

405-407 BRIGHTON AVENUE

SHAW-WALKER

March 3, 1980

Minat Corporation
34 Preble Street
Portland, Maine

RE: Appeal at 401-407 Brighton Avenue

Dear Sir:

Following is the decision of the Board of Appeals regarding your petition to construct 9 two story and 1 one story attached dwelling units at the above named location. Please note that your appeal was denied.

Very truly yours,

Malcolm G. Ward
Building Inspection Supervisor

MGW/c

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

USE VARIANCE

Findings of Fact

The applicant is Minat Corporation and he is interested in
the property located at 401-407 Brighton Avenue as 9 two-story & 1 one-
The owner of the property is same and his address is
34 Preble St., Portland, Me.. The property is located in a R-5 Zone.
The present use of the property is _____.

The applicant respectfully petitions the Board of Appeals for a variance
from the provision of Section 602.6.A & 602.6.B.8 of the Ordinance to permit
Construction of nine two-story and one one-story attached dwelling units,
at the above named location, not issuable for following: Such a use is
not permitted under Sec. 602.6.A in the R-5 Residential Zone & the area
of the lot is only about 2,044 sq. ft. rather than 30,000 sq. ft.
(3,000 sq. ft. per fam.) required by Section 602.6.B.8.

Further Findings of Fact

Mr. Mason Planning Dept. Appearances

The names and addresses of those appearing in support of the application
are: Mitchell Cope, Minat Corp.

and the names and addresses of those appearing in opposition to the application are:
Lucy Bogdanowitch, Bradley St.; Edwin St. in Prospect St.;
Rev. Chamberlain, Bradley St.; Paul St. in Brighton
Ave.; Angela Piasantini, Bradley St.
Frank Smith, Prospect St.

Exhibits

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

Packet by Minat Corp.; letter by abutter - Mr. Nelson
letter from M. Rogers
Pat.

REASONS FOR DECISIONS

The subject property (is/~~is not~~) capable of yielding a reasonable return if used for its present use or any other use permitted in the zone in which such a lot or parcel is located as demonstrated by the following: _____

(Such inability to yield a reasonable return must be shown by specific facts and the unsupported opinion of the owner or those appearing for him shall not be accepted as establishing such inability.)

The hardship (~~does~~/does not) result from unique circumstances peculiar to the subject lot or parcel which generally apply to or effect the general vicinity of the subject property, as evidenced by: _____

The aforesaid inability to yield a reasonable return (is/is not) the result of any action or inaction by the owner or his predecessors in title as demonstrated by:

(Acquisition or improvement of the subject lot or parcel at any time after the enactment of the provision sought to be varied shall raise a rebuttable presumption that the owner's inability to realize a reasonable return is the result of his own actions.)

The variance (~~would~~/would not) result in use or development of the lot or parcel in question which would be contrary to the general purpose and intent of either of Section 602.24 or of the Land Development Plan of the City as evidenced by: _____

The variance (²would/¹⁵would not) result in a use or development on the lot or parcel in question which would be materially detrimental to the public welfare or materially injurious to the enjoyment, use or development of property or improvements permitted in the vicinity or which would materially impair an adequate supply of light and air to properties and improvements in the vicinity, substantially increase

...or safety all demonstrated by the following facts:

There (is/~~is not~~) means other than the requested variance by which the hardship can be avoided or remedied to a degree sufficient to permit the economic use of the subject lot or parcel, because of the following: _____

SPECIFIC RELIEF GRANTED

After public hearing held on Feb. 28, 1980, the Board of Appeals find that all of the conditions required by the Ordinance (do/do not) exist with respect to this property and that a use variance should not 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.

In favor of Granting
Carl E. Shelton

Against Granting
Michael L. Kelly

Gail D. Sun

Michael E. Westcott

James O'Malley

James E. Hester

Thomas J. Murphy

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Chairman and Members of the Board of Appeals

DATE: 2/28/80

FROM: Douglas L. Mason, Planning Department

Douglas L. Mason

SUBJECT: Items on the Board of Appeals Agenda, February 28, 1980

2.C. Use Variance

501-505 Forest Avenue - The Dartmouth Company

At their meeting of February 26, 1980, the Planning Board expressed a concern about light manufacturing uses being permitted in the subject area. The Board is concerned about further expansion of such related light manufacturing uses which might then result along Forest Avenue. The general plan for the area (Land Development Plan, 1974) is general commercial. Proposed zoning is B-2.

5. Unfinished Business

401-407 Brighton Avenue - Minat Corp.

In a previous memo concerning the above development from the Planning Board to the Board of Appeals, the Planning Board stated their encouragement for this proposed development. Items of planning concern considered by the Board of Appeals under the Zoning Ordinance are discussed below.

a. Unique Circumstances

The size, shape and geological features of the site create unique circumstances peculiar to the subject parcel. The site is narrow and contains ledge in both the parcel and adjacent unimproved street, therefore severely restricting development into single family detached lots.

b. No Conflict With General City Plan

The proposed action does not conflict with the general purpose or intent of the Land Development Plan.

c. No Detriment to the Essential Character of the Surrounding Area

The development will not be materially detrimental to the public welfare or materially injurious to the enjoyment or use of properties in the vicinity of the subject proposal, if an adequate landscape buffer is provided.

Proposed yard setbacks are similar to those of the surrounding area. The attached structures are oriented with the major axis perpendicular to Brighton Avenue so the back of the structure would not have great impact from the street. However, a landscape screen should be provided to visually buffer the development along Brighton Avenue and the property boundary along the Bradley Street properties. This might be provided with a combination of existing vegetation and additional tree and shrub plantings in sparser locations along these buffer areas.

Telephone 774-8013

THE
MINAT
CORPORATION
34 PREBLE STREET
PORTLAND, MAINE 04101

Builders of Good Homes

COST COMPARISON 401-407 BRIGHTON AVENUE

Sales Price \$65,000.00 10 Units

<u>FRONT END EXPENSES</u>	<u>CONDOMINIUM</u>	<u>RENTALS</u>
Legal, Engineering, Survey 1%	\$ 6,000.00	\$ 800.00
Architect 4%	22,000.00	1,000.00
Marketing 6%	39,000.00	2,000.00
Management	1,000.00	500.00
	<hr/>	<hr/>
Total	\$68,000.00	\$4,300.00
Per Unit	\$ 6,800.00	\$ 477.00

177-72

January 29, 1980

401-407 Brighton Avenue

Minat Corporation
34 Preble Street
Portland, Maine

Dear Sir:

Building permit and certificate of occupancy to construct nine two-story and one one-story attached dwelling units, at the above named location, are not issuable under the Zoning Ordinance for the following reasons:

- (1) Such a use is not permitted under Section 602.6.A of the Ordinance applying to the R-5 Residential Zone in which this property is located.
- (2) The area of the lot is only about 28 thousand and forty-four square feet (28,044) rather than 30 thousand square feet (30,000), three thousand square feet per family (3,000) required by Section 602.6.B.3.

We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office, Room 317, City Hall, to file the appeal on forms which are available here. A fee of twenty-five dollars for a Use Variance appeal shall be paid at this office at the time the appeal is filed. If fee has been paid, and appeal filed prior to this letter, then consider this letter as a matter of formality, Section 602.24.C.3.b.3.

Very truly yours,

William G. Ward
Building Inspection Supervisor

MGW/z



APPLICATION FOR PERMIT

B.O.C.A. USE GROUP

B.O.C.A. TYPE OF CONSTRUCTION

ZONING LOCATION _____ PORTLAND, MAINE, Jan. 25, 1980

To the DIRECTOR OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or install the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION 401-407 Brighton Avenue Fire District #1 , #2

1. Owner's name and address .. Minat Corporation .. 34 Preble St. Telephone

2. Lessee's name and address

3. Contractor's name and address Owner Telephone

4. Architect Specifications Plans No. of sheets

Proposed use of building .. 10 attached dwelling units No. families

Last use No. families

Material No. stories Heat Style of roof Roofing

Other buildings on same lot

Estimated contractual cost \$..... Fee \$.....

FIELD INSPECTOR—Mr. GENERAL DESCRIPTION Appeal Fee 25.00

This application is for: @ 775-5451

Dwelling Ext. 234 To construct 10 attached dwelling units

Garage

Masonry Bldg. Stamp of Special Conditions

Metal Bldg.

Alterations depends on the information, and the cost and pay

Demolitions

Change of Use Appeal Denied 2-28-80

Other

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

PERMIT IS TO BE ISSUED TO 1 2 3 4
Other:

DETAILS OF NEW WORK

Is any plumbing involved in this work? Is any electrical work involved in this work?

Is connection to be made to public sewer? If not, what is proposed for sewage?

Has septic tank notice been sent? Form notice sent?

Height average grade to top of plate Height average grade to highest point of roof

Size, front depth No. stories solid or filled land? earth or rock?

Material of foundation Thickness, top bottom cellar

Kind of roof Rise per foot Roof covering

No. of chimneys Material of chimneys of lining Kind of heat fuel

Framing Lumber -k. and Dressed or full size? Corner posts Sills

Size Girder Column 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?

APPROVALS BY: DATE MISCELLANEOUS

BUILDING INSPECTION—PLAN EXAMINER Will work require disturbing of any tree on a public street? ..

ZONING:

BUILDING CODE: Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed?

Fire Dept.:

Health Dept.:

Others:

Signature of Applicant .. Mitchell Cope Phone # same

Type Name of above ... Mitchell Cope 1 2 3 4

Other

and Address

FIELD INSPECTOR'S COPY

CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS



MERRILL S. SELTZER
Chairman

GAIL D. SNOW
Secretary

W. EARLE ESKILSON
TIMOTHY F. FLAHERTY
JAMES F. O'MALLEY
THOMAS J. MURPHY
MICHAEL C. WESTORT

401-407 Brighton Avenue

All persons interested either for or against this Use Variance Appeal will be heard at a public hearing in Room 209, City Hall, Portland, Maine on Thursday, February 28, 1980 at 3:30 p.m. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by Ordinance.

Minat Corporation, owner of property at 401-407 Brighton Avenue, under the provisions of Section 602.24 C of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit construction of nine two-story and one one-story attached dwelling units, at the above named location, not issuable under the Zoning Ordinance for the following reasons:

- (1) Such a use is not permitted under Section 602.6.A of the Ordinance applying to the R-5 Residential Zone in which this property is located.
- (2) The area of the lot is only about 28,044 rather than 30,000 square feet (3,000 per family) required by Section 602.6.B.8.

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

Gail D. Snow
Secretary

Prot.
1-25-80

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

APPLICATION FOR A USE VARIANCE

Minat Corporation, owner of property at 401-407 Brighton Ave.
under the provisions of Section 602.24 C of the Zoning Ordinance of the City of

Portland, hereby respectfully petitions the Board of Appeals to permit: construction of
nine two-story and one one-story attached dwelling units, at the above named
location, not issuable under the Zoning Ordinance for the following reasons:

- (1) Such a use is not permitted under Section 602.6.A of the Ordinance
applying to the R-5 Residential Zone in which this property is located.
- (2) The area of the lot is only about 28,044 sq. ft. rather than 30,000 sq.
ft. (3,000 sq. ft. per family) required by Section 602.6.B.8.

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

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

The Minat Corporation
by Mitchell Egan

APPELLANT

File

January 29, 1980

401-407 Brighton Avenue

Minat Corporation
34 Preble Street
Portland, Maine

Dear Sir:

Building permit and certificate of occupancy to construct nine two-story and one one-story attached dwelling units, at the above named location, are not issuable under the Zoning Ordinance for the following reasons:

- (1) Such a use is not permitted under Section 602.6.A of the Ordinance applying to the R-5 Residential Zone in which this property is located.
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We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office, Room 317, City Hall, to file the appeal on forms which are available here. A fee of twenty-five dollars for a Use Variance appeal shall be paid at this office at the time the appeal is filed. If fee has been paid, and appeal filed prior to this letter, then consider this letter as a matter of formality, Section 602.24.C.3.b.3.

Very truly yours,

Malcolm G. Ward
Building Inspection Supervisor

MEW/s



405-407

Location, ownership and detail must be correct, complete and legible. Separate application required for every building. Plans must be filed with this application.

YOU!

are responsible for complying with the law, whether you are the owner or not.

READ!

This Application and Get All Questions Settled BEFORE Commencing Work

May 1925
July 8, 1925

APPLICATION FOR PERMIT TO BUILD (3d CLASS BUILDING)

Portland, Me., **EXPENSIVE**

Plans must be submitted in duplicate, one set to be filed with the Department and the duplicate set thereof (bearing the approval of the Inspector of Buildings) shall be kept on the work and exhibited on demand.

PERMIT MUST BE RECEIVED BEFORE BEGINNING WORK

To THE INSPECTOR OF BUILDINGS

The undersigned hereby applies for a permit to build, according to the following Specifications:—

Location lot 42 Brighton Avenue Ward 9 Fire Limits? No
 Name of owner is? DiBiase -Chessi Co. Address 25 Waterville St.
 Name of mechanic is? " " " Address " "
 Name of architect is? " " " Address " "
 Proposed occupancy of building (purpose)? tool house
 If a dwelling or tenement house, for how many families? _____
 Are there to be stores in the lower story? _____
 Size of lot, No. of feet front? 50; No. of feet rear? 50; No. of feet deep? 100
 Size of building, No. of feet front? 28; No. of feet rear? 28; No. of feet deep? 18
 No. of stories, front? 1; rear? _____
 No. of feet in height from the mean grade of street to the highest part of the roof? 10
 Distance from lot lines, front? 14 feet; side? 22 feet; side? 2 ft feet; rear? 200
 Firestop to be used? _____
 Will the building be erected on solid or filled land? _____
 Will the foundation be laid on earth, rock or piles? _____
 If on piles, No. of rows? _____ distance on centers? _____ length of? _____
 Diameter, top of? _____ diameter, bottom of? _____
 Size of posts, 4x6 Studding 2x4 16 O.C. Sills 4x8 Roof Rafters 2x6 24 O.C. Girders 6x8
 Size of girts 4x4
 Size of floor timbers? 1st floor 2 x 8, 2d _____, 3d _____, 4th _____
 O.C. " " " " _____, 2d _____, 3d _____, 4th _____
 Span " " " " _____, 2d _____, 3d _____, 4th _____
 Will the building be properly braced? _____
 Building, how framed? _____
 Material of foundation? _____ thickness of? _____ laid with mortar? _____
 Underpinning, material of? _____ height of? _____ thickness of? _____
 Will the roof be flat, pitch, mansard or hip? Pitch Material of roofing? Tar paper
 Will the building be heated by steam, furnaces, stoves or grates? No Will the flues be lined? _____
 Will the building conform to the requirements of the law? _____
 Means of egress? _____

If the building is to be occupied as a Tenement House, give the following particulars

What is the height of cellar or basement? _____
 What will be the clear height of first story? _____ second? _____ third? _____
 State what means of egress is to be provided _____
 _____ Scuttle and stepladder to roof? _____

Estimated Cost, \$ 100.00
 Signature of owner or authorized representative, D. Di Biase
 Address, 25 Waterville St

Plans submitted? _____ Received by? _____

1.
#25



CITY OF PORTLAND

DEPARTMENT OF PLANNING & URBAN DEVELOPMENT
INSPECTION SERVICES DIVISION

November 24, 1986

Mr. Mitchell Cope
MINAT Corporation
34 Preble Street
Portland, ME 04101

Re: 401-407 Brighton Ave.

Dear Mr. Cope:

Subdivision and major site plan review of your 9-unit condominium project was initiated for 401-407 Brighton Avenue on April 13, 1984, but no building permits were ever issued for this proposed project.

As you may know site plan approval expires after six months unless an extension is authorized by the City Planning Board. An approved subdivision would be effective for three years following its approval. Please advise this office concerning the status of your proposed development.

Sincerely,

Warren J. Turner
Zoning Enforcement Officer

cc: Joseph E. Gray, Jr., Director, Planning & Urban Development
Alexander Jaegerman, Chief Planner
P. Samuel Hoffses, Chief, Inspection Services
Kevin Carroll, Code Enforcement Officer

WJT/ksc

PERMIT ISSUED
WITH LETTER

PLUMBING APPLICATION

Department of Human Services
Division of Health Engineering
(207) 288-3323

Town or Plantation: Portland
 Street Subdivision Lot #: 401 Brighton Ave
 Last: PIRONE First: DAVID
 Applicant Name: JOHN BELLING
 Mailing Address of Owner/Applicant (if Different): 26 South Ridge Rd Cumb Falls side 04110

PORTLAND PERMIT # 2,998 TOWN COPY
 Date Permit Issued: 7/23/88 \$ 1,800 FEE If Double Fee Charged
 Local Plumbing Inspector Signature: _____ L.P.I. # _____

Owner/Applicant Statement
 I certify that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Local Plumbing Inspector to deny a permit.
 Signature of Owner/Applicant: [Signature] Date: _____

Caution: Inspection Required
 I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules.
 Local Plumbing Inspector Signature: _____ **JUL 24 1988**

PERMITS INFORMATION

This Application is for	Type Of Structure To Be Served:	Plumbing To Be Installed By:
1. <input checked="" type="checkbox"/> NEW PLUMBING 2. <input type="checkbox"/> RELOCATED PLUMBING	1. <input type="checkbox"/> SINGLE FAMILY DWELLING 2. <input type="checkbox"/> MODULAR OR MOBILE HOME 3. <input checked="" type="checkbox"/> MULTIPLE FAMILY DWELLING 4. <input type="checkbox"/> OTHER - SPECIFY _____	1. <input checked="" type="checkbox"/> MASTER PLUMBER 2. <input type="checkbox"/> OIL BURNERMAN 3. <input type="checkbox"/> MFG'D. HOUSING DEALER/MECHANIC 4. <input type="checkbox"/> PUBLIC UTILITY EMPLOYEE 5. <input type="checkbox"/> PROPERTY OWNER LICENSE # <u>02 51</u>

Hook-Up & Piping Relocation Maximum of 1 Hook-Up	Column 2	Column 1	
	Number Type of Fixture	Number Type of Fixture	
<input checked="" type="checkbox"/> HOOK-UP: to public sewer in those cases where the connection is not regulated and inspected by the local Sanitary District. OR <input checked="" type="checkbox"/> HOOK-UP: to an existing subsurface wastewater disposal system. <input type="checkbox"/> PIPING RELOCATION of sanitary lines, drains, and piping without new fixtures			
		Hosebibb / Sillcock	Bathtub (and Shower)
		Floor Drain	Shower (Separate)
		Urinal	Sink
		Drinking Fountain	Wash Basin
		Indirect Waste	Water Closet (Toilet)
		Water Treatment Softener, Filter, etc	Clothes Washer
		Grease/Oil Separator	Dish Washer
		Dental Cuspidor	Garbage Disposal
		Bidet	Laundry Tub
	Other _____	Water Heater	
Number of Hook-Ups & Relocations			
Hook-Up & Relocation Fee	Fixtures (Subtotal) Column 2	Fixtures (Subtotal) Column 1	
	Fixtures (Subtotal) Column 2	Fixtures (Subtotal) Column 1	
	Total Fixtures	Total Fixtures	
	Fee Per Fixture	Fee Per Fixture	
	Hook-Up & Relocation Fee	Hook-Up & Relocation Fee	
	Permit Fee	Permit Fee	
	Total	Total	

SEE PERMIT FEE SCHEDULE FOR CALCULATING FEE

Inspection Services
P. Samuel Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

OCTOBER 23, 1996

CMG ASSOCIATES
ATTN: J DAVID PIRONE
ONE PARTRIDGE CIR
PORTLAND ME 04102

Re: 401 BRIGHTON AVE
CBL: 177--C-004-001-02
DU: 3

Dear Sir:

The Housing Inspections Division of the Department of Planning and Urban Development has recently completed an overall inspection of the above-referenced property.

Congratulations are extended to you for the general condition of your property which was found to meet the standards established by the City's Housing Code.

Good maintenance is the best way to protect the value of your property and neighborhood.

Please feel free to call on us if we can be of assistance to you.

Sincerely,

Merle Leary
Merle Leary
Code Enforcement Officer

Tammy Munson
Tammy Munson
Code Enfc. Offr./ Field Supv.

Inspection Services
P. Samuel Hoffoss
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

OCTOBER 23, 1996

CMG ASSOCIATES
ATTN: J DAVID PIRONE
ONE PARTRIDGE CIR
PORTLAND ME 04102

Re: 401 BRIGHTON AVE
CBL: 177 - - C-004-001-02
DU: 3

Dear Sir:

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Please feel free to call on us if we can be of assistance to you.

Sincerely,

Merle Leary
Merle Leary
Code Enforcement Officer

Tammy Munson
Tammy Munson
Code Enfc. Offr./ Field Supv.

Inspection Services
Samuel P. Hoffses
Chief



Planning and Urban Development
Joseph E. Gray Jr.
Director

CITY OF PORTLAND

August 02, 1994

C M G ASSOCIATES
PO BOX 7102
PORTLAND ME 04112

Re: 401 Brighton Ave
CBL: 177- - C-064-001-02
DU: 3

Dear Sir:

I am sending you this letter to request an inspection at the property which you own or manage at the above referenced address.

This is for the City of Portland's program to inspect all multi-family buildings in the City every three years.

Please contact me in this office at 874-8300 X-8697 between 8:00-9:00AM or 3:00-3:30PM to make arrangements to inspect the building.

Sincerely,

Arthur Rowe / le
Arthur Rowe
Code Enforcement Officer