

631-633 BRITTON AVENUE

W. W. WILSON
PUBLISHER



C-1

BI BUSINESS ZONE
CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION
COMPLAINT

CS-66

Location:
227-233 Brighton Ave.
cor. Edgeworth Ave.

INSPECTION COPY

COMPLAINT NO. 58/62

Date Received May 20, 1958

Location 627-233 Brighton Avenue Use of Building Garage
cor. Edgeworth Ave.
Owner's name and address Robert D. Lanigan, 623 Brighton Ave. Telephone _____
Tenant's name and address _____ Telephone _____
Complainant's name and address McJ Telephone _____

Description: Storing multiple trucks contrary to Zoning Ordinance and displaying large sign contrary to conditions of sustained appeal.

NOTES: 11/20/58 - Robert - WMA

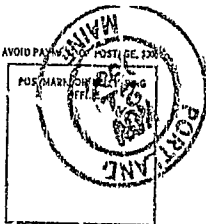
1/30/58 - One truck + sign against garage at intersection B-13 Ave - other side OK.

1/7/58 - No trucks on two lots except one or more against garage - selling Christmas trees - WMA

1/24/58 - See file copy of memo to R.W.D. + djs. in Corp file.
WMA

Post Office Department :
OFFICIAL BUSINESS

PENALTY FOR PRIVATE USE TO AVOID PAYING POSTAGE, 12¢
(GPO)



Return to Inspector of Buildings

(NAME OF ENDER)

Street and Number, }
or Post Office Box, } Room 110, City Hall

REGISTERED ARTICLE

No. 5-178
INSURED PARCEL

PORTLAND,

MAINE.

November 20, 1958

FU- McD- 11/23/58

Compt.- 627-633 Brighton Ave. Violations of the Zoning Ordinance

Robert J. Lanigan
Brighton Avenue

cc to: Corporation Counsel

Mr. Lanigan:

Inspections of your property at 627-633 Brighton Avenue from
to time have disclosed that for most of the summer and fall and
as longer, you have had displayed on these lots a large sign ad-
vancing the sale of used cars. Your zoning appeal, seeking the
right to use these two lots for the sale of used cars was granted
conditionally on August 1, 1955. Among the conditions established by
Board of Appeals, the last one read: "No signs of any nature
shall be erected or placed on said premises."

These inspections have also shown that multiple motor trucks
(termed by the zoning ordinance "commercial motor vehicles") were being
parked or stored-- at times as many as eight--on these premises although
the zoning ordinance does not allow any such vehicles to be parked or
stored, according to Sec. 24 of the ordinance applying to the R-3
residence zone where the property is located.

Upon conferring with our legal department, it was established
that displaying the sign contrary to the conditions set by the Board
of Appeals in granting the appeal, constitutes a violation of the
zoning ordinance; also that parking or storing of any trucks at all on
these two lots is in violation of the zoning ordinance. While no one
has authority to allow continued violation of the law, under my duty
to enforce the provisions of the zoning ordinance, you are hereby noti-
fied that these violations are to be corrected without delay, and that
if the violations are not corrected before Nov. 28, 1958 or if the
property is not used in conformity with the zoning ordinance at any time
after that date, the legal department will be immediately notified with
the assurance that legal proceedings will be initiated immediately to
enforce compliance.

Very truly yours,

Warren McDonald
Inspector of Buildings

WKM:im

City of Portland, Maine
Board of Appeals
—ZONING—

Sustained 8/1/55
Conditionally
Conditionally
55/60
July 14, 1955, 19

To the Board of Appeals:

Your appellant, Robert D. Lanigan, who is the owner of property at 627-633 Brighton Avenue, 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.

Certificate of occupancy for use of the premises at 627-633 Brighton Avenue, corner of Edgeworth Avenue, for the sale of used cars is not issuable under the Zoning Ordinance because such a use is not allowable in the Residence C Zone where the property is located.

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

1. The entire perimeter of these premises, with the exception of the frontage on Brighton Avenue and observing the corner clearance requirement of the Zoning Ordinance in the Residence C Zone, shall be planted and maintained with evergreen trees sufficiently spaced to provide adequate screening for this operation.

2. Entrance to said premises shall be only from Brighton Avenue.

3. No portion of these premises closer than fifteen feet on the line of the garage on the adjoining property at 619-625 Brighton Avenue, whichever is greater, shall be used for the conduct of said sale of used passenger cars.

4. No signs of any nature shall be erected or placed on said premises.

George W. Lakin
Harry J. Murray
John W. Lake
BOARD OF APPEALS

City of Portland, Maine
Board of Appeals
—ZONING—

Sustained 8/1/55
~~Conditionally~~
Conditionally 55/60
July 14, 1955, 19

To the Board of Appeals:

Your appellant, Robert D. Lanigan, who is the owner of property at 627-633 Brighton Avenue, 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.

Certificate of occupancy for use of the premises at 627-633 Brighton Avenue, corner of Edgeworth Avenue, for the sale of used cars is not issuable under the Zoning Ordinance because such a use is not allowable in the Residence C Zone where the property is located.

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.

Robert D. Lanigan
Appellant

After public hearing held on the 29th day of July, 1955, the Board of Appeals finds that 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 provided that only used passenger cars are sold from these premises and that no repair work shall be done anywhere on said premises and further provided that the attached conditions are fully met.

It is, therefore, determined that exception to the Zoning Ordinance may be permitted in this specific case, provided that only used passenger cars are sold from these premises and that no repair work shall be done anywhere on said premises and further provided that the attached conditions are fully met.

William H. Brown
Charles G. Love
Jerry J. Correy
John W. Lake
BOARD OF APPEALS

1. The entire perimeter of these premises, with the exception of the frontage on Brighton Avenue and observing the corner clearance requirement of the Zoning Ordinance in the Residence C Zone, shall be planted and maintained with evergreen trees sufficiently spaced to provide adequate screening for this operation.

2. Entrance to said premises shall be only from Brighton Avenue.

3. No portion of these premises closer than fifteen feet or the line of the garage on the adjoining property at 619-625 Brighton Avenue, whichever is greater, shall be used for the conduct of said sale of used passenger cars.

4. No signs of any nature shall be erected or placed on said premises.

DATE: July 29, 1955

HEARING ON APPEAL UNDER THE Zoning Ordinance OF Robert D. Lanigan
AT 627-633 Brighton Avenue

Public hearing on above appeal was held before the Board of Appeals

<u>Board of Appeals</u>	<u>VOTE</u>		<u>Municipal Officers</u>
	Yes	No	
Zoning Ordinance	()	()	PROVIDED ONLY USED PASSENGER CARS ARE SOLD FROM THESE PREMISES AND THAT NO REPAIR WORK SHALL BE DONE ANYWHERE ON SAID PREMISES AND FURTHER PROVIDED THAT THE ATTACHED CONDITIONS ARE FULLY MET.
Ben B. Wilson	()	()	
Harry K. Torrey	()	()	
William H. O'Brien	()	()	
John W. Lake	()	()	
Carleton G. Lane	()	()	

Record of Hearing:

Hyman Jacobson, Esq., representing Robert D. Lanigan

Robert Oakes, Esq., representing Mr. Lejole, owner of property at 639-645
Brighton Avenue. Does not object to sale of used cars
provided the operation is maintained as set forth at
hearing.

Mr. and Mrs. Ralph V. Russo, Jr., 3 Westminster Avenue. Not opposed to
current operation as long as maintained
in present form. Are opposed to any
operations in Westminster Avenue side of
property.

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

July 26, 1955

Mr. Robert D. Lanigan
623 Brighton Avenue
Portland, Maine

Re: 627-633 Brighton Avenue

Dear Mr. Lanigan:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, July 29, 1955, at 10:30 a. m. to hear your appeal at the above address under the Zoning Ordinance.

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

BOARD OF APPEALS

Edward T. Colley

Chairman

K
cc: Hyman Jacobson, Esq.
119 Exchange Street
Portland, Maine

July 11, 1955

Mr. Warren MacDonald
Inspector of Buildings
Portland, Maine

Dear Mr. MacDonald:

Please be advised that this office represents Robert Lanigan of 1889 Congress Street, Portland, Maine, in connection with his desire to operate a used car lot at 627-644 Brighton Ave. We understand that the zoning ordinances presently prohibits the use of the said premises for the desired purpose.

The lot in question adjoin the premises owned by Mr. Lanigan on Brighton Ave., which premises are used as a garage and automobile repair shop. We further understand that the City Council recently refused to extend the zoning area to cover the lots in question for commercial business use, although the change was recommended by the City Planning Board.

We are advised by your office that the request will be automatically denied by your office and the necessary steps will be taken to appeal to the Board of Zoning Appeals for permission to use the property for the desired purpose. We would appreciate it if such steps were taken and the necessary application forwarded to this office in behalf of Mr. Lanigan.

We might add that Mr. Lanigan intends to use the premises only for the sale of used cars and not for any other purpose such as repairs or graveyard, so called, for derelict cars.

Respectfully,

cc: Corporation Counsel
Re: Robert Lanigan

Very truly yours,

JACOBSON & JACOBSON

By: *Hyman Jacobson*

HJ:ac

cc: Corporation Counsel
Robert Lanigan

Jacobson and Jacobson
Attorneys and Counsellors at Law
119 Exchange Street
Portland 3, Maine

July 11, 1955

Mr. Warren MacDonald
Inspector of Buildings
Portland, Maine

Dear Mr. MacDonald:

Re: Robert Lanigan
Premises - 627-644 Brighton Ave.
Portland, Maine

In accordance with the instructions from your
Mr. Albert Sears, we wish to supplement our
letter of today and request the issuance of
a certificate of occupancy for the use of the
premises at 627-644 Brighton Avenue to Robert
Lanigan, which premises is to be used for the
sale of used cars.

Very truly yours,

JACOBSON AND JACOBSON

By: 

HJ:efc

cc: Corporation Counsel
cc: Robert Lanigan

C
O
P
Y

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

July 19, 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, July 29, 1955 at 10:30 a. m. to hear the appeal of Robert McAvoy requesting an exception to the Zoning Ordinance to cover erection of an all-metal roof sign, 27 feet by 4 feet, on the building at 1051-1053 Brighton Avenue.

This permit is presently not issuable under the Zoning Ordinance because the sign, proposed to have an area in excess of 36 square feet, would be closer than 100 feet to the Residence Zone lying in the rear of this property and because the sign would be over and upon a roof which is less than 20 feet in height above the grade of the public sidewalk, contrary to Section 150 of the Zoning Ordinance applying to the Local Business Zone.

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 where necessary to grant reasonable use of property 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 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.

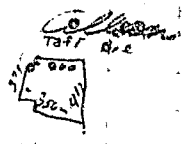
All persons interested either for or against this appeal will be heard at the above time and place, this notice of required public hearing having been sent to the corners of property within 500 feet of the premises in question as required by law.

BOARD OF APPEALS

Edward T. Colley

Chairman

1051-1053 Brighton Ave. - 7/14/45
Army of World War Army



- Streets involved
- Brighton Ave.
- Staff Ave.
- Holm Ave.
- ~~Holm Ave.~~ Purchase
- ~~Staff Ave.~~
- Jesselyn St.
- Poplan St.
- Carob St.

Map
274-263-275-275-269

Brighton Ave. { 1001-1117 (263-A-10)
 { 1002-1118

Holm Ave. { 1-57
 { 2-54

Staff Ave. { 1-63
 { 2-64

Poplan - (275-B-12)

Jesselyn { 1-31
 { 2-32 ✓

U.S. Jesselyn St. - (275-B-4)

7-2
Via Exe.

Poplan St. { 1-17
 { 2-18 ✓

Carob St. { 1-35
 { 2-36 ✓

U.S.

Purchase { 1-17 ✓ Portland Housing Co.
 { 2-36 " "

275-A-1-2

Residence, ~~residence~~, ~~residence~~

Opp. of ...
 1054-1055 ...

Brighton Ave.

985-1008-	Stanhope, H. graph & Rosalthe O.S.	9001 Brighton Ave
1009-1039	United States	
1041-1043	Vicary's Seeger Market	1041 Brighton
1045-1081	Rabbe, graph & Lawrence A.	1065 "
1077-1081	Wentworth, John	1081 Brighton
1083-1085	Riley, Vivian May	1095 " "
1087-1099	slup	
1097-1101	City	
1103-1172	"	
988-1004	Cornier, Victoria M.	1002 Brighton
1006-1016	Arvissais, Raymond V & Ella O.S.	1012 " "
R10.2-1008	Flaherty, William S. & Gergette K.	1010 Brighton
R1010	slup	
R1010-1016	"	
1018-1030	Mosher, Electra L. Lino. AP of Althea H. Mundy	1034 Brighton
1032-1036	Hale, Archie S.	355 Woodford
1038-1048	Weisman, Samuel	1068 Brighton
1050-1074	Craig, John H.	1092 Brighton
1076-1134	Adler, Bernice K.	

Holmes Ave.

1-43	slup	
43-47	William, ... 71 Mountford St Boston, Mass	78 Jay St
51-61	Martin, ...	50 Holmes Ave
46-51	Benn, ...	

Jay St.

1-23	Barber, graph & Lawrence & slup	
2-10	slup	
12-14	"	
16-20	"	
22	Thomas, Lillian E.	80 Wilson St
24-28	slup	
31-32	"	
34-46	Warr, ...	106 August St

Taft Ave.

48-52
58-64

LeBoigne, Raymond H + Mary A.
sup.

50 Maple St.

Poplar St.

Portland Housing

Portland Housing

Authority

54

275-A-1-2

K-2

276-A-1-2-5

274-B-1-4

Received 8/1/47
47/45

City of Portland, Maine
Board of Appeals
—ZONING—

July 17, 19 47

To the Board of Appeals:

Your appellant, Robert D. Lanigan by
619-633 Frederic S. Sturgis, Attorney, who is the owner of
Brighton Avenue, 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 17, Paragraph E of the Zoning Ordinance,

Building permit to cut a new doorway 14 feet long by 12 feet high in the westerly
wall of the Rosemont Garage and to raise a portion of the roof for that purpose has
been denied by the Building Inspector because the property is located in a Local
Business Zone, in which under Section 6A of the Zoning Ordinance the present use
of the premises as a major and repair garage is not an allowable use. Although
the present use of the premises is permitted by Section 13A of the Zoning Ordinance
because the premises were being so used on December 5, 1938, the change requested
would involve a structural alteration and an increase in volume in the present
non-conforming garage which is prohibited by Section 13A of the Zoning Ordinance.
Building permit was also refused because the proposed doorway could be used only
in connection with a driveway through the adjacent lot which is located in a
Residence C Zone in which Section 9A of the Zoning Ordinance prohibits all repair
or service garage uses.

~~The facts and conditions which make this exception legally permissible are as follows:~~
Appellant requests an exception to the regulations of the Zoning Ordinance to
permit him to utilize the two lots between the present garage and Edgeworth Avenue
for service or major garage uses or the parking of more than one commercial vehicle.
Both of these lots are located in a Residence C Zone where Section 9A of the Zoning
Ordinance prohibits any of the above requested uses.

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

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

Robert D. Lanigan
By *Frederic S. Sturgis*
Appellant Attorney

Denial
8/1/47

City of Portland, Maine
Board of Appeals

-ZONING-

Decision

Public hearing was held on the First day of August, 1947, on petition of Robert D. Lanigan, by Frederic S. Sturgis, Attorney of property at 619-633 Brighton Avenue, seeking to be permitted an exception to the regulations of the Zoning Ordinance relating to this property.

Building permit to cut a new doorway 14 feet long by 12 feet high in the westerly wall of the Rosemont Garage and to raise a portion of the roof for that purpose has been denied by the Building Inspector because the property is located in a Local Business Zone, in which under Section 6A of the Zoning Ordinance the present use of the premises as a major and repair garage is not an allowable use. Although the present use of the premises is permitted by Section 13A of the Zoning Ordinance because the premises were being so used on December 5, 1938, the change requested would involve a structural alteration and an increase in volume in the present non-conforming garage which is prohibited by Section 13A of the Zoning Ordinance. Building permit was also refused because the proposed doorway could be used only in connection with a driveway through the adjacent lot which is located in a Residence C Zone, in which Section 9A of the Zoning Ordinance prohibits all repair or service garage uses.

Appellant also requests an exception to the regulations of the Zoning Ordinance to permit him to utilize the two lots between the present garage and Edgeworth Avenue for service or major garage uses or the parking of more than one commercial vehicle. Both of these lots are located in a Residence C Zone where Section 9A of the Zoning Ordinance prohibits any of the above requested uses.

The Board having found that an exception to the regulations of the Zoning Ordinance to permit appellant to utilize the two lots between the present garage and Edgeworth Avenue for service or major garage uses or for the parking of more than one commercial vehicle is not necessary so as to grant reasonable use of this property and to avoid confiscation and cannot be granted without substantially departing from the intent and purpose of the Zoning Ordinance, and the Board having found further that the structural alteration and increase in the volume of the present garage necessary to cut a new doorway in the westerly wall thereof and to raise a portion of the roof for that purpose is not necessary in order to grant reasonable use of this property and to avoid confiscation and cannot be granted without substantially

(CONTINUED ON ATTACHED SHEET)

~~It is, therefore, determined that exception to the Zoning Ordinance necessary to be permitted.~~
~~and the exception to the Zoning Ordinance necessary to be permitted.~~
Edward J. Coley
Mellen C. Beach
St. Francis Jones
Harvard Jones

Board of Appeals

RE: LANIGAN APPEAL

departing from the intent and purpose of the Zoning Ordinance, it is, therefore, determined that exception to the Zoning Ordinance may not be permitted in this specific case.

It is further ordered that appellant confine his use of the Rosemont Garage and the premises upon which it is located to uses not substantially different from the use of the garage and premises on December 5, 1936, the date of adoption of the Zoning Ordinance.

Handwritten notes:
EJL
H.C.J.
S.H.J.
H.S.J.

August 4, 1947

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Robert D. Lanigan
AT 619-633 Brighton Avenue

Public hearing on above
appeal was held before
the BOARD OF APPEALS
today.

Present for City

Board of Zoning Appeals members:-

F.W. T. Colley
Helen C. Frost
N. Francis Jensen
Raymond E. Jensen

VOTE

Yes No

Mr. Colley	()	(x)
Mrs. Frost	()	(x)
Mr. N.F. Jensen	()	(x)
Mr. R.E. Jensen	()	(x)
	()	()
	()	()
	()	()
	()	()

Municipal Officers:-

Frederic S. Sturgis for appellant

Contra: Mr. Burpee, representing G. L. Bickford officials:-
 Mr. LaRue, 13 Machigonne Street
 Mrs. Colello, 3 Westminister Ave.
 Mr. Manning, 28 Edgeworth Avenue
 Mr. Hodgdon, Edgeworth Avenue
 Mrs. Pendexter, Brighton Avenue
 Mr. W. S. Soule, Edgeworth Avenue
 Mr. Blackwell, 647 Brighton Avenue
 Mr. Hollman, 32 Edgeowrth Avenue

HEARING ON APPEAL UNDER THE
 AT *Robert D. Lemigan* OF

Public hearing on above
 appeal was held before
 the
 today.

Present for City
 Board of Zoning Appeals members:-

VOTE

	Yes	No
<i>Mr. Colley</i>	()	()
<i>Mrs. Frost</i>	()	()
<i>Mr. Hill</i>	()	()
<i>Mr. Hill</i>	()	()
<i>Mr. Galt</i>	()	()
<i>R. J. [unclear]</i>	()	()

Municipal Officers:-

Present for [unclear]

City officials:

- Mr. Frank [unclear] for appeal*
- Mr. Breepe* (vs. [unclear] (vs. commercial use of R.C. lot))
- Mr. [unclear]* (13 [unclear] (vs. [unclear] development of this property))
- Mr. [unclear]* (vs. [unclear] business and [unclear])
- Mr. [unclear]* (vs. [unclear] business) (vs. [unclear])
- Mr. [unclear]* (vs. [unclear] from [unclear] [unclear])
- Mr. [unclear]* (vs. [unclear] [unclear] [unclear])
- Mr. [unclear]* (vs. [unclear] [unclear] [unclear])

August 1, 1947

RE: LANIGAN APPEAL AT 619-633 BRIGHTON AVENUE

Frederic S. Sturgis for appellant: Asking to cut a new doorway so we can get large equipment inside the garage to be painted or scraped down. Present doorway is not high enough to get such vehicles in. To increase present doorway is impossible because of beams. Side door can be placed between two beams. Claims increase in volume not over 200 or 300 sq. ft. Further, that in order to use the new door, it would be necessary to gain entrance by getting on these two additional lots between garage and Edgeworth Avenue in order to make swing. In the Local Business Zone area on Machigonne Street side there is only 20 feet - not enough to make the swing. Therefore only access across these two lots. If appellant gets commercial rights, he is going to park buses and trucks and do a lot of repair work out in the yard, is not so, said Mr. Sturgis. We merely want, when job is done, we right to set it out on the lot to be picked up. Or if a job comes in, we would set it there until it could be put into the shop. Does not desire to store large vehicles. At present has some of his own vehicles on these lots to get them out of his garage. Further states, that using these two purchased, in his mind, reduce the traffic hazard. As before these lots or Westminister Street. With respect to the steamer in front of building, which steams paint off motor vehicles, if he could use the lot along side the garage, that could be taken off the front and by placing it beside the garage, it would relief the distress suffered by neighbors from steamer. If placed there, it would be about 100 feet from the nearest neighbor. Merely wants access to this side of building and right to park, and not store, vehicles overnight, if not picked up, to put them there until picked up or moved to the shop.

Mr. C. H. Burpee, 674 Brighton Avenue, also represented Mr. Bickford, 75 Machigonne Street, objected to using these two lots for parking space along side. Mr. Burpee contended that once he is given the privilege of using that space to park more than one commercial vehicle that as time goes on could use it as used car lot and store 18 or more vehicles. Has seen these lots containing 10 cars and six trucks. States in view of plan to clean up Capasic Steam there is plan set up to develop this area, and if we commercialize this, it will be a detriment to this development. Mentioned Mr. Hawkes who purchased land on Brighton Avenue, intending commercial development, but when found could not use it as such is planning to sell it. Fears if Mr. Lanigan allowed to increase, Mr. Hawkes would petition for original intended use of his property.

Mr. LaRue of 13 Machigonne Street, opposed the granting of any further development of that property for commercial purposes. States in 1938 he stores his car in Lanigan's garage overnight and that the garage closed at 6:00 P. M. Violently opposed to all night operations. Objects to using land on side of building where steamer is and keeping open other than what was in 1938.

Mrs. Colello, 3 Westminister Avenue, complains about all night business and states she is really against it. That she is the one getting the odor into her home from painting and spraying. Complains of steamer and spraying of trucks, including flushing out oil trucks. Complains of her health (apparently pregnant) and the fact that all this is depreciating her property. Absolutely does not approve of night business.

William Manning of 28 Edgeworth Avenue states he had seen wrecks in these lots over two weeks and many vehicles there overnight. Complains of steamer on his side of the garage. Feels if this permission is granted to commercialize this Residence Zone, it opens a gate-way. States he has seen this garage operate without permission, and if permission is granted, asked "What then would be the end?". Complains that activities of garage have prevented their having sidewalk from Westminster Street to Brighton Avenue; that City at one time attempted to put in sidewalk there.

Mrs. Hodgdon of 634 Brighton Avenue states her property was built after the garage was started but stated at that time it was not a garage such as now and two lots had not been excavated and graded. Feels it reduces the value of her property. States view from her windows is nothing but a bare space covered by trucks and cars and what have you. Feels it is really very annoying - cars coming and leaving at all times.

Mr. Pendexter of 665 Brighton Avenue stated he wished to register general opposition.

W. E. Soule of 22 Edgeworth Avenue, states property completely overexpanded to such an extent that real estate will drop a good deal.

Mr. Blackwell of 647 Brighton Avenue stated no house between my house and the garage and that it is kind of an unsightly sight to see trucks and cars out there all the time. States if gives them access there will be trucks of every description. Asks that it not be extended to go any further.

August 1, 1943

RE: LANIGAN APPEAL AT 619-633 BRIGHTON AVENUE

Frederic S. Sturgis for appellant: Asking to cut a new doorway so we can get large equipment inside the garage to be painted or scraped down. Present doorway is not high enough to get such vehicles in. To increase present doorway is impossible because of beams. Side door can be placed between two beams. Claims increase in volume not over 200 or 300 sq. ft. Further, that in order to use the new door, it would be necessary to gain entrance by getting on these two additional lots between garage and Brighton Avenue in order to make swings. In the Local Business Zone are on Machigonne Street side there is only 20 feet - not enough to make the swing. There are only access across these two lots. If appellant gets commercial rights, he is going to park buses and trucks and do a lot of repair work out in the yard, is not so, said Mr. Sturgis. We merely want, when job is done, the right to set it out on the lot to be picked up. Or if a job comes in, we would set it there until it could be put into the shop. Does not desire to store large vehicles. At present has some of his own vehicles on these lots to get them out of his garage. Further states, that using these two lots would, in his mind, reduce the traffic hazard. As before these lots purchased, it was necessary for him to park vehicles along Brighton Avenue or Westminister Street. With respect to the steamer in front of building which steams paint off motor vehicles, if he could use the lot along side the building, that could be taken off the front and by placing it beside the garage, it would relieve the distress suffered by neighbors from steamer. If placed there, it would be about 100 feet from the nearest neighbor. Merely wants access to this side of building and right to park, and not store, vehicles overnight, if not picked up, to put them there until picked up or moved into the shop.

Mr. G. W. Burpee, 674 Brighton Avenue, also represented Mr. Bickford, 75 Machigonne Street, objected to using these two lots for parking space along side. Mr. Burpee contended that once he is given the privilege of using that space to park more than one commercial vehicle that as time goes on could use it as used car lot and store 18 or more vehicles. Has seen these lots containing 10 cars and six trucks. States in view of plan to clean up Capasic Steam there is plan set up to develop this area, and if we commercialize this, it will be a detriment to this development. Mentioned Mr. Hawkes who purchased land on Brighton Avenue, intending commercial development, but when found could not use it as such is planning to sell it. Fears if Mr. Lanigan allowed to increase, Mr. Hawkes would petition for original intended use of his property.

Mr. LaRue of 13 Machigonne Street, opposed the granting of any further development of that property for commercial purposes. States in 1938 he stores his car in Lanigan's garage overnight and that the garage closed at 6:00 P. M. Violently opposed to all night operations. Objects to using land on side of building where steamer is and keeping open other than what was in 1938.

Mrs. Colello, 3 Westminister Avenue, complains about all night business and states she is really against it. That she is the one getting the odor into her home from painting and spraying. Complains of steamer and spraying of trucks, including flushing out oil trucks. Complains of her health (apparently pregnant) and the fact that all this is depreciating her property. Absolutely does not approve of night business.

William Manning of 28 Edgeworth Avenue states he had seen wrecks in these lots over two weeks and many vehicles there overnight. Complains of steamer on his side of the garage. Feels if this permission is granted to commercialize this Residence Zone, it opens a gate-way. States he has seen this garage operate without permission, and if permission is granted, asked "What then would be the end?". Complains that activities of garage have prevented their having sidewalk from Westminister Street to Brighton Avenue; that City at one time attempted to put in sidewalk there.

Mrs. Hodgdon of 634 Brighton Avenue states her property was built after the garage was started but stated at that time it was not a garage such as now and two lots had not been excavated and graded. Feels it reduces the value of her property. States view from her windows is nothing but a bare space covered by trucks and cars and what have you. Feels it is really very annoying - cars coming and leaving at all times.

Mr. Pendexter of 665 Brighton Avenue stated he wished to register general opposition.

W. E. Soule of 22 Edgeworth Avenue, states property completely overexpanded to such an extent that real estate will drop a good deal.

Mr. Blackwell of 647 Brighton Avenue stated no house between my house and the garage and that it is kind of an unsightly sight to see trucks and cars out there all the time. States if gives them access there will be trucks of every description. Altho that it not be extended to go any further.

INTER-OFFICE CORRESPONDENCE

CITY OF PORTLAND, MAINE
CORPORATION COUNSEL

DATE: August 22, 1948

TO:

FROM:

SUBJECT:

INFORMAL NOTE FROM MR. McDONALD TO MR. GIGNOUX RE LANIGAN APPEAL

I have had at least one substantial citizen in the office opposing this appeal. He was rather hazy about the application of the Zoning Law and no doubt other opponents will be.

It occurs to me that Mr. Lanigan and his attorney are asking for a lot that they do not expect to get with the expectation that they will have standing enough in the neighborhood so that the neighbors will agree to some part of the proposal. Mr. Lanigan's performance with regard to observing Zoning regulations is not a good one and he can be relied upon to overreach any concessions which may be given him.

Of interest is the fact that Mr. Lanigan did not take title to the garage property until 1940 although he had been a lessee for many years. He did not acquire the vacant lot next to the garage toward Edgeworth Avenue until 1945 and he did not acquire the vacant lot next to that (corner of Edgeworth Avenue) until so recently that the Assessors do not show the change.

With the other photographs taken recently, I am giving you a photograph of the same location taken in 1933 which shows the situation approximately as it was in 1938 when Zoning became effective. All of this means, of course, that Bob Lanigan has bought all of the property and has graded off both vacant lots with full knowledge of the Zoning application.

As to the motor vehicle paint cleaning machine which has been the subject of a number of complaints and which he has apparently operated along the Brighton Avenue sidewalk, an encroachment upon it, it seems quite evident to me that he has little, if any, rights under the Zoning law to use the machine on the premises at all. He is likely to claim that giving him the right to cut in the large door will allow him to take trucks into the garage and use the machine in there, thus breaking down the opposition of the neighbors to cutting in the doorway.

W.McD.

WMcD:M

August 1, 1947

INFORMAL NOTE FROM SA McDONALD TO SA GIGNOUX RE LANIGAN APPEAL

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W.McD.

WcD:M

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

July 28, 1947

Mr. Robert Lanigan
623 Brighton Avenue
Portland, Maine

Dear Mr. Lanigan:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, August 1, 1947 at ten-thirty o'clock in the forenoon to hear your appeal under the Zoning Ordinance relating to use of property at 619-633 Brighton Avenue.

Please be present or be represented at this hearing in support of your appeal.

BOARD OF APPEALS

Edward T. Colley
Chairman

M

cc: Frederic S. Sturgis, Esq.
85 Exchange Street
Portland, Maine

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

July 22, 1947

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine at ten-thirty o'clock in the forenoon on Friday, August 1, 1947 concerning the appeal under the Zoning Ordinance of Robert D. Lenigan relating to structural alteration and an increase in volume in the major and repair garage at 619-633 Brighton Avenue, which will include utilization of the two lots between the present garage and Edgeworth Avenue for service or major garage uses or the parking of more than one commercial vehicle.

The present use of the premises is permitted by Section 13A of the Zoning Ordinance because the premises were being so used on December 5, 1938, but the changes requested would involve a structural alteration and an increase in volume of the present non-conforming use which is prohibited in a Local Business Zone by Section 13A of the Zoning Ordinance. With respect to the two lots between the present garage and Edgeworth Avenue, both of these lots are located in a Residence C Zone where Section 9A of the Zoning Ordinance prohibits any of the above requested uses.

The appellant gives as the reason for this appeal: "An exception is necessary in this case so as to grant reasonable use of this property and to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Ordinance.

This appeal is taken under Section 17E 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 reasonable 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

Edward T. Colley

Chairman

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

July 28, 1947

TO THE BOARD OF APPEALS:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, August 1, 1947 at ten-thirty o'clock on the following use appeals under the Zoning Ordinance:

Harry P. Leonard - 517-327 St. John Street
Robert E. Lanigan - 619-633 Brighton Avenue
Geraldine Trayers - 38 Dearing Street
(see attached notices for details)

At this same time, the Board will also hear the following miscellaneous appeals:

Fred Tobera - Addition to dwelling house at 103 Devon Street is not feasible under the Zoning Ordinance because the front wall of the proposed addition would be only 2' from the street line of Devon Street in a Residence C Zone where Section 9D of the Ordinance provides that there shall be no less than 15' from the front of the addition and the street line, the street line being the inside edge of what would be the future sidewalk.

J. J. Wrenson - Installation of mechanical ventilation in proposed bakery at 539 Brighton Avenue, including outside vent pipes is not permissible because the proposed outside duct would constitute a prohibited encroachment on the required side yard of the building in the Local Business Zone where property is located. Ordinance provides for 7' on each side of every building. Present distance between side of building and lot line is 6'6" which is allowed to continue because shortage existed when ordinance adopted, but encroachment of 12" vent pipe is not allowable.

BOARD OF APPEALS

Edward T. Colley

Chairman

Bassett p. 106 - enlargement of
feeding non-confirming use of bedline
to a greater extent non-confirming
see:

Livingston & Brown, 192 N.E. 867 (Mass. 1930)

question: was I all within use of the
from the 1938.

WARREN McDONALD
INSPECTOR OF BUILDINGS

On reply refer
to File 623 Brighton Avenue-I

FU

CITY OF PORTLAND, MAINE

Department of Building Inspection

559

June 23, 1947

Mr. Robert Lanigan
623 Brighton Avenue
Portland, Maine

Subject: Application of Zoning Ordinance to proposed development of the property between Rosemont Garage (623 Brighton Avenue) and Edgeworth Avenue, and particularly to application for building permit to cut in a large doorway in the westerly wall of the Rosemont Garage

Dear Mr. Lanigan:

Due to an oversight, perhaps because Mr. Sturgis came into the office and talked this subject over quite thoroughly since my letter of March 31, I find that I have not given you a conclusive answer as to your application for a building permit to cut a new doorway in the westerly wall of the Rosemont Garage, 14' long by 12' high.

It is my recollection that I did receive an opinion from Mr. Gignoux, Assistant Corporation Counsel, on this subject, but did not relay it to you, an oversight which I am sorry. We talked the matter over and it is my recollection that he felt that a building permit is not issuable to cover this structural alteration in the present non-conforming garage, which could be of use only by using a driveway through the next lot, the use of which is governed by the regulations of a Residence C Zone where both garage and driveway are non-conforming uses.

On that basis I am unable to issue this particular permit, and you are referred to Section 17A which forbids the issuance of such a permit, to Section 13A relating to non-conforming uses and Section 9A giving allowable uses in Residence C Zones.

Mr. Sturgis and I talked over not only this particular proposal but a proposal to develop both the next lot and the corner lot at Edgeworth Avenue (it is understood you own both of them) for a Gasoline Filling and General Service Station, these uses also being non-conforming in the Residence C Zone where these two lots are located. We talked about the relative value of a variance appeal seeking the right to use the lots for these purposes and a petition to the City Council seeking a change in the zone for the two lots and perhaps the present garage lot also with the idea of either making the zone classification such that the proposed uses would be conforming or so that they could be specifically allowed by authority of the Board of Appeals after the appeal procedure.

Mr. Sturgis seemed to lean toward the variance appeal procedure, and it is my recollection that you were to consider applying for a building permit to cover construction of the necessary building, installation of tanks, pumps, etc., knowing in advance that I could not issue it, but thus laying the ground for the variance appeal procedure.

In event you do not wish to attempt the larger proposition at this time and desire to file an appeal with the Board of Appeals seeking a variance or exception to the ordinance as applied to the job of cutting in the large doorway, there is enclosed an outline of the appeal procedure. I am told that the best time to file such an appeal is in the afternoon.

In this connection I must call your attention to the fact that you have apparently been in repeated violation of the Zoning Ordinance, according to my own observation, by using the lot next to the Rosemont Garage, frontage on Brighton Avenue, for the parking or storage of more than one commercial motor vehicle. On at least one occasion I counted five trucks stored on the lot and one of them in a broken down condition. Reference in

C
O
P
Y

Mr. Robert Lanigan ----- 2

June 23, 1947

this connection is made to Section 9A and Section 14A of the Zoning Ordinance.

If you conclude not to proceed farther on the application for the large doorway and will return or have Mr. Bryan, your contractor, return the receipt for the building permit fee of one dollar paid to this office within 10 days of the date of this letter, the money will be refunded by voucher.

Ver, truly yours,

WARREN McDOUGAL

Inspector of Buildings

WMC/D/S

Encl: Outline of appeal procedure

CC: Mr. Frederic Sturgis,

85 Exchange Street, with outline of appeal procedure

✓ Edward T. Signoux,
Assistant Corporation Counsel.

H. Norton Maxfield,
Assistant City Manager

P.S. Upon driving by your place today I noticed that you have graded down the lot at the corner of Edgeworth Avenue and there were parked on these lots six or more motor trucks and six or eight passenger cars, both being contrary to the provisions of the ordinance.

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

July 22, 1947

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine at ten-thirty o'clock in the forenoon on Friday, August 1, 1947 concerning the appeal under the Zoning Ordinance of Robert D. Lanigan relating to structural alteration and an increase in volume in the major and repair garage at 619-633 Brighton Avenue, which will include utilization of the two lots between the present garage and Edgeworth Avenue for service or major garage uses or the parking of more than one commercial vehicle.

The present use of the premises is permitted by Section 13A of the Zoning Ordinance because the premises were being so used on December 5, 1938, but the changes requested would involve a structural alteration and an increase in volume of the present non-conforming use which is prohibited in a Local Business Zone by Section 13A of the Zoning Ordinance. With respect to the two lots between the present garage and Edgeworth Avenue, both of these lots are located in a Residence C Zone where Section 9A of the Zoning Ordinance prohibits any of the above requested uses.

The appellant gives as the reason for this appeal: "An exception is necessary in this case so as to grant reasonable use of this property and to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Ordinance.

This appeal is taken under Section 17E 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 reasonable 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

Edward T. Colley

Chairman

650 Brighton ~~Exham~~ Me. July 28. 47
Edward J. Colley
Dear Sir

I am in receipt
of your letter of July 28 in regard
to the enlargement of Robert H.
Lanigan's garage across the
street from my duplex house
at 650 Brighton Ave.

As much as I would like
to do Mr. Lanigan a favor

I am opposed to any idea of
enlarging his garage as long
as I own this property.

Yours
Herman Estabrook

After 5 Days Return to
H. G. HAWKES MOTOR CO.
GORHAM, MAINE



Mr. Edward J. Colby
Portland Book Council Office
Mes. 35
City Bldg.

RECEIPT - APPLICANT'S COPY

CITY OF PORTLAND, MAINE

Department of Building Inspection

2755 E

July 17, 1947

Received from

Patricia Meade

a fee

of

Five Dollars 5.00

for permit to

- Install
- erect
- alter
- move
- demolish

structural

619-633

Whitman Ave Est. Cost \$ ---

Warren M. Donald

Inspector of Buildings

Per ES

THIS IS NOT A PERMIT

No work is to be started until PERMIT CARD is actually posted upon the premises. Acceptance of fee is no guarantee that permit will be granted. PRE-SERVE THIS RECEIPT. In case permit cannot be granted the amount of the fee will be refunded upon return of the receipt.

City of Portland, Maine
Board of Appeals
— ZONING —

July 28, 1954 . 19

*Sustained
Conditionally
9/18/54
54/49*

To the Board of Appeals:

Your appellant, Bob Lanigan
property at 623 Brighton Avenue

, who is the owner of
, 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 cover alterations of and addition to the Rosemont Garage at 623 Brighton Ave., corner of Westminster Ave., is not issuable under the Zoning Ordinance because: the proposed rear addition for boiler room, about 11 feet by 32 feet, would be an increase in volume of the repair garage, contrary to Sec. 14A of the Ordinance as applied in the Local Business Zone where the property is located, where the garage is a non-conforming use; the large door and the two toilet room doors facing Westminster Ave. are not allowable since the zone line dividing the Local Business Zone at the corner is 100 feet from Brighton Ave. and the garage is a non-conforming use in the Residence C Zone adjoining along Westminster Ave., thus preventing any entrance door facing upon a street other than the main business street of the Business Zone which is ~~at~~ clearly Brighton Ave.—according to Sec. 15B of the Ordinance; the canopy on the side toward Westminster Ave. would be an unlawful encroachment upon the side yard seven feet wide from the street line (inside edge of public sidewalk) of Westminster Ave., required by Sec. 6B applying in the Local Business Zone—the present building already constituting encroachment upon that yard, having existed since 1938.

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.

Robert W. Lanigan
Appellant

After public hearing held on the 13th day of August, 1954,
the Board of Appeals finds that 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, provided that the existing entrance door to the rest room in the outside wall of the building facing Westminster Avenue be eliminated, and that the rest rooms be accessible only from the interior of the building.

It is, therefore, determined that exception to the Zoning Ordinance may be permitted in this specific case, provided that the existing entrance door to the rest room in the outside wall of the building facing Westminster Avenue be eliminated, and that the rest rooms be accessible only from the interior of the building.

William H. O'Brien
Harry K. Torrey
Henry C. Frout
Edward J. Colley
Ben B. Blanton
BOARD OF APPEALS

August 23, 1954

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Robert D. Zanigan

629 Brighton Avenue

Public hearing on above appeal was held before the Board of Appeals

Board of Appeals

VOTE

Municipal Officers

William H. O'Brien
Harry K. Terrey
Helen C. Frost
Edward T. Colley
Ben B. Wilson

Yes No
/ /
/ /
/ /
/ /
/ /

PROVIDED THAT THE EXISTING DOOR TO THE REST ROOM IN THE OUTSIDE WALL OF THE BUILDING FACING WESTMINSTER AVENUE BE ELIMINATED, AND THAT THE REST ROOMS BE ACCESSIBLE ONLY FROM THE INTERIOR OF THE BUILDING.

Board of Hearing:

OPPOSED:

Mrs. Mathew Colello - 3 Westminster Avenue - represented by Robert A. Ferullo, Esq.

Mrs. Lawrence Smith, 14 Westminster Avenue (information purposes)

OFFICE CORRESPONDENCE

CITY OF PORTLAND, MAINE
CITY PLANNING BOARD

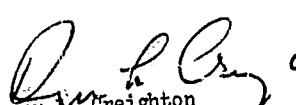
To: Board of Appeals
FROM: Mr. Roger L. Creighton
Planning Director

DATE: September 2, 1954
SUBJECT: Appeal for an addition
to the Rosemont Garage

The Planning Board at its meeting of August 26, 1954 voted to bring the following to the attention of the Board of Appeals.

It is perfectly good zoning practice to require as a condition for the granting of an appeal that the appellant should make minor modifications in his plan or should provide some feature such as screen planting, fencing, or other architectural or landscaping feature in order to reduce whatever harmful effects might exist if an appeal is granted.

In the case of the appeal for an addition to the Rosemont Garage the Planning Board feels that planting should be undertaken by the Rosemont Garage in order to provide a screen between the garage and its parking area and the adjoining residential property. It is therefore suggested that a hedge of English hawthorn, lilac, bushes or similar plant material or a suitable attractive fence or wall should be planted along the entire rear boundary of the Rosemont Garage property and along the line of Edgeworth Avenue from the rear property line to a point within 50 feet of Brighton Avenue.


Roger L. Creighton
Planning Director

rlc:yds

cc: Mr. Julian H. Carr
City Manager

Mr. B. I. Shur
Corporation Counsel

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

August 3, 1954

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, August 13, 1954 at 10:30 a. m. Daylight Saving Time to hear the appeal of Bob Lanigan requesting an exception to the Zoning Ordinance to cover alterations of and addition to the Rosemont Garage at 623 Brighton Avenue, corner of Westminster Avenue.

This permit is presently not issueble under the Zoning Ordinance because the proposed rear addition for boiler room, about 11 feet by 32 feet, would be an increase in volume of the repair garage, contrary to Section 14A of the Ordinance as applied in the Local Business Zone where the property is located, where the garage is a non-conforming use; the large door and the two toilet room doors facing Westminster Avenue are not allowable since the zone line dividing the Local Business Zone at the corner is 100 feet from Brighton Avenue and the garage is a non-conforming use in the Residence C Zone adjoining along Westminster Avenue, thus preventing any entrance door facing upon a street other than the main business street of the Business Zone which is clearly Brighton Avenue - according to Section 15B of the Ordinance; the canopy on the side toward Westminster Avenue would be an unlawful encroachment upon the side yard seven feet wide from the street line (inside edge of public sidewalk) of Westminster Avenue, required by Section 6B applying in the Local Business Zone--the present building already constituting encroachment upon that yard, having existed since 1938.

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 reasonable 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

William H. O'Brien
Chairman

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

August 10, 1954

Mr. Robert D. Lanigan
63 Brighton Avenue
Portland, Maine

Dear Mr. Lanigan:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine on Friday, August 13, 1954 at 10:30 a. m. to hear your appeal under the Zoning Ordinance.

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

BOARD OF APPEALS
William H. O'Brien
Chairman

K

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

August 3, 1954

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, August 13, 1954 at 10:30 a. m. Daylight Saving Time to hear the appeal of Bob Lanigan requesting an exception to the Zoning Ordinance to cover alterations of and addition to the Rosemont Garage at 623 Brighton Avenue, corner of Westminster Avenue.

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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

William H. O'Brien
Chairman

K



RECORDS SECTION
 DEPARTMENT OF BUILDING INSPECTION
 PORTLAND, MAINE

COMPLAINT

Complaint No. D-11-72

1/12

INSPECTION COPY

Location 619-624 Arishkon

Date received May 25, 1944

Owner's name and address R. J. Langen, 619-624 Arishkon Avenue

Use of Building Garage (Motor)

Tenant's name and address

Langen, 619-624 Arishkon Avenue

Telephone

Complainant's name and address Mrs. A. F. Jordan

Telephone

Description: Routing of busses at this location objectionable to neighborhood. See letter of 5/22/44

Telephone

4 passengers -
 and 2 trucks near
 garage building -
 The greater part
 of both trucks and
 probably part of
 all of the passengers
 came in Residence
 2304. See paper
 filed 10/9/43
 and removed 3/14/44
 and photos 14 2
 taken 7/4/44

3: 1745
 memo to Asst.
 Comm. with
 photo
 2 photos
 WMA

9/21/51 - memo to Asst.
 Comm. with attached
 sketch of plan of 10 photos
 (WMA) 3/27/51

6/27/51 - memo to
 Corp. - list

See letter of 5/22/44
 memo 10/9/43
 removed 3/14/44
 photos 14 2
 taken 7/4/44
 memo to Asst.
 Comm. with
 photo
 2 photos
 WMA
 9/21/51 - memo to Asst.
 Comm. with attached
 sketch of plan of 10 photos
 (WMA) 3/27/51
 6/27/51 - memo to
 Corp. - list

CITY OF PORTLAND, MAINE

LEGAL DEPARTMENT

July 5, 1955

Mr. Robert Lanigan
1889 Congress Street
Portland, Maine

Re: 627-644 Brighton Avenue

Dear Mr. Lanigan:

The Inspector of Buildings has reported to this office for our immediate attention a violation of the Zoning Ordinance existing on property owned and controlled by you at the above address. This property is being used for the sale of used motor vehicles—a use which is prohibited in the residence zone where the property is located.

We must insist that steps be taken without delay to correct the violation. As you know, you have the right to appeal to the Board of Zoning Appeals for permission to use the property for such a purpose. If you should decide to attempt an appeal, we will withhold prosecution if you are successful. However, we must insist that some action be taken on or before July 15th—either removal of the automobiles, or the commencement of appeal proceedings. If neither of the above is done by that time, it will be the duty of this office under the Ordinance to institute proceedings against you for a violation of the Zoning Ordinance.

Very truly yours,

Robert W. Donovan
Assistant Corporation Counsel

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cc: Warren McDonald ✓
Inspector of Buildings

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COPY
RESPONDENCE

CITY OF PORTLAND, MAINE
BUILDING INSPECTOR

June 27, 1955

Compt.--619-625 Brighton Avenue

TO: Barnett I. Shur, Corporation Counsel
FROM: Warren McDonald, Inspector of Buildings
SUBJECT: Violation of Zoning Ordinance

Violation of the Zoning Ordinance on this property not only continues but is being extended by way of sale of used motor vehicles as shown on the two attached photos, taken June 7. Close examination will show that some of the cars have the price indicated on the windshield.

That your mind may be refreshed on this situation, our file over a period of years is also attached.


Inspector of Buildings

Enclosures: Two photos of June 7, 1955 and Building Inspector's Complaint File

WMCD/B

June 27, 1955

Cmplt.—619-625 Brighton Avenue

Barnett I. Skur, Corporation Counsel

Warren McDonald, Inspector of Buildings

Violation of Zoning Ordinance

Violation of the Zoning Ordinance on this property not only continues but is being extended by way of sale of used motor vehicles as shown on the two attached photos, taken June 7. Close examination will show that some of the cars have the price indicated on the windshield.

That your mind may be refreshed on this situation, our file over a period of years is also attached.

Inspector of Buildings

Enclosures: Two photos of June 7, 1955 and Building Inspector's Complaint File

WMcD/B

September 21, 1951

Barnett I. Shur, Corporation Counsel

Warren McDonald, Insptr. of Bldgs

Violation of Zoning Ordinance by Robert D. Lanigan on Lot numbers 627-629 Brighton Avenue and 631-633 Brighton Avenue, corner of Edgeworth Avenue

These two lots have been used in violation of the Zoning Ordinance for several years by way of parking multiple motor vehicles, including many trucks and various kinds of motor driven appliances, in the Residence C Zone where the two lots are located.

We talked about this matter about the middle of July, and the pressure of work since has kept me from gathering together the data which you requested at that time. Heretofore the issue has been mixed because of the obnoxious features surrounding the operation of the large garage covering the two lots adjoining the lots now in question and at the corner of Westminster Avenue. We concluded in July that we could hardly support a case with regard to the use of the garage, and so the information which I have collected is confined to the two lots between the garage and Edgeworth Avenue.

Six photos of the two lots are attached—two showing how the lot was being used in 1948, three taken last July and for comparison one photo taken on May 1, 1933 on the occasion of a zoning appeal for a business use of the lot at 631-633 Brighton Avenue, corner of Edgeworth Avenue.

The latter photo shows the two lots about as they were in 1938 when the Zoning Ordinance became effective.

Also attached is an illustrative plan which was supplied to your office in 1943 when Mr. Lanigan had a zoning appeal before the Board relating to cutting a large doorway in the side of his garage toward Edgeworth Avenue, an appeal which was denied after vigorous objection on the part of many property owners in the neighborhood. At the hearing there was much objection to the use of the two lots.

While we have not taken the trouble to get the exact dates on which Mr. Lanigan took title to the two lots, the Assessors' record shows that he was first taxed for the lot at 627-629 (next to the garage) in 1945. This particular lot is divided by a zone line which is about 15' from his garage, that 15' being in a Local Business Zone and the balance in a Residence C Zone. Since the lot does not have at least 20-foot frontage in the Local Business Zone, there is no extension allowance, so that only the 15-foot strip is entitled to the rights of a Local Business Zone—rights which do not include the parking or storing of more than one commercial vehicle. Soon after he acquired the lot he graded it down to the level of Brighton Avenue and established there a temporary produce stand which we had him remove as being contrary to the Zoning Law. Shortly after that he began to use the lot for parking vehicles in connection with his garage business.