordinance because the proposed use is not allowable in the R-6 Residential Zone in which this property is located unless authorized by the Board of Appeals. (Sec. 602.7A.8.b)

We understand you would like to exercise your appeal rights in this matter. Accordingly, your authorized representative should come to this office in Room 113, City Hall to file an appeal on forms which are available here. A fee of \$15 for Conditional Use Appeal shall be paid at this office at the time the appeal is filed. If the fee has been paid an appeal filed prior to this letter, then consider this letter a matter of formality. (Sec. 602.24.D)

Very truly yours,

A. Allan Soule
Assistant Director

AAS:ik



APPLICATION FOR PERMIT

PERMIT ISSUED

0097

FEB 10 1936

Class of Building or Type of Structure Third Class

Portland, Maine, February 10, 1936

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect alter install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 13-17 Carleton Street Ward 7 Within Fire Limits? yes Dist. No. 5

Owner's or Lessee's name and address Mrs. Jennie Wright, 165 Eastern Promenade Telephone _____

Contractor's name and address Ira E. Dresser, 1520 Congress St. Telephone 2-8888

Architect's name and address _____

Proposed use of building _____ No. families _____

Other buildings on same lot _____

Plans filed as part of this application? no No. of sheets _____

Estimated cost \$ _____ Fee \$ 1.00

Description of Present Building to be Altered

Material wood No. stories 1 1/2 Heat _____ Style of roof _____ Roofing _____

Last use Garage No. families _____

General Description of New Work

To demolish building app. 80' x 40'

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.

Details of New Work

Size, front _____ depth _____ No. stories _____ Height average grade to top of plate _____

To be erected on solid or filled land? _____ earth or rock? _____

Material of foundation _____ Thickness, top _____ bottom _____

Material of underpinning _____ Height _____ Thickness _____

Kind of Roof _____ Rise per foot _____ Roof covering _____

No. of chimneys _____ Material of chimneys _____ of lining _____

Kind of heat _____ Type of fuel _____ Is gas fitting involved? _____

Corner posts _____ Sills _____ Girt or ledger board? _____ Size _____

Material columns under girders _____ Size _____ Max. on centers _____

Studs (outside walls and carrying partitions) 2x4-16" O. C. Girders 6x8 or larger. Bridging in every floor and flat roof span over 8 feet. Sills and corner posts all one piece in cross section.

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 _____

Total 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 above work require removal or disturbing of any shade 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

Ers. A. R. Wright

Signature of owner Ira E. Dresser

INSPECTION COPY

61513

Ward 7 Permit No. 36/96
Location 17 Carleton St.
Owner Mrs. Jessie Wright
Date of permit 2/10/36
Notif. closing-in
Inspn. closing-in
Final Notif.
Final Inspn. 4/14/36. OSG.
Cert. of Occupancy issued None.

NOTES

3/5/36. Stenciled stair
4/14/36. Stencil OSG.
about complete. OSG