BECK'S POINT

BECKY'S POINT CLIFF ISLAND
109F-A-1

WARREN McDONALD
INSPECTOR OF BUILDINGS

ALBERT J. SEARS
DEPUTY INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE

Department of Building Inspection

AP - Cliff Island
(Assessors Lot No. 109F-A-1)

May 6, 1959

cc to Corp. Counsel

Mr. Robert L. Belknap,
401 West 118th Street
New York 27, N. Y.

Dear Mr. Belknap:

Building permit for construction of a one story dwelling 33feet by 33 feet on land on Cliff Island at the above named location is not issuable because the lot on which it is to be erected does not abut a street as is required by Section 12-B of the Zoning Ordinance applying to the R-2 Residence Zone in which the property is located. While approval has been given by the Municipal Officers of the right of way giving access to your property from the public road, it is still necessary to ask the Board of Appeals for a variance from the requirement of the Zoning Ordinance noted above before a permit can be issued. This letter then may be considered as certification of the case to the Corporation Counsel for action.

Because of your residence outside the City, we are enclosing herewith two copies of the appeal form ready for your signature.

Please return these signed forms to this office or that of the Corporation Counsel so that the case may be put in line for consideration by the Appeal Board.

Very truly yours,

AJS/H

Inspector of Buildings

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

VARIANCE APPEAL

May 6, 1959

Robert L. Belknap, owner of property at Cliff Island (Assessors Lot No. 109F-A-2) 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: Construction of a one story dwelling 33 feet by 33 feet on land on Cliff Island. This permit is presently not issuable because the lot on which it is to be erected does not abut a street as is required by Section 18-B of the Zoning Ordinance applying to the R-2 Residence Zone in which the property is located.

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.

Robert L. Belknap
APPELLANT

DECISION

After public hearing held May 19, 1959, 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.

BOARD OF APPEALS

I-Church Ave., Cliff Island

December 30, 1948

Mr. David C. Coyle
Cosmos Club
Washington 5, D. C.

Subject: Inquiry in regard to framing of proposed water tank and washroom attached to cottage on Church Avenue, Cliff-Island

Dear Mr. Coyle:

We regret our delay in answering your inquiry concerning the proposed water tank and washroom to be attached to your cottage on Church Avenue at Cliff Island, but the pressure of other business has prevented us from doing so until this time. There are some details about the proposal which we do not clearly understand and which have considerable bearing upon the type of construction allowable for the work.

If the washroom space beneath the tank is to be left open, then the construction shown would appear to meet requirements. However should you plan to enclose the entire structure as a part of the cottage, then the rules regarding the construction of buildings would apply. In the latter case sills of no less than 4x6, all one piece in cross section, would be required on top of the piers with the floor timbers and studs supported on them. The posts at the corner would need to be no less than 4x6, either one piece in cross section or built up of 2x4's, extending in one length from sill to plate at top of tank where roof is to be supported. At least 2x4 studs would be required in the walls, but these may be spaced 24" on centers instead of the usual 16" on centers if the building to which the addition is to be attached is a cottage built for summer use only.

When you get ready to do the work, which we presume will not be until next spring or summer, you should make application at this office for a permit covering the work. If this is to be an open structure, the plan which you have sent in for critism, one copy of which we are keeping for our files, may be filed with the application. If the structure is to be built as an enclosed part of the cottage, you should revise your plan to show compliance with Building Code requirements for such an addition and file a copy of the revised plan with your application. We are returning the original of your plan with this letter.

Very truly yours,

Inspector of Buildings

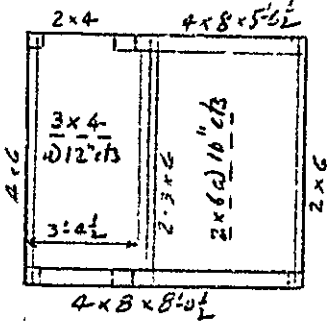
AJS/G

Enclosure: Original of your plan.

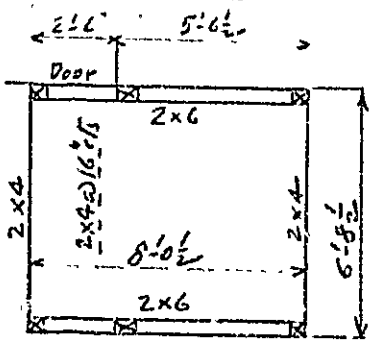
RECEIVED
NOV 8 1948
DEPT. OF BLD'G. INSP.
CITY OF PORTLAND

Tank House for
David C. Coyle C.E.
Cliff Island Me
Nov 5, 1948
Scale 1/4"

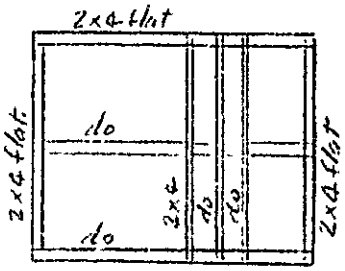
Tank 36" deep
3/4" T.G. floor
1/4" Masonite, sheet plastic.



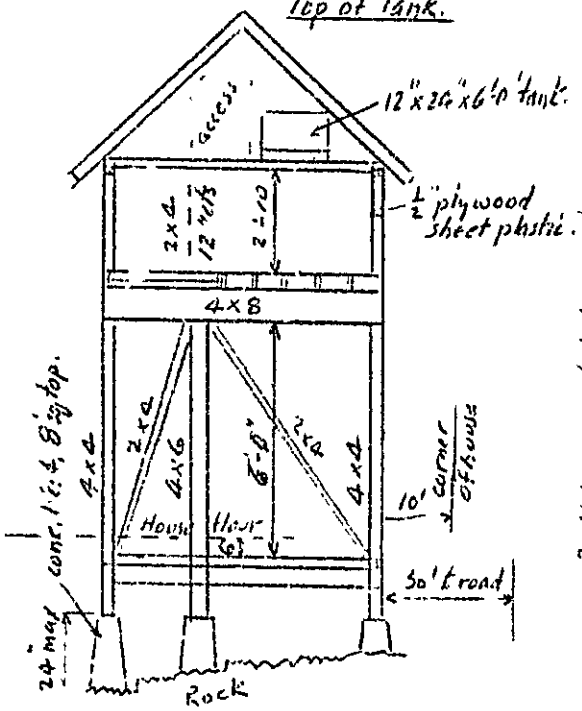
Tank Floor



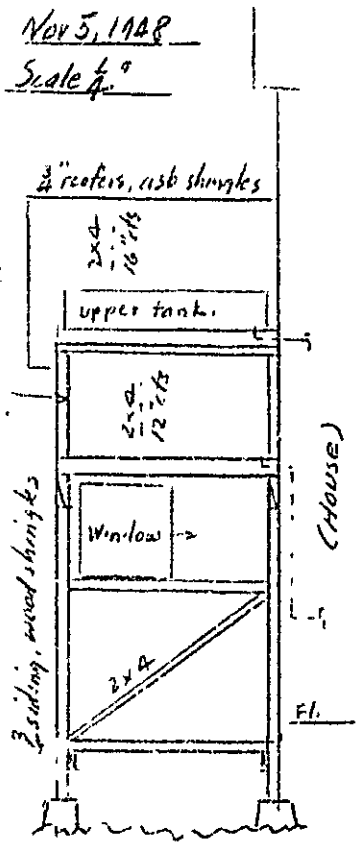
Wash Room Floor



Top of Tank.



Side Elev.



Front Elev
Rear same

COSMOS CLUB
WASHINGTON 5 D C.

Nov 5, 1948

Mr Warren McDonald
Inspector of Buildings
Portland, Me.

Dear Mr. McDonald,

Thank you for your letter of Oct 15th. In reply I enclose two copies of a sketch of my proposed water tank and wash room, for your criticism.

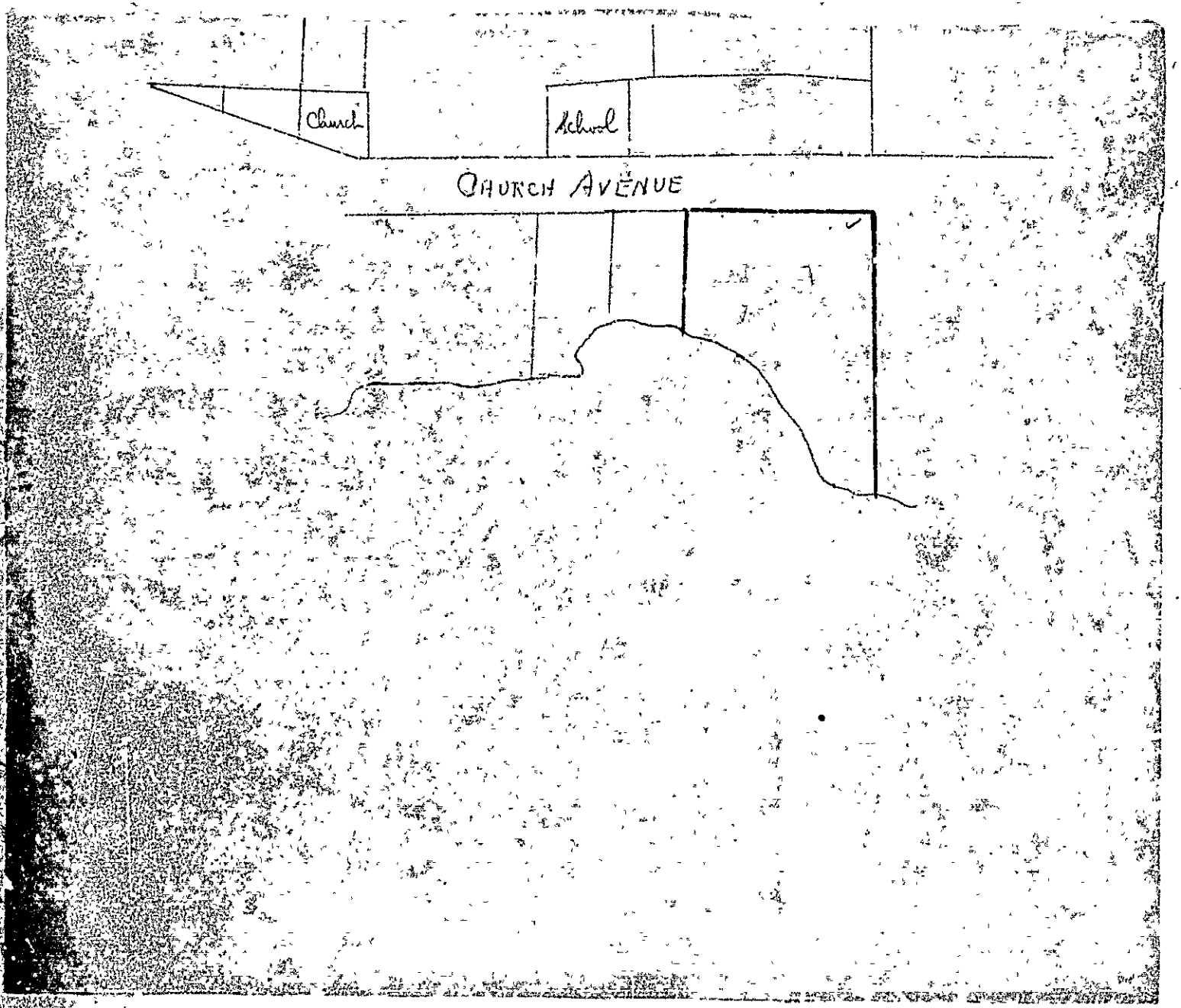
The location is at the side of my house on Cliff Island, farther from the road than the front of the house, and more than 30 feet from the neighbor's line. Covering material shown is same as the house, to which this new structure will be attached.

I plan to do the work myself, so have not shown detail of windows, doors, and piping. I estimate overall cost, including my labor, at $300.

Please let me know what modifications in these plans are necessary to comply with the code.

Yours very sincerely

David Clayes


Church
School
CHURCH AVENUE

(Duplicate copy--original inquiry and letter attached misplaced.)

INQUIRY BLANK

ZONE _____

FIRE DIST. _____

CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION

Verbal
By Telephone

Date _____

LOCATION Church Ave., Cliff Island OWNER David C. Coyle

MADE BY Owner TEL. _____

ADDRESS Cosmos Club, Washington, D. C.

PRESENT USE OF BUILDING _____

CLASS OF CONSTRUCTION _____ NO. OF STORIES _____

REMARKS: _____

INQUIRY: What about framing of proposed water tank and washroom attached to Cottage?

ANSWER: See letter of 12/30/48

DATE OF REPLY 12/30/48 REPLY BY AJS

109E-A-13 R
109F-A-1

LOCATION ? Church Avenue, Cliff Island.

DATE 12/30/48

NOTES

Griffin
Griffin
Coyle

Granted 5/19/59
59/47

DATE: May 19, 1959

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF ROBERT L. BELKNAP

AT CLIFF ISLAND (ASSESSOR'S LOT NO. 09F-A-1)

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

BOARD OF APPEALS	VOTE Yes	No
Franklin G. Hinckley	(✓)	( )
Joseph T. Gough	(✓)	( )
Ralph L. Young	(✓)	( )

Record of Hearing:

No opposition.

PERMIT ISSUED
00639
MAY 26 1959
CITY of PORTLAND

APPLICATION FOR PERMIT

Class of Building or Type of Structure ... Third Class ...

Portland, Maine, March 25, 1959

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 ... Cliff Island (1099E-Ar1) Peaks Is. Point Within Fire Limits? no Dist No. ...

Owner's name and address Robert Belknap, 401 W. 118th St. New York City Telephone ...

Lessee's name and address ... Telephone

Contractor's name and address ... owner ... Telephone

Architect ... Specifications Plans yes No. of sheets 6

Proposed use of building Dwelling ... No. families 1

Last use ... No families ...

Material frame No. stories 1½ Heat ... Style of roof ... Roofing ...

Other building on same lot ...

Estimated cost $ 7,000 ... Fee $ 7.00

General Description of New Work

To construct 1½-story frame dwelling house 32' x 33' as per plans.

Appeal sustained 5/19/59

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*** owner

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? yes

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: floor ..., 2nd ..., 3rd ..., roof

Maximum span: 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:
with the 5-28-59 TOR

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

Robert Belknap

Signature of owner by: Robert M Belknap

INSPECTION COPY

Permit No. 59/619

Location Cliff Oliver (109F-H-1)

Owner Robert Goldberg

Date of permit 5/28/59

Footing, closing-in

Insp. closing-in

Final Notif.

Final Inspn.

Cert. of Occupancy issued

Staking Out Notice

Form Check Notice

NOTES

8-23-59 Framing started up to 2nd floor

8/14/61 - Work done 8-8-

AP-Cliff Island
(Assessor's 109F-A-1)

May 27, 1959

Robert Bellnap
Box 51
Cliff Island, Maine

Dear Mr. Bellnap:

Building permit to construct 1½ story frame dwelling 33 feet by 33 feet in accordnace with plans furnished with permit application is issued herewith but subject to the following conditions:

1. Double 2x10's supporting 6x8 carrying beams between 4x4 posts will be provided.

2. Four by four posts supporting beams adjacent to future fireplace are to have concrete footings extending at least 4 feet below grade or are to be placed on extensions of fireplace foundation if it is to be placed at this time. Provision should be made for one inch space between posts and any part of fireplace.

Very truly yours,

Theodore T. Rand
Deputy Inspector of Buildings

TTR/jg

401 West 118th St.
New York 27, New York

May 26, 1959

Mr. Theodore Rand
Department of Building Inspection
City Building
Portland, Maine

Dear Mr. Rand,

Thank you for your letter of May 22, showing the discrepancies between our plan and the building code. I think they can be taken care of as follows:

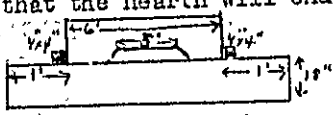
1) 4x6 sills insufficient -
- We shall increase all exterior sills touching outdoors or porches to 6x6 and let the interior sills remain 4x6, on edge, since they support only floor, or non-supporting partitions. (See note 2)

2) Piers not under all supporting posts -
- We shall add piers to plan under posts at corner of chimney, and under southernmost interior post of north-south interior supporting wall. On west half of house, second floor beams will be increased to 4x6 on edge supported only by those 6 interior posts which are directly above piers.

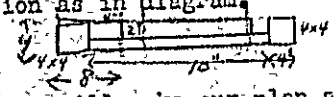
3) 3x4 exterior girts -
- These will be increased to 4x4.

4) Double studs -
- Jack studs supporting headers will be used on all windows and doors, except the 16" living room windows which do not break the pattern of studs.

5) Hearth interference with posts carrying 8x8's -
- The posts will be set just behind the face of the future chimney, so that the hearth will end in front of them.



6) 8x8 beams supported by 2x10's -
- I wanted the 2x10's to act as a diagonal brace between the 4x4's. Would a 2x4 secured to the face of such a 2x10 make it a compound post of sufficient dimension? If not, we could move the 8x8 beams a few inches closer to one another until they rested on the 4x4's already shown on plan, and add a 2x4 in front, forming a 4x8 post with cross section as in diagram.



We hope these changes will make our plan acceptable. We appreciate the care you have taken with our plan and the trouble you and Mr. Sears have taken to help our appeal to the Zoning Board. After June first our address will be box 51, Cliff Island.

Yours very truly,

Robert Z Bellows

AP-Cliff Island,(Assessors' 109F-A-1)

May 22, 1959

Robert Belknap
401 W.118th Street
New York City, N.Y.

Dear Mr. Belknap:

It appears that zoning obstacles to construction of 1½ story frame dwelling 33 feet by 33 feet at the above location have now been resolved; however certain discrepancies as regards Building Code requirements still exist. It will be necessary to indicate how these discrepancies are to be taken care of before we shall be able to issue a permit. Discrepancies are as follows:

1. Four by six sills and girders on a 6 foot span will not figure out unless 6 inch dimension is placed upright and if placed upright, 4x6 would be limited in carrying capacity to first floor loads and non-bearing partitions.

2. Any posts supporting carrying beams, second floor framing, and second floor partitions would be required to rest directly over concrete foundation piers below because of limited carrying capacity of 4x6 girders as mentioned in paragraph 1. It is not clear on the plans that such is the case. If adjustment of spacing of posts is necessary to center them over foundation piers it is possible that beams larger than 4x4 will be required to carry second floor framing on increased spans.

3. Girts in outside walls bearing on studs of story below and supporting studs and/or floor joists above are required to be no less than 4x4 or double 2x4 instead of 3x4 indicated on plans.

4. It is necessary that studs be doubled around door and window openings and that jack studs support headers over these openings if openings are over 30 inches wide.

5. Future fireplace must have a hearth extending at least 18 inches in front and 8 inches beyond sides of fireplace opening. Will location of posts supporting 8x8 carrying beams over living room area be affected by this requirement?

6. A note on plans indicates that you propose to use 2x10's as posts supporting 8x8 carrying timbers. Any such posts would be required to be lumber measuring no less than 4 inch nominal in least dimension.

Very truly yours,

TTR/jg

Theodore T. Rand, Deputy Inspector of Buildings

401 West 118th Street
New York 27, New York

April 16, 1959

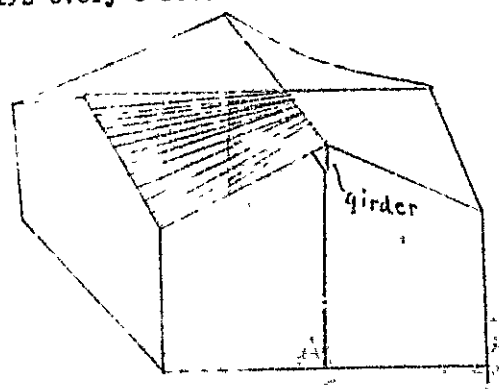
Mr. Ted Rand
Office of the Building Inspector
City Building
Portland, Maine

Dear Mr. Rand,

My wife and I have incorporated your suggestions into our house plans, and I am sending this letter so that you may have the information needed on a permit application all in one place. I am enclosing 6 sheets of new plans for the one family summer cottage which I hope to build for myself on the northeast point of Cliff Island, acting as my own contractor and architect. The house will be made of wood, one and a half stories tall, and heated eventually by a fireplace and a kerosene space heater connected with the fireplace flue, but temporarily with a kerosene room heater small enough to need no chimney under the building code. The roof will be supported on a central horizontal girder with rafters running directly to the slanting gable ends, as shown in the sketch and plans. I am most anxious not to use valley rafters, which would cut deeply into the second floor rooms. Roofing will be 19" selvedge asphalt sheets. No other building except perhaps a pump house is planned on the same land. Approximate cost should be $7000. The house will be 33 feet square, 18' 6" high, one and a half story, with one bathroom, two porches, one stairway, and other specifications as per plans.

Plumbing and electrical work involved will be done by licensed plumbers and electricians. Since no connection can be made to the public sewer, a septic tank draining into the ocean has been orally accepted by the health department, but no papers involving such a tank have been sent.

The plate supporting roof rafters slants from a height of 10' 6" to 17' 8". The two intersecting ridgepoles will be 19 feet above average grade. The house will be square, 33' on a side, one and one half stories tall, on solid land, resting on rock ledge. 9" sonotube piers will support 4x6 sills every 6 feet or less. The roof will rise an average of over 4" per foot but more steeply at the corners than in the center; as shown in sketch. Roof covering will be 19' selvedge asphalt.



There will be one brick chimney containing two tile flues. House will be heated by wood fires and kerosene space heater, but second chimney flue will accommodate oil furnace later if needed. Chimney is to be framed for, but not built in

first year.

Framing lumber will be dressed hemlock, ordinary grade, except the 18' 2x8 roof rafters, and the studs (2x4) between living room windows, which will be better grade fir, to assure stable dimensions and offer greater strength. Lumber will be dressed. Corner posts will be 4x4, unbroken from sill to plate. Sills will be 4x6, lying flat, supported on 9" sonotube piers every 6 feet or less. The girder supporting the roof will be built of 2 2x12 pieces, resting on 5 4x4 columns. In the center where the roof may bear snow, these columns are 7½' on centers. At the ends of the girder where the roof slope is largely in excess of 5" per foot, these columns are 9' on center. The exterior walls will be covered with cedar shingles nailed to 3/4 inch sheathing or to 3/4 inch plywood according to dimensions and stresses of are involved.

2x4 Studs will be 18" on centers to allow the frequent use of 16x60 double glass windows between studs as shown on plan. 3x4 or 4x4 plates have been placed above these studs, [illegible] to compensate for the 18" interval. First and second floor joists will be 2x6, 18" on center, with a maximum span of 8'6" (from inner edge to inner edge of supporting member). Roof rafters will be 2x8, 18" on centers, with a span of 16' (inner edge to inner edge of supporting member.) These will be made of western fir, and doubled where roof slopes less than 4" per foot.

No garage is contemplated. No tree will be disturbed on a public street. I will be in charge of the above work.

We were delighted to receive Mr. Orr's encouraging letter and are sending him a sketch of our 10-foot right of way, for approval by the Municipal officers. With their approval, it is apparently possible to appeal to the zoning board of appeals, and I should appreciate any suggestions you might have about the proper form and content for such an appeal. My wife will be on Cliff Island for several days next week and will try to find a chance to speak with you to adjust anything which may remain unclear or unsatisfactory in the new plans.

We are both grateful for the pains you have taken to help us, and glad that our problem may have helped to illustrate a point you have been trying to make. With best wishes to you and Mr. Sears,

Yours sincerely,

Robert L Belknap

Robert L. Belknap

Cottage 109F A-1 Cliff Island - Belknap 5-11-59

1. Zoning - Appeal
2. Special & General Use Requirements OK
3. Construction Details & Design

4x6 Sills Flat 6' span ? S = 12.32 ?

3x6 Plates ?

Header over wdw opgs ? Flat ? Dbl Jack studs

8x8 Beams over Living Room 11' span

Floor 7.5 x 11 x 45 3713
8 x 11 x 16 880
4593
4687 Allow - OK

5/11 4x6 Flat S = 12.32 6' span

6 x 2.5 x 45 = 2025

M = 1/8 wl² = 1/8 2025 · 6² = 18225

Sxd = 18225/1100 = 16+ ?

Sallow 12.32

4x6 upright ok for floor loads only
not for additional of plns & 2nd floor ?

2x8 DF Rafters 16' span 18" oc

good for 55/(4/3) = 41# ok since doubled
where roof pitch is less
than 4"/ft.

File copy

401 WEST 118TH STREET
NEW YORK 27, NEW YORK

May 9, 1959

Mr. Albert J. Sears
Dept. of Building Inspection
City of Portland, Maine.

RECEIVED
MAY 11 1959
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

Dear Mr Sears:

Thank you very much for your letter of May 6th, with the Variance-Appeal forms enclosed. I am returning them signed with this letter. I notice that that the house is described as "a one story ~~house~~ dwelling" in this appeal, and as a "one and one half story dwelling" on our plans. I did not make any change because a correction on your form might cause more confusion than that discrepancy, but if the difference matters, perhaps this letter will

serve as authorization for your secretary to make that change over my signature.

We are anxious to make any other moves you may suggest to help our appeal, and are very grateful to you and to Mr. Rand for the time you have both spent on our problem

Yours very sincerely,

Robert L. Belknap

CITY OF PORTLAND, MAINE

EXECUTIVE DEPARTMENT

May 6, 1959

Mr. Robert L. Belknap
401 West 118th Street
New York 27, New York

Dear Mr. Belknap:

At the May 4 meeting of the City Council, the access for your parcel of land on Cliff Island was approved. If you have not already done so, it would appear that the next step is to file an application for a building permit, which the Building Inspector will have to deny because of the requirement of the Zoning Ordinance. As soon as he has rejected your application, you may file an appeal with the Board of Zoning Appeals through the office of the Corporation Counsel. If the Board acts favorably upon your request, you should then be in a position to go ahead with your construction.

I hope that this will work out satisfactorily for you.

Sincerely yours,

William H. Orr
City Manager

cc: Building Inspector
Corporation Counsel

AP - Cliff Island
(Assessors Lot No. 109F-A-1)

May 6, 1959

cc to Corp. Counsel

Mr. Robert L. Belknap,
401 West 118th Street
New York 27, N. Y.

Dear Mr. Belknap:

Building permit for construction of a one story dwelling 33feet by 33 feet on land on Cliff Island at the above named location is not issuable because the lot on which it is to be erected does not abut a street as is required by Section 18-B of the Zoning Ordinance applying to the R-2 Residence Zone in which the property is located. While approval has been given by the Municipal Officers of the right of way giving access to your property from the public road, it is still necessary to ask the Board of Appeals for a variance from the requirement of the Zoning Ordinance noted above before a permit can be issued. This letter then may be considered as certification of the case to the Corporation Counsel for action.

Because of your residence outside the City, we are enclosing herewith two copies of the appeal form ready for your signature.

Please return these signed forms to this office or that of the Corporation Counsel so that the case may be put in line for consideration by the Appeal Board.

Very truly yours,

AJS/H

Inspector of Buildings

City of Portland, Maine

IN BOARD OF MUNICIPAL OFFICERS

ORDERED that access to a public way for a certain lot or parcel of land on Cliff Island on which Robert L. Belknap desires to construct a dwelling as shown on sketch submitted by him be and hereby is approved.

ORDER

APPROVING ACCESS TO A PUBLIC WAY
FOR LAND ON CLIFF ISLAND

#302

IN BOARD OF MUNICIPAL OFFICERS

May 4, 1959 19

READ TWICE AND PASSED
by vote of 7 Yeas.

YEAS NAYS

A TRUE COPY OF RECORD.

ATTEST

CITY CLERK

CITY OF PORTLAND, MAINE

EXECUTIVE DEPARTMENT

April 15, 1959

Mr. Robert L. Belknap
401 West 118th Street
New York 27, New York

Dear Mr. Belknap:

In reply to your letter of March 31 concerning the property which you have purchased on Cliff Island, I believe we have worked out an arrangement which will permit you to go ahead with construction. If you will send me a sketch of your land showing the 10-foot right-of-way which, I understand, constitutes your access to the public road, together with a letter asking that this access be approved by the Municipal Officers, I will submit it to the City Council and recommend that they give it their approval, which will suffice to meet the requirement of the statutes.

After this approval has been given by the Municipal Officers, the next step would be for you to file an appeal with the Zoning Board of Appeals asking for an exception from the provision of the Zoning Ordinance, which states that "no building shall be erected on any lot which does not abut a street." While I have no way to predict the attitude of the Zoning Board of Appeals, they do have the power to grant exceptions from the ordinance when a strict application of its provisions would result in undue hardship and where there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone.

In the meantime, I think that we will undertake some amendment to this section of the Zoning Ordinance to permit exceptions on the islands. However, this will take some time, and I feel that the course of procedure which I have outlined for you will probably bring quicker action.

I am sorry that these difficulties have developed, and yet I think they have served a useful purpose in pointing out to us the fact that some of our regulations and controls which have real purpose on the mainland are not suited to encourage development of the islands. We are planning to have a study made this coming summer of these problems and will seek some relaxation where it seems appropriate. I hope that we can get this worked out so that you will be able to go ahead with your plans.

Sincerely yours,

Julian H. Orr
City Manager

cc: Building Inspector, Planning
Director, Corporation Counsel

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Julian H. Orr, City Manager

FROM: Albert J. Sears, Inspector of Buildings

DATE April 3, 1959

SUBJECT: Letter of Robert L. Belknap about building on lot on Cliff Island which does not abut an approved street

The problem involved in this case is one which has arisen a number of times lately. Section 18-B of the Zoning Ordinance states that no building shall be erected on a lot which does not abut a street as defined in Section 27. Section 27 defines a street as a public way established by or maintained under public authority, or a way dedicated to the use of the public and appearing on the official map of the City of Portland. The Revised Statutes of Maine-1954 state that "A permit for erection of any structure or the use of land which requires access from a way may not be issued unless a way which provides the required access appears on the map or has been approved for the purpose by the municipal officers."

In Mr. Belknap's case his property consists of a neck of land which projects out into the water from the main part of the island about 2250 feet, being about 125 feet wide at its narrowest point near the extreme outer end and about 525 feet wide where it connects with the main part of the island. This latter side of the lot is the only part of the property which does not abut the water. He proposes to locate his house about 100 feet from the water on one side of the neck and about 150 feet from the lot line abutting the other island land. This lot is a thousand feet or more from any street on the island.

Mr. Belknap's deed gives him a right of way 10 feet wide across adjoining property to a right of way 10 feet wide along so-called Northeast Beach to the main highway, but exact location of this right-of-way on the ground is not defined. It is clear that this does not meet the definition of a street in the Zoning Ordinance nor the way described in State Law. I have discussed the matter with Bob Donovan and Graham Finney, but to date matters appear to be at an impasse as far as issuing a building permit is concerned. Bob Donovan has it under advisement, however, and may be able to come up with some method whereby perhaps the Municipal Officers can approve the access to the lot.

There has recently been filed a belated application for a permit for a small cottage already built on another tract of land on which there are other buildings on Cliff Island, the lot being a considerable distance from any street but having a 10 foot right-of-way leading to it. This property also abuts the water, but presents the same problem as regards issuance of permit as does the Belknap case. You will probably recall that in a similar case recently on Diamond Island, the difficulty was solved by acceptance by the Municipal Officers of a street or right of way which had been in use and kept in repair by the City for many years. However, the two new cases apparently cannot be solved as easily.

This is a problem which probably is pretty much common to property on all of the islands and which we may be called upon to face more frequently. Therefore, it seems to me that steps should be taken if it can be done under State Law to make possible issuance of permits in cases similar to those at hand.

AJSim

Very truly yours,

Albert J. Sears, Inspector of Buildings

CS 120

401 West 118th Street
New York 27, New York

March 31, 1959

Mr. Julian Orr
City Manager
City Building
Portland, Maine

Dear Mr. Orr,

Last month I bought a house site on Cliff Island, within the Portland City limits. I have over a dozen acres, almost a mile of shore line, and a good right of way to the main road on the island, but am told that no house may be built without an actual frontage on an accepted road. A summer house such as I plan would cost the city nothing for additional roads, sewers, schools or most other city services, and yet would pay its fair share of taxes. Mr. Sears and Mr. Rand both seem to feel that it would be to the city's advantage as well as my own if I could build on this piece of land. I am writing to ask if you can suggest any move which you or the city council might make to permit building a single house in a little-developed area without encouraging the irresponsible building speculators at whom the regulation is probably aimed.

Yours very sincerely,

401 WEST 118TH STREET
NEW YORK 27, N. Y.

March 31, 1959

Dear Mr. Rand,

When I got to New York, I looked up the exact phrasing of the right of access to the land I have bought on Cliff Island, (109 F A-1). My deed reads,

..."Together with an adequate right of way for all purposes from the northwesterly portion of the upland of the above described premises across the northeasterly portion of the upland of the other land of said grantor adjoining the premises hereby conveyed, to a right of way along Northeast Beach, also known as Anderson's Beach, and a right of way ten feet in width over the land now or formerly of Emma C. Gresley and Viola E. Griffin, formerly Viola E. Anderson, along said Northeast Beach to the main highway." (Deed is now being registered.)

This right of way was sold to my predecessor in title on May 11, 1939 (Book 1580, page 83):

..."together with a right of way of ten (10) feet in width over land of these Grantors along said Northeast Beach to the main highway."

I might add that the road along Anderson's Beach has been open to the fishermen who keep their boats, nets, and lobster pots there since time

immemorial.

The conclusion is:

1) I have good legal access to the accepted road.
2) Road frontage is unnecessary to me, since my land has almost a mile of sea frontage including at least two good landing places.

Perhaps these two facts can be combined to justify building on the land I have bought. I am enclosing a copy of a letter calling my problem to the attention of the City Manager. If there is any further information I can give you, I shall be very glad to send it down. My wife and I are incorporating your suggestions into our building plan and will send you the new copy when it is ready. Our very warm thanks to you and Mr. Sears for the attention you have given to theproblem.

Yours sincerely,

Robert L. Belknap