

1300-1302 CONGRESS STREET

SHAW-WALKER
B203-10

City of Portland, Maine
Board of Appeals

—ZONING—

June 26,

19 50

Submitted
50/61

To the Board of Appeals:

Your appellant, Davis Construction Company, who is the owner of property at 1300-1302 Congress 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 to cover construction of one-family dwelling house on the lot at 1300-1302 Congress Street, corner of Mitton Street, is not issuable because the side wall of the proposed dwelling toward Mitton Street would be about 17' from the street line of Mitton Street, while the front wall of the adjoining house having frontage of Mitton Street is about 30' or more from the same street line, and Section 16J of the Ordinance provides that no part of an exterior wall of any building shall be located closer to the line of any street than the exterior wall of any building used for habitation on an adjoining lot.

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 and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

Edith J. Davis
Appellant

After public hearing held on the 30th day of June, 1950, the Board of Appeals finds that an exception is necessary in this case to grant reasonable use of property and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

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

Edmund J. Callery
John W. Lake
W. H. Holf
Helene C. Dent
William A. O'Brien
BOARD OF APPEALS

DATE: June 30, 1950

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF DAVIS CONSTRUCTION COMPANY
AT 1300-1302 Congress Street

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	
Mr. Colley	(x)	()	
Mr. Lake	(x)	()	
Dr. Holt	(x)	()	
Mr. O'Brien	(x)	()	
Mrs. Frost	(x)	()	
	()	()	
	()	()	
	()	()	
	()	()	

Record of Hearing:

Mrs. Davis, pro se
no opposition

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

June 27, 1950

Mr. Fred C. Robinson
16 Mitton Street
Portland, Maine

Dear Sir:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, June 30, 1950 at 10:30 a. m. Daylight Saving Time to hear the appeal of Davis Construction Company requesting exception to the Zoning Ordinance to permit construction of one-family dwelling house on the lot at 1300-1302 Congress Street, corner of Mitton Street.

This permit is presently not issuable because the wide wall of the proposed dwelling toward Mitton Street would be about 17' from the street line of Mitton Street, while the front wall of the adjoining house is about 30' or more from the same street line, and Section 16J of the Ordinance provides that no part of an exterior wall of any building shall be located closer to the line of any street than the exterior wall of any building used for habitation on an adjoining lot.

If you wish to be heard in connection with this appeal, please be present or be represented at this hearing.

Very truly yours,

Edward T. Colley

Chairman

M

WARREN McDONALD
INSPECTOR OF BUILDINGS

On reply to 1300-1302 Congress Street, CITY OF PORTLAND, MAINE
to file Corner of Mitton Street
FU Department of Building Inspection

June 23, 1950

Davis Construction Company
1290 Congress Street
Portland, Maine

Copy to:
✓ Mark Barrett
Assistant Corporation Counsel

Gentlemen:

Building permit intended to cover construction of a one family dwelling house on the vacant lot at 1300-1302 Congress Street, corner of Mitton Street is not issuable under the Zoning Ordinance because the side wall of the proposed dwelling toward Mitton Street would be about 17' from the street line (inside edge of public sidewalk whether a sidewalk is actually established there or not) of Mitton Street, while the front wall of the dwelling house on the adjoining lot having frontage on Mitton Street is about 30' or more from the same street line, and Section 16J of the Ordinance, applying to the Residence C Zone where the property is located, provides that no part of an exterior wall of any building in such a zone shall be located closer to the line of any street than the exterior wall of any building used for habitation on an adjoining lot.

You have indicated your desire to seek an exception from the Board of Appeals; so there is enclosed an outline of the appeal procedure. There is a hearing already set on other matters for Friday morning, June 30, but it is getting quite late to get this matter before the Board at that time. Certainly it will not be possible unless the appeal is filed at the office of Corporation Counsel before Friday afternoon, June 26.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMB/G

Enclosure: Outline of appeal procedure

C
O
P
Y



(RC) RESIDENCE ZONE - C
APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class

Portland, Maine, June 23, 1951

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect ~~alter or remodel~~ install the following building structure ~~and work~~ 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 1306-1302 Congress Street Within Fire Limits? no Dist. No. _____
Owner's name and address Davis Construction Co., 1290 Congress Street Telephone 3-5964
Lessee's name and address _____ Telephone _____
Contractor's name and address owners Telephone _____
Architect _____ Specifications _____ Plans yes No. of sheets _____
Proposed use of building: dwelling house No. families 1
Last use _____ No. families _____
Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot _____
Estimated cost \$ _____ Fee \$ _____

General Description of New Work

To construct 1-story frame dwelling house 25' x 40'.

Appeal rights expired 12/30/50

This application is preliminary to get settled the question of zoning appeal. In event the appeal is sustained, the applicant will furnish complete information, the estimated cost and will pay legal fee.

appeal sustained 6/30/50

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 Davis Construction Co.**

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 _____
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 _____
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:

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

Davis Construction Co.

INSPECTION COPY

Signature of owner by:

Hubert Davis

NOTES

Permit No. 501
Location 300-1302 Carnegie Bk
Owner Davis Construction Co.
Date of permit 1/50
Notif. closing-in
Inspn. closing-in
Final Notif.
Final Inspn.
Cert. of Occupancy issued

City of Chicago, Ill.

Inspector of Work

Inspector

James Davis

IN A POSITION COPY

AP 1296-1298 Congress Street-I
AP 1300-1302 Congress Street-I

July 10, 1950

Davis Construction Company
1290 Congress Street
Portland, Maine

Gentlemen:

The Board of Appeals have notified us that your Zoning appeals relating to construction of two new dwelling houses at 1296-1298 Congress Street and 1300-1302 Congress Street, have been granted.

The next step is to complete your application by furnishing the total estimated cost of the building including all material, labor and equipment and installation thereof and to pay the building permit fee for each permit.

I understand that the houses are to be identical as to plan. We have not attempted to check the plans in detail against the Building Code, and will not until the applications have been completed.

If you have any reason to believe that the plans do not show all necessary information as to compliance with the Building Code it would be well to have them made so at the same time as completing the applications.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMcD/G

1300-1302 Congress St. Apt. 1
Corner of Milton Street

June 23, 1950

Davis Construction Company
1290 Congress Street
Portland, Maine

Copy to:
Mark Barrett
Assistant Corporation Counsel

Gentlemen:

Building permit intended to cover construction of a one family dwelling house on the vacant lot at 1300-1302 Congress Street, corner of Milton Street is not issuable under the Zoning Ordinance because the rear wall of the proposed dwelling toward Milton Street would be about 10 feet from the street line (inside edge of public sidewalk whether a sidewalk is actually established there or not) of Milton Street, while the front wall of the dwelling house in the adjoining lot having frontage on Milton Street is about 10 feet or more from the same street line, and Section 16J of the Ordinance, applying to the Residence C Zone where the property is located, provides that no part of an exterior wall of any building in such a zone shall be located closer to the line of any street than the exterior wall of any building used for habitation on an adjoining lot.

You have indicated your desire to seek an exception from the Board of Appeals; so there is enclosed an outline of the appeal procedure. There is a hearing already set on other matters for Friday morning, June 30, but it is getting quite late to get this matter before the Board at that time. Certainly it will not be possible unless the appeal is filed at the office of Corporation Counsel before Monday afternoon, June 26.

Very truly yours,

Warren McDonald
Inspector of Buildings

WML/B

Enclosure: Outline of appeal procedure