

ISLAND AVENUE
109B-F-9

CLIFF ISLAND

(COPY)

*Forward 9/9/31
3/55*



City of Portland, Maine

Appeal to the Municipal Officers to Reverse the Decision of the

Inspector of Buildings Relating to the Property owned

by *Cora Herman Island* Cliff Island (Church Road)
~~Mrs. Frances Nelson~~

August 17, 19 ~~31~~

To Municipal Officers:

Your Appellant, Cora Herman

who is the ~~Owner~~ *Owner* of ~~property at~~ proposed Cottage

respectfully petitions the Municipal Officers of the City of Portland to reverse the decision of the Inspector of Buildings relating to this property.

The decision of the Inspector of Buildings to remove the cottage being erected under Building Permit No. 53/1224 which is not being constructed in accordance with the application filed, or the requirements of the Building Code of the City of Portland

The reason for the appeal are as follows: The appellant needs the building for a home for herself and three children, and as she has not the funds available to reconstruct this building as required by the Building Inspector.

109B-F-9

315

September 9, 1951

To the Municipal Officers:

The Committee on Zoning and Building Ordinance Appeals to whom was referred the appeal of Mrs. Cora B. Herman with relation to her building formerly under construction on Church Road, Cliff Island, reports as follows:

This committee feels that it does not wish to sustain this appeal.

Recommended that the appeal be denied.

COMMITTEE ON ZONING AND BUILDING
ORDINANCE APPEALS.

Chairman.

3/35

Sept. 5, 1931

Arthur E. Craig, Chairman,
Committee on Zoning and Building Ordinance Appeals

Dear Sir:

The history of the appeal of Mrs. Cora Herman with relation to the camp on Cliff Island is as follows:

She secured a permit on June 16th, 1930 for a camp 12' x 13', the height being given as 10 feet to the peak of the roof. In the fall of 1930 she discovered that she had completed, but that the structure was much higher than 10 feet, and that she had departed materially from the usual standards set up by the Building Code in the main as follows: sills laid flat with insufficient supports, no sills at all on the ends of building; floor timbers about three foot apart; most of studs about three feet apart; framing around window and door openings single 2 x 4's in some cases; a single 2 x 4 laid flat supporting one or more studs above and a portion of the roof; rafters of dormer window insufficient. In October, 1930 I wrote to her requiring that she remove the building since in my opinion the structure could not be economically altered to make it reasonably substantial. She came to the office and stated her circumstances, whereupon I agreed to let the building stand until the following year until I could personally examine it with the hope that I could figure out some adjustment. I examined it on July 8, 1931 and was at a loss to know how the building might be made right without removing it at least down to the top of the first floor timbers. I again wrote to her, gave her my opinion, and directed again that she remove it. I am fully informed of developments since that time.

My I submit that this is a most extraordinary appeal. It does not seek a change in the Inspector's decision as most of the zoning appeals. The appeal does not seek a reversal of the Inspector's decision under the Building Code because it is evident to all that she has actually widely departed from the rules for strength of wooden buildings adopted by the Council and given to the Inspector to enforce. The appellant is really asking the Council to relieve her from observing the rules that others are required to follow.

It seems evident that the best reasons for applying the Building Code and Zoning Ordinance to Cliff Island are for fire prevention and to prevent the construction of unsubstantial and unsightly "shacks" which become a detriment to surrounding property. The Municipality is not permitted to regulate appearances, but by requiring a substantial building, we usually secure a building reasonably presentable in appearance. To allow this appellant to proceed with her building as she has begun is equivalent to announcing that observance of the Building Code is not necessary on Cliff Island, and if not on Cliff Island, why apply it on Long Peaks, Cashinga, or the Diamonds?

Very truly yours,

CC - City Manager

Inspector of Buildings.

3/56
Sept. 5, 1931.

Mrs. Cora B. Herman,
175 Cottage Road,
South Portland, Me.

Dear Madam:

Mr. Craig, Chairman of the Committee on Zoning and Building Ordinance Appeals of the City Council, has asked me to notify you that there will be no additional hearing upon your appeal with relation to the building on Cliff Island at noon next Wednesday, Sept. 8th, as you were told last Wednesday, but that you will have full opportunity to be heard before the entire Council at the regular meeting which convenes next Wednesday evening at 7:30 Daylight Time.

Very truly yours,

Inspector of Buildings.

13/53

PUBLIC HEARING ON APPEAL OF MRS. MORA HERRMAN AT CHURCH ROAD,
CLIFF ISLAND

Sept. 2, 1981.

A public hearing was held on the above appeal before the Committee on Zoning Ordinance Appeals today. Present for the City were Councillor Craig and the Inspector of Buildings.

Mrs. Herrman appeared in support of her appeal, merely stating that she had no money to remove the building or to build it again.

Inspector of Buildings.

August 22, 1931

Mrs. Frances Nelson,
14 Broadway,
So. Portland, Me.

Dear Madam:

The Committee on Zoning and Building Ordinance Appeals of the City Council will hold a public hearing at Room 26, City Hall, Wednesday, Sept. 2, 1931, at 11 o'clock Eastern Standard Time (12 o'clock Eastern Daylight Time) upon your appeal seeking a reversal of the decision of the Inspector of Buildings with relative to your building formerly under construction on Church Road, Cliff Island.

You will be expected to be present or to be represented at this hearing in support of your appeal.

COMMITTEE ON ZONING AND BUILDING
ORDINANCE APPEALS

Arthur E. Craig, Chairman