

City of Portland, Maine  
Municipal Officers  
BUILDING CODE

May 17, 1956, 19

*Sustained  
6/1/56*

56/47

To the Municipal Officers:

Your appellant, Joseph Hamilton, who is the owner of property at 18 Ashmont 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 by Section 115, Paragraph A of said Building Code.

Building permit intended to authorize change of use of the building at 18 Ashmont Street from wholesale distribution of merchandise to sales, service and repair garage is not insurable under the Building Code because the building is not sprinklered and is of non-combustible construction, and Section 302d.1 of the Code provides that repair garages in buildings of non-combustible construction shall be sprinklered. Appellant offers as a compensatory feature for lack of a sprinkler system that the steel frame of the building is protected by a ceiling and wall lining of incombustible material.

The facts and conditions which make this exception legally permissible are as follows:  
an exception is necessary in this case to avoid unnecessary hardship and practical difficulty and can be granted without substantially departing from the intent and purpose of the Building Code.

*Joseph Hamilton*  
*Appellant*

After public hearing held on the 1st day of June, 1956, the Municipal Officers find that an exception is necessary in this case to avoid unnecessary hardship and practical difficulty and can be granted without substantially departing from the intent and purpose of the Building Code.

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

*Ben B. Kilson*  
*John W. Lute*  
*Edward J. Colby*  
*Russell W. Welch*  
*William A. O'Brien*  
*Parley J. Lussier*  
MUNICIPAL OFFICERS

DATE: June 1, 1956

HEARING ON APPEAL UNDER THE Building Code OF Joseph Hamilton

AT 18 Ashmont Street

Public hearing on the above appeal was held before the Municipal Officers

<u>BOARD OF APPEALS</u>	<u>VOTE</u>		<u>MUNICIPAL OFFICERS</u>
	Yes	No	Ben E. Wilson
	(	(	John W. Lake
	)	)	Edward T. Colley
	(	(	William H. O'Brien
	)	)	Ruth D. Walch
	(	(	Perley J. Lessard
	)	)	
	(	(	
	)	)	

Record of Hearing:  
Brooks Whitehouse, Esq. for appellant

NO OPPOSITION

(COPY)

CITY OF PORTLAND, MAINE  
Department of Building Inspection

Copy to:  
Donald Kimball  
Fort Hill Rd, Gorham Me.



# Certificate of Occupancy

LOCATION #18 Ashmont St.

Date of Issue September 16, 1966

Issued to Joseph Hamilton  
47 Hillis 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. \_\_\_\_\_, 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  
Second Hand Store

Limiting Conditions: Sale by auction not allowed

This certificate supersedes  
certificate issued

Approved:

*N.F.C.*

(Date)

Inspector

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.

A.P.- 18 Ashmont St.

Sept. 16, 1966

Mr. Joseph Hamilton  
47 Hillis Street

Mr. Donald Kimball  
Fort Hill Rd., Gorham

Gentlemen:

Permit and Certificate of Occupancy to change the use of the building at the above location from an automobile upholstery shop to a second hand store is being issued subject to our discussion in which it is understood that the holding of auctions is not allowable as follows:

As there would be an assemblage of people attending an auction the parking requirements would need to be figured at one parking space for each five seats or for each 100 square feet, or major fraction thereof, of assemblage space if no fixed seats as per Section 14-B-7 of the Zoning Ordinance. As there is only 5525 square feet on this lot and the building covers 4612 square feet, according to our records, there would be a deficiency of parking area on the lot for this use.

Very truly yours,

Gerald E. Mayberry  
Building Inspection Director

GUM:m



B2 BUSINESS ZONE

### APPLICATION FOR PERMIT

Class of Building or Type of Structure Second Class  
Portland, Maine, Sept. 13, 1966

PERMIT ISSUED  
00891  
SEP 16 1966  
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 18 Ashmont Street Within Fire Limits? \_\_\_\_\_ Dist. No. \_\_\_\_\_  
 Owner's name and address Joseph Hamilton, 47 Hillis St. Telephone \_\_\_\_\_  
 Lessee's name and address Donald Kimball, Fort Hill Rd., Gorham, Me. Telephone \_\_\_\_\_  
 Contractor's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
 Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans \_\_\_\_\_ No. of sheets \_\_\_\_\_  
 Proposed use of building sale of used furniture No. families \_\_\_\_\_  
 Last use Auto upholstery No. families \_\_\_\_\_  
 Material cinder block stories 1 Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_  
 Other buildings on same lot \_\_\_\_\_  
 Estimated cost \$ \_\_\_\_\_ Fee \$ 2.00

#### General Description of New Work

To change use of existing 1-story building from auto upholstery to sale of used furniture  
no alterations

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** lessee

#### 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 plat \_\_\_\_\_ 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. G.*

#### Miscellaneous

Will work require disturbing of any tree on a public street? \_\_\_\_\_  
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

Joseph Hamilton

DITION COPY

Signature of owner By:

*William H. Tyle, Atty. for Donald Kimball*



City of Portland, Maine  
Board of Appeals  
—ZONING—

*Withdrawn  
12/30/55*

December 14, 1955, 19

*55/106*

To the Board of Appeals:

Your appellant, Cumb. & York Distributors, Inc., who is the owner of property at 18 Ashmont 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 18, Paragraph E of said Zoning Ordinance.

Building permit intended to authorize change of use of the building at 18 Ashmont St. from the non-conforming use for storage, office and general headquarters of wholesale business of distribution of malt beverages granted by appeal sustained conditionally by the Board of Appeals on April 15, 1949, to use for general warehouse for wholesaling of toys, sporting goods, wheel goods, and hardware is not allowable under the Zoning Ordinance because the property is located in a Limited Business Zone where, according to Section 5A of the Ordinance a wholesale business is not allowable.

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

An exception is necessary in this case to grant reasonable use of property where necessary to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

Cumb. & York Distributors, Inc.

By *Samuel A. Childs*  
Attorney for Appellant

~~After public hearing held on the \_\_\_\_\_ day of \_\_\_\_\_, 1955,  
the Board of Appeals finds that an exception is~~

APPELLANT GIVEN LEAVE TO WITHDRAW WITHOUT PREJUDICE.

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

*Samuel A. Childs*  
Chairman

BOARD OF APPEALS  
Withdrawn: Dec. 30, 1955

DATE: December 30, 1955

HEARING ON APPEAL UNDER THE Zoning Ordinance OF Cwp. & York Distributors, Inc.  
AT 18 Ashmont Street  
Public hearing on the above appeal was held before the Board of Appeals

BOARD OF APPEALS

VOTE

MUNICIPAL OFFICERS

- Ben B. Wilson
- John W. Lake
- Ruth D. Walch
- William H. O'Brien
- Edward T. Colley

Yes	No
( )	( )
( )	( )
( )	( )
( )	( )
( )	( )
( )	( )
( )	( )
( )	( )

APPELLANT GIVEN LEAVE TO WITHDRAW  
WITHOUT PREJUDICE

Record of Hearing:

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

December 27, 1955

Dana W. Childs, Esq.  
646 Forest Avenue  
Portland, Maine

Re: 18 Ashmont Street

Dear Mr. Childs:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, December 30, 1955, at 10:30 a. m. to hear the appeal of Cumberland and York Distributors, Inc. at the above address under the Zoning Ordinance.

Please be present at this hearing in support of this appeal.

BOARD OF APPEALS

Ben B. Wilson

Chairman

K



CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

December 20, 1955

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, December 30, 1955, at 10:30 a. m. to hear the appeal of Cumberland and York Distributors, Inc. requesting an exception to the Zoning Ordinance to authorize change of use of the building at 18 Ashmont Street from the non-conforming use for storage, office and general headquarters of wholesale business of distribution of malt beverages granted by appeal sustained conditionally by the Board of Appeals on April 15, 1949, to use for general warehouse for wholesaling of toys, sporting goods, wheel goods, and housewares.

This permit is presently not issuable under the Zoning Ordinance because the property is located in a Limited Business Zone where, according to Section 5A of the Ordinance, a wholesale business is not allowable.

This appeal is taken under Section 18E of the Zoning Ordinance which provides that the Board of Appeals, by unanimous vote of its members, may permit exceptions in specific cases so as to grant allowable use of property where necessary to avoid confiscation and without substantially departing from the intent and purpose of the Zoning Ordinance, subject always to the rule that said Board shall give due consideration to promoting public health, safety, convenience, and welfare, encouraging the most appropriate use of land and conserving property values, that it shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood, and that it shall prescribe appropriate conditions and safeguards in each case.

All persons interested either for or against this appeal will be heard at the above time and place, this notice of required public hearing having been sent to the owners of property within 500 feet of the premises in question as required by law.

BOARD OF APPEALS

Ben B. Wilson

Chairman

K



LIMITED BUSINESS ZONE
APPLICATION FOR PERMIT

PERMIT ISSUED
00518
APR 22 1949
CITY OF PORTLAND

Class of Building or Type of Structure Metal Frame
Portland, Maine, March 14, 1949

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE
The undersigned hereby applies for a permit to change use of
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 18 Ashmont Street
Owner's name and address Cumberland & York Distributors, Inc., 226 Fore Street
Lessee's name and address
Contractor's name and address
Architect
Proposed use of building Wholesale distribution business
Last use Garage for sales only of passenger automobiles
Material No. stories Heat Style of roof Roofing
Other buildings on same lot
Estimated cost \$
Fee \$.50

General Description of New Work

To change the use of building from garage to storage, office and general headquarters
of wholesale business of distribution of malt beverages.
To construct non-bearing partitions to make toilet room, partitions to be no less than
2x3 studs, (upright) spaced not more than 16" from center to center and covered
on at least one side and suitable wallboard. Toilet room to be vented in ac-
cordance with Health Dept. rules.

Taken from G.B. 7/10/50 - to be
sold there

Permit Issued with Letter

Appeal Sustained conditionally 4/15/49
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?
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 Kind of heat
No. of chimneys Material of chimneys of lining Thickness
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:

Inspector's signature box

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

Cumberland & York Distributors, Inc.

Signature of owner by: Edward S. Harvey

AP 18 Ashmont Street-I

April 23, 1949

Cumberland & York Distributors, Inc. Subject: Building permit to cover minor  
226 Fore Street alterations and change of use of the  
Portland, Maine building at 18 Ashmont Street

Gentlemen:

Permit for above alterations and change of use is issued to you,  
herewith, subject to the same conditions stipulated by the Board of  
Appeals in granting the zoning appeal, namely:

1. All vehicles shall be loaded and unloaded inside the building  
and there shall be no parking of vehicles or storage of merchandise on  
the premises outside of the building.
2. There shall be no deliveries to or from the premises on Sundays.
3. There shall be no deliveries to or from the premises on weekdays  
except between the hours of 7 o'clock a.m. and 6 o'clock p.m.
4. No signs shall be maintained on the premises other than the  
existing sign on the roof of the building and said sign shall not be elec-  
trified.
5. There shall be no enlargement of the existing building.

Very truly yours,

WHD/G

Inspector of Buildings

CC: Mr. Albert Knudsen  
415 Congress Street

AP 18 Ashmont Street-F

March 14, 1949

Gumberland & York Distributors, Inc. Subject: Application for permit to  
226 Fore Street cover change of use of the building  
Portland, Maine at 18 Ashmont Street and proposed  
zoning appeal relating thereto

Gentlemen:

Permit for change of use of this building from the last lawful use as garage for sale of passenger automobiles to use for storage office and general headquarters of wholesale business of distribution of malt beverages is not issuable under the Zoning Ordinance because the property is in a Limited Business Zone where, according to Section 5A of the Ordinance, wholesale business is not an allowable use.

You have indicated your desire to seek an exception from the Board of Appeals. There is enclosed, therefore, an outline of the appeal procedure.

Very truly yours,

Inspector of Buildings

WSD/G

Enclosure: Outline of appeal procedure

CC: Mr. Albert Knudsen  
415 Congress Street

Edward T. Gignoux  
Assistant Corporation Counsel

AP 18 Ashmont Street-1

March 14, 1949

Cumberland & York Distributors, Inc. Subjects: Application for permit to  
226 Fore Street cover change of use of the building  
Portland, Maine at 18 Ashmont Street and proposed  
zoning appeal relating thereto

Gentlemen:

Permit for change of use of this building from the last lawful use as garage for sales only of passenger automobiles to use for storage, office and general headquarters of wholesale business of distribution of malt beverages is not issuable under the Zoning Ordinance because the property is in a Limited Business Zone where, according to Section 5A of the Ordinance, wholesale business is not an allowable use.

You have indicated your desire to seek an exception from the Board of Appeals. There is enclosed, therefore, an outline of the appeal procedure.

Very truly yours,

Inspector of Buildings

WEN/S

Enclosure: Outline of appeal procedure

CC: Mr. Albert Emidsen  
115 Congress Street

Edward T. Gignoux  
Assistant Corporation Counsel



*Copy to  
Mr. McDonald  
copy to  
Mr. McDonald*

CITY OF PORTLAND, MAINE  
LEGAL DEPARTMENT

March 11, 1949

Mr. Timothy Murphy  
Director of Enforcement  
State Liquor Commission  
State House  
Augusta, Maine

Dear Tim:

In accordance with your request made over the telephone, I am enclosing herewith copy of the application for the permit to use property located at 18 Ashmont Street by the Cumberland York Distributors, Inc.

The Zone in which this property is located permits a storage warehouse, but does not permit the use of the premises for the exercise of wholesale business. This was made clear to the applicant who assured us that the building would be used for the purposes permitted under our Zoning Ordinance, namely, a storage warehouse and would not be used for any other aspect of the wholesale business. The applicant indicated that at some time in the future an appeal would be made to the Board of Zoning Appeals asking for authority to use the premises for wholesale purposes, but until such time the property would not be used for such purpose but only for storage.

With very best personal wishes.

Sincerely yours,

Barnett I. Shur  
Corporation Counsel

BIS:M  
Enclosure

cc: Mr. McDonald

RECEIVED  
MAR 12 1949  
DEPT. OF BLD'G. INSP.  
CITY OF PORTLAND

C  
O  
P  
Y

18 10 Ashmont Street-T

March 12, 1949

Cusberland & York Distributors, Inc. Subject: Building permit to cover change  
226 Fore Street of use of the garage at 18 Ashmont Street  
Portland, Maine to use for a storage warehouse, and certi-  
ficate of occupancy for the new use

Gentlemen:

Building permit for the above change and the certificate of occupancy for the new use are issued, herewith, without prejudice to the matter of installation of steam boiler and oil burner in the building last fall without a permit for the installation having been secured from this department. There is no particular reason to think that there is anything wrong with the details of this installation, but it was not possible to examine it in time to satisfy your request for issuance of the permit and certificate today.

It is also to be borne in mind that the storage warehouse feature is the use allowable in the Limited Business Zone, and that anything in the way of establishing there the headquarters of your wholesale distribution business, or the use of any part of the building or the premises for a wholesale business or part thereof would be contrary to the Zoning Ordinance.

Very truly yours,

Inspector of Buildings

WHCD/G

enclosures: Building permit, applicant's copy of application, and certificate of occupancy

CC: Barnett I. Shur  
Corporation Counsel

COPY



CITY OF PORTLAND, MAINE  
Department of Building Inspection

### Certificate of Occupancy

Issued to **Cumberland & York Distributors, Inc.**

Date of Issue **March 12, 1949**

This is to certify that the Building, premises, or part thereof, indicated below, and ~~DATE~~  
~~CHANGE~~ changed as to use at **12 Ashmont Street**  
under Building Permit No. **49/275**, has had final inspection, has been found to conform substan-  
tially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved  
for occupancy, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES  
**Entire Building**

APPROVED OCCUPANCY  
**Storage Warehouse**

**Limiting Conditions: No features of wholesale business allowable.**  
**No loading and unloading of vehicles except those standing**  
**within the building. (No motor vehicles parked or stored**  
**within the building, not to preclude vehicles in building**  
**for loading or unloading only). No more than one commer-**  
**cial vehicle to be parked on premises at one time.**  
This certificate supersedes certificate issued

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.



LIMITED BUSINESS ZONE

APPLICATION FOR PERMIT

Class of Building or Type of Structure Metal Frame

Portland, Maine, March 11, 1949

PERMIT ISSUED 00273 MAR 12 1949 CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to change use of 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 18 Ashmont Street
Owner's name and address Cumberland & York Distributors, Inc., 226 Fore St.
Proposed use of building Storage warehouse
Material metal frame No. stories 1 Heat steam Style of roof

General Description of New Work

To change the use of the building from garage to a storage warehouse. There will be none of the aspects of a wholesale business of distribution or sales. There will be no loading or unloading except to and from vehicles which stand within the building. No motor vehicles will be parked or stored within the building, expect for periods of loading and unloading, and not more than one commercial motor vehicle will be parked or stored on the premises at any one time.

Permit Issued with Letter

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. PERMIT TO BE ISSUED TO owners

Details of New Work

Is any plumbing involved in this work? Is any electrical work involved in this work?
Height average grade to top of plate Height average grade to highest point of roof
Material of foundation solid or filled land? earth or rock?
Material of underpinning Thickness, top bottom cellar Thickness
Kind of roof Rise per foot Height Roof covering Thickness
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 Max. on centers
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? yes

Cumberland York Distributors, Inc.

Signature of owner By

Daniel Spillars

APPROVED:

[Signature lines for approval]

INQUIRY BLANK

CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

ZONE "B"  
FIRE DIST. \_\_\_\_\_

Date \_\_\_\_\_

Verbal  
By Telephone

LOCATION 18 Ashmun St. - OWNER  
MADE BY M. Brown, State Building Inspector

ADDRESS \_\_\_\_\_ NO. STORIES \_\_\_\_\_  
PRESENT USE OF BUILDING \_\_\_\_\_ CLASS CONSTRUCTION \_\_\_\_\_  
LAST USE OF BUILDING \_\_\_\_\_  
REMARKS \_\_\_\_\_

INQUIRY As to use of lower garage by  
been distributed as for A.G.S.  
note attached?

ANSWER By A.G.S. - see note attached

DATE OF REPLY 5/10/49 REPLY BY ags



INQUIRY BLANK

ZONE 'B'  
FIRE DIST. Nose

CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

Verbal  
By Telephone

Date Jan. 28, 1949

LOCATION 18 Ashmont Street OWNER \_\_\_\_\_  
MADE BY F. L. Morrill  
ADDRESS 12 Monument Square TEL. 3-3894  
PRESENT USE OF BUILDING Garage  
CLASS OF CONSTRUCTION Metal Frame NO. OF STORIES 1  
REMARKS: \_\_\_\_\_

<sup>OK</sup>  
<sup>1/28/49</sup>  
INQUIRY: 1- In what use can this metal building be used?

2- Would the use of the building as a storage warehouse for products of some concern, say as Burnham + Morrill, be an allowable use?

ANSWER: 1- Same use for which it was being used in 1938 or any of uses allowable in the Limited Business Zone where building is located

2- Storage warehouse is an allowable use if it is in the nature of a retail business, but it is doubtful if storage in connection with a wholesale business, such as proposed, would be allowable.

DATE OF REPLY 1/28/49 REPLY BY A. J. S.



UNLIMITED BUSINESS ZONE  
 CITY OF PORTLAND, MAINE  
 DEPARTMENT OF BUILDING INSPECTION

Complaint No. 49-c

COMPLAINT

INSPECTION COPY

Date Received 1/17/49

Location 18 Ashmont Street Use of Building \_\_\_\_\_

Owner's name and address James G. Stanley, 450 Baxter Blvd. Telephone \_\_\_\_\_

Lessee  
 Lessee's name and address Stanley & Cadigan Co., 544 Forest Ave., Telephone \_\_\_\_\_

Complainant's name and address FMT Telephone \_\_\_\_\_

Description: Oil burning steam boiler installed and being used without permit.

Vertical lines for additional information or notes.

(C) LIMITED BUSINESS ZONE

Complaint No. 49-8

Location 18 Ashmont St.,

Date Received 1/17/49

Date Disposed of

NOTES

1-17-49. ~~Complete description of this garage, is within the inspection copy of the municipal heating permit.~~

~~The following is the same as we denied heating permit -~~

~~Cap part of a trapezoidal street sewerage conduit 18 inches, ducts and~~

~~59 gallon container, small kitchen stand fire.~~

~~a workman/contractor the building is being~~

~~ed as a show~~

~~ing - now being~~

~~Permittees, must~~

~~up in 115 ft. 115 ft. electric heater~~

in boiler room, operating.

Two heaters, similar to Unit heaters in the main building.

a section of the boiler room ceiling was being replaced with asbestos board.

This workman whom I talked with, said he was doing the work.

A masonry wall separates the boiler room from the main building.

and also the room where the 2 oil tanks are located. Three

walks of the enclosure extend upward about 12 ft. to a

ceiling.

The ceiling appears to have ducts or trapping around it.

There is a pitched

115 ft. with an

blind attic.

1/17/49

No. 152378

**RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)**

SENT TO  
**Nelson & Sharon Hamblin**

STREET AND NO.  
**8 Puritan Road**

P.O., STATE AND ZIP CODE  
**Scarboro, Maine 04074**

POSTMARK OR DATE

OPTIONAL SERVICES FOR ADDITIONAL FEES

1. Shows to whom and date delivered	15¢
With delivery to addressee only	65¢
2. Shows to whom, date and where delivered	35¢
With delivery to addressee only	65¢
SPECIAL DELIVERY (extra fee required)	50¢

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PS Form 3800  
Apr. 1971

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Print in the space below your name, address, including ZIP Code.  
• If special services are desired, check block(s) on other side.  
• Moisten gummed ends and attach to back of article.

**RETURN  
TO**

Portland City Hall  
Bldg. Insp. Room 113  
389 Congress Street  
Portland, Maine

P.S. Form 3811 Rev. 1970 16-81977-1





APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, October 7, 1948

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to install the following heating, cooking or power equipment in accordance with the Laws of Maine, the Building Code of the City of Portland, and the following specifications:

Location 18 Ashmont Street Use of Building Garage No. Stories 1 New Building Existing
Name and address of owner of appliance Stanley Cadigan Co. 18 Ashmont Street
Installer's name and address Harris Oil Co., 202 Commercial Street Telephone 2-850

General Description of Work

To install oil burning unit with steam heat in place of steam boiler, coal-fired stove.

IF HEATER, OR POWER BOILER

Location of appliance or source of heat first floor Type of floor beneath appliance concrete
If wood, how protected? Kind of fuel Oil
Minimum distance to wood or combustible material, from top of appliance or casing top of furnace over 5'
From top of smoke pipe over 5' From front of appliance over 4' From sides or back of appliance over 3'
Size of chimney flue 12x12 Other connections to same flue None
If gas fired, how vented? Rated maximum demand per hour

IF OIL BURNER

Name and type of burner General Electric Labelled by underwriter's laboratories? Yes
Will operator be always in attendance? Does oil supply line feed from top or bottom of tank? Top
Type of floor beneath burner concrete
Location of oil storage first floor Number and capacity of tanks 2-275 Gal.
If two 275-gallon tanks, will three-way valve be provided? No
Will all tanks be more than five feet from any flame? Yes How many tanks fire proofed?
Total capacity of any existing storage tanks for furnace burners None

IF COOKING APPLIANCE

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

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

This boiler is to be in an enclosed concrete block boiler room and tanks (2-275's) are to be in concrete block room also attached to this boiler room.

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

OVER:

Empty box for additional information or notes.

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

Harris Oil Co.

Signature of Installer: Andrew R. Gides

NON COPY

INTER-OFFICE CORRESPONDENCE

*Files  
made  
complete  
10/16/48*

CITY OF PORTLAND, MAINE  
CORPORATION COUNSEL

To: Warren McDonald, Inspector of Buildings

DATE October 15, 1948

From Edward T. Gignoux, Assistant Corporation Counsel

SUBJECT: Stanley & Cadigan Company

Referring to your letter of October 13, 1948 reference the application of the Harris Oil Company for a permit to cover the installation of an oil-burning steam boiler in the garage at 18 Ashmont Street and raising questions as to the use of the building in violation of the Zoning Ordinance, we received a telephone call from Albert Knudsen, Esq., attorney for Stanley & Cadigan. Mr. Knudsen stated that Mr. Stanley was very much concerned over the implications of your letter and asked that we contact him as soon as the necessary data had been gathered by your office.

It seems to me that we are heading for an extremely difficult situation. It is my understanding that Stanley & Cadigan has been operating an extensive business on these premises since 1937 or 1938; that the premises are located in an Apartment House Zone; that the neighbors on Ashmont Street have been complaining of this business use; that a clear-cut violation of the Zoning Ordinance exists, and yet it may be highly questionable whether the general public interest would be served by compelling this company to limit its operations to its Forest Avenue frontage.

I have no real information on this matter, but feel that you and I should review it very thoroughly together as soon as the data is available so we can determine the procedure to be followed.

ETG:M

*Edward T. Gignoux*  
Edward T. Gignoux  
Assistant Corporation Counsel

RECEIVED  
OCT 15 1948  
DEPT. OF BLDG. INSP.  
CITY OF PORTLAND

AP 18 Ashmont Street-I

October 13, 1948

Stanley & Cadigan Company  
544, Forest Avenue  
Portland, Maine

Subject: Application for building permit  
to cover installation of oil burning  
steam boiler to replace stoker-fired  
boiler in the metal frame garage at  
18 Ashmont Street

Gentlemen:

Harris Oil Company has applied for a permit to cover the above installation, but I am compelled to withhold this permit because of important questions as to the use of the building in violation of the Zoning Ordinance.

Our inspector reports that the building is now being used for the repair of heavy commercial motor vehicles such as trucks and like equipment.

If this is true the use is in violation of the Zoning Ordinance, a fact which is developed clearly by examination of our records.

I have also a written complaint from the owners of several pieces of property in the neighborhood to the effect that your company is not only using the building in this way but that the vacant land around the building and along Ashmont Street is being used for the same purpose--resulting in undue noise, odor, vibration and blocking of the public sidewalk.

We are now gathering sufficient data with regard to these obvious violations of the Zoning Law--all of the property is in an Apartment House Zone--to present to the Corporation Counsel within whose jurisdiction falls all proceedings in connection with violations of the Zoning Ordinance.

Very truly yours,

Inspector of buildings

EMC/D/G

CC: Harris Oil Company  
202 Commercial Street

Edward T. Gignoux  
Assistant Corporation Counsel

CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

Record of Inquiry

Apartment Ho. Zone  
See Petition 31/4,  
Appeals 31/38 and  
41/66

XXXXXXXXXXXX  
By telephone

Date Feb. 10/42

Location 18 Ashmont St.

Made by Urban Towle--3-4402

Inquiry-1 Can this garage (metal bldg) be used for retail sales and service  
of farm equipment, contractors for highway equipment, etc.

2

3

Answer-1 A party wishes to buy the bldg. for this purpose. Mr. Towle  
seems to think that he can establish definitely that this bldg. was  
being used habitually in part at least as a Repair Garage on Dec. 5,  
1938. Told him that a permit is required to convert to the proposed  
use in any event. If he can establish above use as R. Garage, I am able to  
issue such a change of use permit to the present owner or the prospective  
owner. If R. Garage use cannot be ~~xxx~~ proven, then I could not issue  
such permit, and appeal would apply. Suggested owner consider petition for  
change of zone.

Reply by W.M.

HP1402

Floor timbers : 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, 4th \_\_\_\_\_  
On centers : 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, 4th \_\_\_\_\_  
Span : 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, 4th \_\_\_\_\_

External walls } thickness { 1st story \_\_\_\_\_, 2nd story \_\_\_\_\_  
Party walls } 1st story \_\_\_\_\_, 2nd story \_\_\_\_\_  
Material of cornice? \_\_\_\_\_ How fastened? \_\_\_\_\_

**If 1st or 2nd Class Building**  
**If Apartment, Tenement or Lodging House**

Dimensions of lot? \_\_\_\_\_  
Descriptions of other buildings on lot? \_\_\_\_\_, to one side lot line? \_\_\_\_\_, to other side lot line? \_\_\_\_\_  
Clear distance to rear lot line? \_\_\_\_\_

**If a Private Garage**

No. cars now accommodated on lot? \_\_\_\_\_ Total number to be accommodated? \_\_\_\_\_  
Other buildings on same lot? \_\_\_\_\_  
Distance from nearest present building to proposed garage? \_\_\_\_\_  
**All parts of garage, including eaves, will be at least 2 ft. from all lot lines.**  
Garage will be at least \_\_\_\_\_ feet from nearest windows of adjoining property.  
Will there be a heating plant within building? \_\_\_\_\_  
If so, how protected? \_\_\_\_\_

**Miscellaneous**

Will the above construction require the removal or disturbing of any shade tree on the public street? \_\_\_\_\_  
Plans filed as part of this application? \_\_\_\_\_ No. sheets? \_\_\_\_\_  
Estimated total cost \$ \_\_\_\_\_ Fee? \_\_\_\_\_

Signature of owner or authorized representative? \_\_\_\_\_



Floor timbers : 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, 4th \_\_\_\_\_  
 On centers : 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, 4th \_\_\_\_\_  
 Span : 1st floor \_\_\_\_\_, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, 4th \_\_\_\_\_

**If 1st or 2nd Class Building**

External walls } thickness { 1st story \_\_\_\_\_, 2nd story \_\_\_\_\_  
 Party walls } 1st story \_\_\_\_\_, 2nd story \_\_\_\_\_  
 Material of cornice? \_\_\_\_\_ How fastened? \_\_\_\_\_

**If Apartment, Tenement or Lodging House**

Dimensions of lot? \_\_\_\_\_  
 Descriptions of other buildings on lot? \_\_\_\_\_  
 Clear distance to rear lot line? \_\_\_\_\_, to one side lot line? \_\_\_\_\_, to other side lot line? \_\_\_\_\_

**If a Private Garage**

No. cars now accommodated on lot? \_\_\_\_\_ Total number to be accommodated? \_\_\_\_\_  
 Other buildings on same lot? \_\_\_\_\_  
 Distance from nearest present building to proposed garage? \_\_\_\_\_  
**All parts of garage, including eaves, will be at least 2 ft. from all lot lines.**  
 Garage will be at least \_\_\_\_\_ feet from nearest windows of adjoining property.  
 Will there be a heating plant within building? \_\_\_\_\_  
 If so, how protected? \_\_\_\_\_

**Miscellaneous**

Will the above construction require the removal or disturbing of any shade tree on the public street? \_\_\_\_\_  
 Plans filed as part of this application? \_\_\_\_\_ No. sheets? \_\_\_\_\_  
 Estimated total cost \$ \_\_\_\_\_ Fee? \_\_\_\_\_

Signature of owner or authorized representative? \_\_\_\_\_

CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

Record of Inquiry

*File*

Verbal in person  
By telephone

Date 9/24/41

Location 18 Ashmont St.

Made by Leslie E. Woodward, Atty for Chapman Motors

Inquiry-1 As to use of garage for storage of  
parts of motor vehicles.

2 \_\_\_\_\_

3 \_\_\_\_\_

Answer-1

2 \_\_\_\_\_

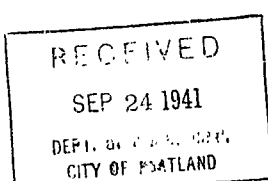
3 \_\_\_\_\_

Reply by \_\_\_\_\_

LESLIE E. NORWOOD  
ATTORNEY AT LAW  
118 EXCHANGE STREET  
PORTLAND, MAINE

September 23, 1941.

Warren McDonald  
Building Inspector  
Portland, Maine.



Dear Sir:

On March 4th 1931 the City Council granted Cook Ripley Company permission to erect multiple car garage at 18 Ashmont Street, subject to full compliance with the terms of the building code.

Under this permission would it be lawful in your opinion to store parts of motor vehicles in this garage?

Very truly yours,

*Leslie E. Norwood*

LL/WC.

18 Ashmont St.

September 25, 1941

Mr. Leslie E. Norwood,  
119 Exchange Street,  
Portland, Maine

Dear Mr. Norwood:

Replying to your letter of September 13d concerning my opinion as to the allowable use of the garage at 18 Ashmont Street for the storage of parts of motor vehicles, if the permission granted by the City Council in 1931 to erect a garage and use it for multiple car storage were the only basis which we have to determine the lawful use of the garage, it seems to me that the use of the building for the storage of parts of motor vehicles would not be allowable. I understand that when a special variance is granted under the zoning law only the use specifically defined in the grant may be enjoyed.

There are other circumstances, however, which have a bearing on the lawful use of this building. As far as I know, when the present zoning law was accepted by the electors on December 5th, 1933, this building was being used as a multiple car garage. Thus this use which does not conform with zoning provisions in the Apartment House Zone where the building is located became a non-conforming use allowed to continue because it existed at the time of the adoption of the Ordinance.

The most restricted type of zone in which such a multiple car garage in connection with a business is allowed under the Ordinance is a General Business Zone. The type of zone next greater in degree of restriction to a General Business Zone is a Limited Business Zone. Under the Ordinance any use allowable in a Limited Business Zone could be established in this garage if the required permit for conversion (irrespective of physical changes) were first secured from the Inspector of Buildings.

The question then becomes whether or not a building may be used for the storage of parts of motor vehicles in a Limited Business Zone. My understanding of the Ordinance is that such a use would be permitted in a Limited Business Zone only if the parts were stored incident to the retail sale of them on the same premises.

I have been told that the authority of the Inspector of Buildings does not include that of rendering an opinion as to the law which he is required to enforce, so perhaps it would be as well to consider that the ideas above are merely to determine whether or not a building permit could be issued to convert to such a use.

Very truly yours,

Inspector of Buildings.

McW/W

Approved and returned  
Corporation 9/15/41  
4/1/66

2nd meeting of the  
of the Board of  
Municipal Officers

### City of Portland, Maine

IN BOARD OF MUNICIPAL OFFICERS

Appeal to the Municipal Officers to Change the Decision of the  
Inspector of Buildings Relating to the Property Owned

by Ripley & Fletcher Co. at 18 Ashmont Street

August 28, 1941

To the Municipal Officers:

Your appellant, Ripley & Fletcher Co. who are the owners of property at 18 Ashmont Street respectfully petitions the Municipal Officers of the City of Portland to change the decision of the Inspector of Buildings relating to this property, as provided by Section 13, Paragraph c, of the Zoning Ordinance, on the ground that the enforcement of the ordinance in this case involves unnecessary hardship and because relief may be granted without substantially derogating from the intent and purpose of the Zoning Ordinance.

The decision of the Inspector of Buildings denies a permit to cover installation of certain generating appliances in the storage garage on this lot because the appliances are proposed without the protective features required by the Building Code; because the appliances are intended as a part of the repair shop for motor vehicles which is proposed to be established in this building which was used exclusively for the storage of motor vehicles when the Zoning Ordinance was adopted, the establishing of the repair shop thus constituting a distinctive change of use of at least a part of the building as indicated in Section 14-b of the ordinance. The property is located in an Apartment House Zone where both the use as a storage garage and as a repair garage are non-conforming uses. The most restricted zone in which the existing use is allowable is a General Business Zone and the zone next greater thereto in degree of restriction is a Limited Business Zone. Since the proposed non-conforming use-repair garage is not allowable in a Limited Business Zone, conversion thereof is not allowable under Section 11-a of the ordinance.

The reasons for the appeal are as follows: The installation of necessary machinery for repairing and greasing motor vehicles, while perhaps a technical deviation from the present permissible use of the building, presents no material change and no change in the exterior whatsoever. The machinery will be installed in the interior of an existing metal constructed building in the section farthest from the street. The operation of the machinery will create no noise. Denial of this appeal would cause unnecessary hardship upon the appellants. More extensive and detailed reasons for appeal will be presented at the time of hearing upon this appeal.

Witness my hand and seal this 28th day of August, 1941.  
By: *[Signature]* Ripley & Fletcher Co.

1227



Action of Appeals Committee on Appeal of  
Ripley & Fletcher Co.

41/66

September 12, 1941

- Chairman Martin-----
- Edward Berry-----
- Dr. Leighton-----
- Herman B. Libby-----
- William J. Ward-----

*no decision at hearing*

PUBLIC HEARING ON THE APPEAL UNDER THE ZONING ORDINANCE OF SIPLEY & FLETCHER  
AT 52 ASHMONT STREET

September 12, 1941

A public hearing on the above appeal was held before the Committee on Zoning and Building Ordinance Appeals today. Present for the city were Chairman Martin, Councilors Ferry and Libby and the Inspector of Buildings.

Leslie Norwood, attorney, appeared for the present tenant, Champion Motors, Inc. in support of the appeal and introduced Mr. Smith, President of Champion Motors, Inc. who explained that the company employed about 49 men, that the prospects are for more used cars on the market and that car owners will be compelled to operate their cars for a longer period before trading in, that the equipment proposed and the operations proposed were for the purpose of rehabilitating used motors, that the best and most expensive equipment had been secured consisting mostly of lathes, power drills, etc., that there would be no more noise than a garage under normal circumstances, that the machinery and operations would only take up a small portion of the existing garage, that it was not the intention to make general repairs upon motor vehicles in the building, but only servicing of motors many of which would come from dealers in other parts of Maine and none of which would be taken from the cars or replaced in the cars which they served within the building.

Wilfred A. Hay, attorney, appeared for Sumner Johnson in opposition to the appeal. He said that the equipment would be in the rear of the building and farthest away from the street but that would bring it all the nearer to Mr. Johnson's property. He asked Mr. Smith if there would be any body work in the building and Mr. Smith said there would not be. Mr. Hay said that Mr. Johnson's property abuts the appellant's land near where the machinery would be, that Mr. Johnson when the occasion of a former petition to allow the construction of the building in the first place, the written consents therefor having been circulated by Arthur Paul, attorney, there had been a verbal agreement on the part of the petitioners that the building would only be used for the storage of motor vehicles, that it was very difficult to draw any line between one type of repair of a motor vehicle and another, but later suggested that Messrs. Norwood and Smith enter a conference with the opponents of the appeal on Saturday morning to see if the difficulties and disagreements could not be ironed out.

Miss Lois Wilson, representing her father, owner of their two family houses at 52 Ashmont Street, two houses removed from the garage said that a repair garage in the building would increase the operation of testing of motor vehicle brakes on Ashmont Street which creates objectionable noise, would make their upstairs rent less desirable, would increase the business of the garage and decrease the value of their property. She said that conditions on Ashmont Street, largely on account of the garage, were obnoxious and objectionable, frequently so many cars are parked on the public sidewalk that a person can only get by by walking in the travelled roadway.

Dr. Albert F. Stuart of 23 Noyes Street said that there was the understanding on the part of the petitioner when a former petition for construction of the garage was originally granted this understanding being with those who signed the written consents favoring the original garage that the building was to be used for the storage of motor vehicles only and that it was intended to eliminate the parking of cars on the open land. He said that the parking of cars on the open land had not been eliminated, in fact they were parking cars even on his land to some extent. He cited the other existing repair garages in the neighborhood.