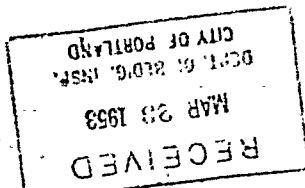


CS24 Y-1V

To PORTLAND —



4 - 2000 GALLON TANKS
1 - 1000 " "
6 - TOXHEIM PUMP
1 - GAB "

THIS SKETCH
IS NOT INTENDED
TO BE A TRUE
PICTURE OF INSTALLATION.
SEE LETTER TO
MR. GREENBERG
DATED 2-12-52

and trailers and auto wreck had been removed except necessary drums for waste material there and perhaps some cases of bottles and that the remaining storage had been surrounded by a neat fence; that the pump serving the Diesel oil tank had been removed; and that the lessee would file application for a new storage license for gasoline, quitting all use of Diesel oil for the year beginning July 1st.

With regard to the large signs referred to in the First item of Mr. Donovan's letter of May 19th, we agreed that further study would be given to the proposition of these signs being located on the public street along with this general problem of location of signs on public streets on Congress St. and other streets.

6/27/55 - Me to Corp - mcd

7/26/55 - C for sale disposed

of the lot about a week
ago

CITY OF PORTLAND, MAINE
LEGAL DEPARTMENT

July 5, 1955

Morris Greenberg, Esq.
101 Exchange Street
Portland, Maine

Re: Filling Station at
1545 Congress Street

Peter J. Rogers, Esq.
102 Exchange Street
Portland, Maine

Gentlemen:

The Inspector of Buildings has called to our attention the fact that the filling station at the above address is again being used in violation of the Zoning Ordinance. It is quite clear that the right to conduct a filling station on this property does not carry with it the right to conduct a used car sales business, or any other business not incidental and subordinate to the filling station.

We must insist that the automobiles now displayed on the premises be removed on or before July 15, 1955. Unless this is done, it will be the duty of this office under the Zoning Ordinance to institute proceedings against you for a violation of the Ordinance.

Very truly yours,

Robert W. Donovan
Assistant Corporation Counsel

K
cc: Community Oil Co.
George F. Hamilton
Warren McDonald ✓

At point A on the Greenberg sketch (attached) there is quite an accumulation

June 27, 1955

Cmplt. 1585 Congress St., corner of Frost St.

Barnett I. Shur, Corporation Counsel

Warren McDonald, Inspector of Buildings

Violation - Zoning Ordinance

Zob was quite successful in getting several different violations of the Zoning Ordinance discontinued at this location - cleared up by a conference with the several men involved in June, 1953.

that
Now, on complaint from the neighborhood, they are again "over-reaching", we find that they are apparently conducting a used car sales business in the midst of this residential zone.

Upon checking up on the situation, two photographs were taken on June 7 clearly showing the line of cars displayed for sale. These photos are attached, together with our complaint file on the entire job. The City has dealt firmly but not severely with these people. In the photos you will note the large sign advertising the station as the "last gas station before turnpike". This is an unlawful sign, not only under the Zoning Ordinance but it projects unlawfully upon the public way.

Notice was taken of this sign at our conference, and it was left for us to examine again. That was done, but, because the usefulness of the sign as it now reads will soon be over, it seemed best not to fuss about it.

Inspector of Buildings

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

WMCD/B

At point A on the Greenberg sketch (attached) there is quite an accumulation

COPY

File
with
compt
municipal

Building Inspector

CITY OF PORTLAND, MAINE
LEGAL DEPARTMENT

May 15, 1953

Marvin Greenberg, Esq.
121 Exchange Street

Peter J. Rogers, Esq.
101 Exchange Street
Portland, Maine

Re: Filling Station at
1584 Congress Street

Gentlemen:

This letter is sent to you jointly as we understand that you are the owners of the property, with carbon copies to Community Oil Co. and Mr. Hamilton who we understand are your lessee and sublessee.

As a result of numerous neighborhood complaints about the expansion of the above filling station in violation of the City of Portland Zoning Ordinance, the Building Inspector has reviewed the situation and has forwarded his report to this office for our attention. It clearly appears to us that there is not one, but several zoning violations involved in the present use of the property.

First: The two signs, back to back, located in front of the easterly end of the lot, which advertise the "last gas station before turnpike", are clearly in violation of the Zoning Ordinance. These signs are actually located within the limits of Congress St., and must be removed at once.

Second: The sign with its attachments near Frost Street on the westerly end of the lot has also been erected in violation of the Zoning Ordinance, and must be removed. This is the sign that advertises the "last station before turnpike", as well as the sale of beverages, cigarettes and candy.

Third: Toward the rear of the lot near Frost Street there

RECEIVED
MAY 18 1953
DEPT OF BLD'G. INSP.
CITY OF PORTLAND

At point A on the Greenberg sketch (attached)

Warrick, Anthony, etc. — CITY OF PORTLAND, MAINE
Peter J. Rogers, Inc. LEGAL DEPARTMENT
100 1/2 Commercial Street

March 17, 1943

is an accumulation of trash, pieces of bottles, old
and new tires, etc., etc., etc. If these items
were of legal weight and value, they would be subject to
seizure by the Department of Public Works. The use on
this portion of the lot for these items is not allowed
by the grant of title to the property in 1931, and
constitutes a violation of the Zoning Ordinance.

Fourth: The illegal oil tanks are in place without
permit, and also in violation of the Zoning Ordinance, and should be
removed. The present application of Mr. Hamilton for a license to
store oil in these tanks will be refused to cover illegal storage
only. The City Council will be advised to issue no new storage permit
until the illegal oil tanks have been removed.

It is unusual to find a piece of property with so many
outstanding zoning violations. In the opinion of this office, the
situation is a very serious one, and will be corrected without further
delay. It is also necessary to bring this property
into compliance with the Zoning Ordinance, it will be necessary for
this office to consider bringing appropriate legislation against all
parties involved.

If you do take steps to remedy this situation, of course,
have you will, - will please keep the Department of Building Inspec-
tion informed.

Thank you.

Very truly yours,

Robert F. Donovan

Robert F. Donovan
Assistant Corporation Counsel

RM:K

cc: Community Oil Co.
George F. Hamilton

✓ cc Mr. McDonald

At point A on the Greenberg sketch (attached) there is quite an accumulation

C-52/147 1585 Congress St., corner of Frost

April 15, 1953

Barnett I. Shur, Corporation Counsel

Copy to: City Clerk

Warren McDonald, Inspector of Buildings

Violation of Zoning Ordinance and other ordinances at 1585 Congress St., corner of Frost St., (owned jointly by Peter J. Rogers and Morris Greenberg and perhaps an interest in Community Oil Co., the latter company having a lease of the property and having sub-leased to George F. Hamilton—Morris Greenberg, Esq., seems to be the moving party for the owners).

With reference to copy to you of my letter of February 12, 1953, to Morris Greenberg, Esq., and Mr. George F. Hamilton relating to the above property, I have been holding all this time an application to the Municipal Officers for storage license for gasoline and diesel oil, filed with the City Clerk by George Hamilton, in an effort to get straightened out the question of use under the Zoning Ordinance.

It can be established that the property is in violation of the Zoning Ordinance as regards certain advertising signs and two signs, back to back are actually in the public way of Congress St. While these violations should be taken care of without delay, more important is the steady expansion of this non-conforming use, a Residence C Zone, having been granted by the City Council after petition (then the recognized procedure for non-conforming filling stations), and an addition for toilet rooms having been granted by the Board of Appeals in 1948.

It seems evident that this property is much like a few other non-conforming uses at other locations which have more or less gradually "edged up" and will continue to do so and become more and more obnoxious to the residential property around them, unless firm steps are taken to keep it within reasonable bounds.

The difficulty is, of course, that we cannot prove exactly how the property was being used in 1938, although it is clear enough that it has been expanded considerably and that there is a tendency to branch out right along, the property now being under the control by lease, I understand, by George Hamilton, who also operates the filling station at the corner of Park Avenue and Deering Avenue—probably soon to give way to the school interests.

One significant feature is that the current application for storage license calls for 1000 gallons of diesel oil, diesel oil commonly meaning that trucks will stop there, which is usually an added annoyance to residential property. The diesel tank and pump have been installed at some time since 1938 without a permit. It is recommended that the owners of the property and Mr. Hamilton be directed to remove the diesel oil tank and pump from the premises, to refile Mr. Hamilton's application for storage license omitting the diesel oil storage, and that the Municipal Officers grant no license to Mr. Hamilton until the tank and pump have been removed and a new application filed. It is also recommended that they be directed to remove the two signs back to back (one advertising the last station before turnpike) shown in red on the Greenberg sketch down at the lower right hand corner, and to remove the sign and all its attachments near Frost St., toward the rear of the station, which advertises the last station before turnpike and the sale of beverages, cigarettes and candy.

At point A on the Greenberg sketch (attached) there is quite an accumulation

Barnett I. Shur-----2

April 25 1953

of drums, cases of bottles, an old counter, old and new tires, two trailers and one auto wreck. Not far from one of the pump islands, as shown in red at the right hand side of the Greenberg sketch, there were parked on April 8, 1953 three cars, one of them with 1952 plates.

Also attached are two photos of the property—one taken at time of appeal for addition for toilet rooms in November, 1948 (as indicated on the back) and the other taken for the unsuccessful appeal for the small building in August, 1952. The small building in both photographs has finally been removed.

It is realized, of course, that no matter how positive we feel that this non-conforming business has been and is being expanded, that we lack evidence of the detailed use in 1938 to carry the case to court. However, it is recommended that we clear up the matters which are violations, and then keep up such a "barrage" that they will be discouraged from further expansion, and will never feel certain how much we can prove.

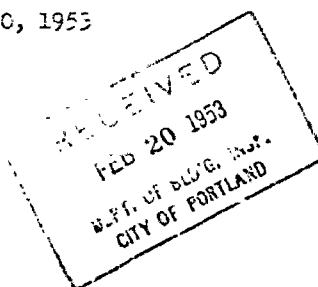
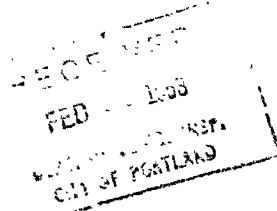
Inspector of Buildings

Attachments: 2 photographs; one sketch (not to scale) and an overlay for the sketch

LAW OFFICES
MORRIS GREENBERG
EXCHANGE BUILDING
DIAL 4-2741

102 EXCHANGE STREET
PORTLAND, MAINE

February 20, 1953



Warren MacDonald
Building Inspector
City of Portland
Portland, Maine

Dear Sir:

Re: GL 1565-1589 Congress Street

I was informed yesterday that the small building has already been removed from the premises and I have been endeavoring to fulfill your request as to the location of the several pumps and tanks in the station and I am having considerable difficulty doing so, primarily because one presently involved has had anything to do with the location and installation of the tanks which were installed by predecessors in title.

To find the location of the tanks will involve, so I am told, the digging up of the entire area in the station at considerable expense. Consequently, I have asked Mr. Foley and Mr. Hamilton to prepare as nearly as possible from information on hand, the present location of the station and the various tanks, islands, and pumps.

As soon as I receive the same, I will be glad to forward it to you.

Very truly yours:

Morris Greenberg
Morris Greenberg

MG:mv

*to move and ahead to 3/5/53 and
file this with my letter - [initials] 7/4/53*

LAW OFFICES
MORRIS GREENBERG
EXCHANGE BUILDING
DIAL 4-2741

102 EXCHANGE STREET
PORTLAND, MAINE

February 13, 1953

Warren MacDonald
City Hall
Portland, Maine

Dear Mr. MacDonald

Re: GL 1565-1589 Congress Street

Upon receipt of your letter today in regard to the above station, I immediately contacted Mr. Foley and Mr. Sylvester and I was assured that the small building would be removed on or before the 18th of this month. I further checked with them as to the total capacity of the tanks and I am informed that they have a capacity of nine thousand gallons, divided into eight thousand gallons of gas and one thousand gallons of diesel oil.

As far as the diesel oil is concerned, Mr. Sylvester informs me that the amount of oil sold there would not average fifty gallons a month. As a matter of fact, Mr. Sylvester informs me that the amount is so negligible that they are indifferent as to whether they have it or not. It was put in some time ago for a convenience to one large carrier in order to get his total business. But since this carrier has taken his business elsewhere, as I said above, the amount sold is negligible.

I have requested Mr. Foley to prepare the Blue Print which you requested so that you can have a record for your files.

I might also add that they have only five tanks and three sets of pumps.

Very truly yours

Morris Greenberg
Morris Greenberg

MG:mv

GL 1565-1589 Congress St.,

February 12, 1953

Morris Greenberg, Esq.,
102 Exchange St.,
Mr. George F. Hamilton
169 Park Ave.,

Copies to: Corporation Counsel
City Clerk

Gentlemen:

Mr. Hamilton's application to the Municipal Officers for a storage license for 8000 gallons of gasoline, 1000 gallons of diesel oil and seven pumps at 1565-1589 Congress St., has come to this office for approval under the Zoning Ordinance. The question of number, capacity and location of tanks and pumps at this filling station is so confused, that we are unable to approve this license under the Zoning Ordinance until we know the full story as to the number, location and capacity of each tank and whether for gasoline or for what liquid, also the location of all of the pumps, also how many and which of the tanks and pumps are already in place and which, if any, are proposed to be installed now under permits to be applied for.

The importance of this question lies in the fact that this filling station has always been a non-conforming use under the Zoning Ordinance in the Residence C Zone where the property is located, having been granted after special petition to the City Council under the Zoning Ordinance of 1926, and having existed to some extent or other in December 1938, when the present Ordinance was adopted.

It appears from the records we have here that some of these tanks and pumps have been installed under permits from this office since 1938, and some have been installed without permits since 1938.

Our records show that at the time of the original grant, before 1938, one 1000 gallon tank and one 550 gallon tank for gasoline and two pumps were installed. A permit was applied for, but never issued, in 1945 for one 2000 gallon and one 1000 gallon tanks for gasoline and two pumps. We were advised by Mr. Wilson that he had installed the tanks and pumps, but the permit had never been issued. In 1946 a permit was issued for one 2000 gallon tank and in 1948 a permit for two 2000 gallon tanks and two pumps. All of the above seems to add up to seven tanks for gasoline with a total capacity of 10,550 gallons of gasoline, but no mention of diesel oil—also six pumps.

The matter of diesel oil becomes particularly important in this residence zone because diesel oil usually means trucks. It is suggested that you have a plan to scale of the entire station filed here as a blueprint, indicating clearly the location and capacity of each existing underground tank, what each tank is proposed to be used for and the location of each pump with indication of which tank each pump serves. On the occasion of the public hearing on zoning appeal sometime ago, the matter of extensive increase of storage of gasoline and increase of dispensing pumps on this lot of non-conforming use, came up for considerable discussion on the part of the members of the Zoning Board of Appeals, and there seemed to be some feeling that the non-conforming use had expanded far beyond the situation in December, 1938 and that without authorization of the Board. Whether that is so or not, it appears necessary for me, before approving your application for storage license, to lay the whole matter before our Legal Department to see what action should be taken under the circumstances. The suggested plan is for the purpose of enlightening both the Legal Department and the Zoning Board of Appeals in view of the discrepancies between what you are now planning for and what our records seem to indicate actually exist.

Morris Greenberg, Esq.,
Mr. George F. Hamilton

February 12, 1953

Though Mr. Hamilton did not appear at the time of the zoning appeal with regard to the proposed new building on the lot, Mr. Greenberg will remember these negotiations, that the appeal was denied and the small building about four ft. by six ft., which had been moved to the lot without a permit, was to be completely removed. In our letter of September 15, 1952 to Mr. Greenberg and to Mr. Sylvester, after the zoning appeal had been denied, was the information that we should expect the small building to be removed completely before September 23, 1953, and there was also reference in that letter to certain signs, large and small, on the property and the question of their legality.

Inspection on February 11 shows that the small building is still on the lot. Since Mr. Sylvester is no longer involved in the responsibility for this small building it seems best to give you another chance to make good. However, if the building is not removed from the lot to some place where it will comply with the Zoning Law, before February 18, I shall be compelled to seek the assistance of the Corporation Counsel for compelling compliance with the Zoning Ordinance.

As regards to signs, it is not known whether any change has been made, but it would be well to show on the plan which you are to furnish the precise location and size of each sign which you now have detached from the main building.

Very truly yours,

Warren McDonald
Inspector of Buildings

WKC/S

Ap. 1585 Congress Street
8-52-147 1585 Congress St.
147

September 15, 1952

Mr. Richard Sylvester
1585 Congress Street
Morris Greenberg, Esq.,
102 Exchange Street

Copy to Corporation Counsel

Gentlemen:

Now that the Zoning Board of Appeals has denied your appeal relating to the construction of the storage building at 1585 Congress Street, I must call upon you to remove the small building which has been located there without a permit and contrary to the Zoning Law.

As intimated in a former letter, it is quite apparent that the Zoning Ordinance does not allow the storage in the open air of miscellaneous goods such as tires, drums, cans, cases of bottled goods, full or empty, and other articles. It is therefore necessary that you have the grounds around the station cleared up, and only such goods and equipment to be in and displayed in the open air as are commonly so displayed at such a small gasoline filling station, as was granted first by the Board after petition in 1931 and to which an addition for toilet rooms was granted by the Board of Appeals in 1948.

We shall expect that the small building will be completely removed and the grounds cleared up as above on or before September 23, 1952.

With relation to the signs which are at this location, it appears that the two larger signs along the Congress Street frontage are standing within the lines of the highway, and are certainly existing contrary to law. While this matter of signs on the public street or sidewalk is not one controlled by the Zoning Ordinance, I find from consultation with the Legal Department that these signs are not allowable and no permission for their erection could be given by the Board of Municipal Officers because they are an obstruction of the public way. It is not the function of this department to order their removal, but it seems best that you so remove them immediately to avoid action on the part of the Police Department.

It is certainly contrary to the Zoning Ordinance that these signs be erected on the service station lot. There is some question about your rights to the smaller signs, which will be the subject of further inquiry. It does seem reasonable to suppose that the Board of Appeals intended that you should have a reasonable amount of advertising for the station, but the Board certainly did not intend that you have signs all over the place.

Very truly yours,

Warren McDonald
Inspector of Buildings

WNCD/B

P. S. If Mr. Greenberg will return the receipt for the building permit fee to this office that money (\$2.00) will be refunded by voucher.

LAW OFFICES
MORRIS GREENBERG
EXCHANGE BUILDING
DIAL 4-5741

102 EXCHANGE STREET
PORTLAND, MAINE

March 21, 1953

Warren MacDonald
City Hall
Portland, Maine

Dear Mr. MacDonald:

Enclosed you will please find sketch of present locations regarding pipes and installation at Congress and Frost Streets. As I indicated to you in my previous letter it is impossible to obtain an exact blue print of the installations because they are underground and were put in by predecessors in title.

I trust that this will satisfy your requirements.

Very truly yours

Morris Greenberg

MG:mv
Enc. 1

RECEIVED
MAR 23 1953
DEPT. OF PUBLIC WORKS
CITY OF PORTLAND

LAW OFFICES
MORRIS GREENBERG
EXCHANGE BUILDING
DIAL 4-8741

102 EXCHANGE STREET
PORTLAND, MAINE

March 21, 1953

Warren MacDonald
City Hall
Portland, Maine

Dear Mr. MacDonald:

Enclosed you will please find sketch of present locations regarding pipes and installation at Congress and Frost Streets. As I indicated to you in my previous letter, it is impossible to obtain an exact blue print of the installations because they are underground and were put in by predecessors in title.

I trust that this will satisfy your requirements.

Very truly yours

Morris Greenberg

MG:mv
Enc. 1

RECEIVED

MAR 23 1953

DEPT. OF LAW & ORDER
CITY OF PORTLAND

#10.75
2/15/53

(RC) RESIDENCE ZONE - C

FOR CORRECTED USE EXEMPT
FROM TO ZONING ORDINANCE

CITY OF PORTLAND, MAINE

Office of the City Clerk

TO THE CITY COUNCIL:

The undersigned respectfully petitions for a license to store
8000 gal of gas gallons of gasoline on the premises
1000 gal of oil
No. 1585 Congress St. Street, such premises
bring in

No. of pumps 7 Make Topham
E. Barker

Gasoline stored under this license is to be put to the following
use or uses. Retail

Geo. Hamilton 167 Park St.
1585 Congress St.
Portland, Maine

examined by
2/15/53 with compl.
and file in gch's account
2/12/53

City of Portland, Maine
Board of Appeals
--ZONING--

Denied
9/12/52

52/82

To the Board of Appeals:

.....August 29,....., 19

Your appellant, Morris Greenberg, et als, who is the owner of property at 1585 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 for construction of a one story building about 10' x 12' on premises owned by Morris Greenberg et als at 1585 Congress Street, corner of Frost Street--the building being proposed to store miscellaneous materials and articles in connection with the automobile service station on the property--is not issuable under the Zoning Ordinance because the property is in a Residence C Zone where, according to Section 10A of the Ordinance both the automobile service station and the storage use of the proposed building are non-conforming uses.

Handwritten notes:
NOTED
7/12/52
WAT

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.

Signature of Morris Greenberg
Appellant

After public hearing held on the 12th day of September, 1952, the Board of Appeals finds that an exception to the Zoning Ordinance may be granted only by a unanimous vote of the Board of Appeals and since vote in this case was as follows, the appeal must be denied.

OPPOSED: Helen C. Frost - Robert L. Getchell - Edward T. Colley

IN FAVOR OF: H. Merrill Luthe - William H. O'Brien

It is, therefore, determined that exception to the Zoning Ordinance may not be permitted in this specific case.

Signature of H. Merrill Luthe

BOARD OF APPEALS

DATE: September 12, 1952

HEARING ON APPEAL UNDER THE Zoning Ordinance OF Morris Greenberg, et als.

AT 1585 Congress Street

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

<u>For or of Appeals</u>	<u>VOTE</u>		<u>Municipal Officers</u>
	Yes	No	
H. Merrill Luthe	(✓)	()	
Helen C. Frost	()	(✓)	
Robert L. Getchell	()	(✓)	
Edward T. Colley	(✓)	()	
William H. O'Brien	()	()	
	()	()	
	()	()	
	()	()	

Record of Hearing:

PRESENT:

Morris Greenberg and Richard Sylvester for appeal.

Mr. George A. Marston - 134 Frost Street - in favor of building.

OPPOSED:

Mrs. Ruth Coombs - 1563 Congress Street - (presented petition)

Edward M. Hopkins - 1566 Congress Street

Clifford Moses - owner of property on Frost Street

Petition in file.

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

September 9, 1952

Morris Greenberg, Esq.
102 Exchange Street
Portland, Maine

Dear Mr. Greenberg:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine on Friday, September 12, 1952 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 your appeal.

Very truly yours,

H. MERRILL LUTHE

Chairman

K

TO

September 12, 19--

Board of Appeals
City of Portland, Maine.

We, the undersigned, being property owners within five hundred feet of premises owned by Morris Greenberg, et als, and located at 1585 Congress Street, in said Portland, do hereby object to the allowan the appeal of the said Morris Greenberg, et als, for the construction o one story building on said premises, one of the reasons for the objecti being that the erection of said building is against the zoning ordinanc should not be made an exception thereto, because a denial of the appeal not cause a confiscation of said property.

Name

Address

<u>Edward Proulx</u>	<u>1583 Congress St</u>
<u>Kurt Proulx</u>	<u>1585 Congress St</u>
<u>Alfred B. Proulx</u>	<u>1538 Congress St</u>
<u>Mrs. Mrs. Edgans Cote</u>	<u>16 Brewer St</u>
<u>Mrs. & Mr. John W. Luther</u>	<u>25 Brewer St</u>
<u>Louisa P. Deihm</u>	<u>1062 Congress St</u>
<u>Adeline D. Emerson</u>	<u>1549 Congress St</u>
<u>Edward M. Hopkins</u>	<u>1566 Congress St</u>
<u>Mrs. Margaret M. Hopkins</u>	<u>1566 Congress St</u>
<u>Mrs. Edna L. Mayfield</u>	<u>1544 Congress St</u>
_____	_____
_____	_____

WARREN McDONALD
INSPECTOR OF BUILDINGS

On reply refer
to file **AP 1585 Congress Street**

CITY OF PORTLAND, MAINE

Department of Building Inspection

FU

August 28, 1952

Morris Greenberg, Esq.,
102 Exchange Street
Portland, Maine

Copies To: Corporation Counsel

Mr. Richard Sylvester
1585 Congress Street

Community Oil Company
Att: Mr. Foley
204 Kennebec Street

Dear Mr. Greenberg:

Building permit for construction of a one story building about 10' x 12' on premises owned by Morris Greenberg et als at 1585 Congress Street, corner of Frost Street—the building being proposed to store miscellaneous materials and articles in connection with the automobile service station on the property—is not issuable under the Zoning Ordinance because the property is in a Residence C Zone where, according to Section 10A of the Ordinance both the automobile service station and the storage use of the proposed building are non-conforming uses.

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

As you are aware, some time ago according to the information which we have been able to gather, Mr. Sylvester, who operates the service station under lease or otherwise from Community Oil Company—the owner's lessee—had a small building of sub-standard construction under the Building Code deposited on the lot and has been using it for some time now for the storage of miscellaneous articles, including refreshment containers in connection with the station. Your application for this permit and the appeal to be filed are results of finding of this situation in violation of the Zoning Ordinance and Building Code, and an effort on the part of the owners and all concerned to get the right in orderly fashion to have a building for storage purposes on the property. I believe the proposed building would be somewhat larger than the existing building. While the existing small building is clearly in violation of both Zoning Ordinance and Building Code and no one has a right to maintain it there nor a right to authorize such maintenance, we are not pressing Mr. Sylvester at this time to discontinue the building and remove it, if appeal proceedings are carried forward with all possible speed. It must be understood, however, in case the appeal should be unsuccessful, the small building will be removed without delay and the material or equipment habitually stored in it will either be stored in the main building or removed from the premises and not stored on the open land.

In talking with Mr. Sylvester he mentioned that it was better to have the material and equipment stored in the small building than to have it on the open lot. It is my belief that no one has the right to store the material and equipment on the open lot either.

We have accepted your application for the permit without sufficient information to show compliance with the Building Code. If your appeal should be successful, you must proceed quickly to complete the application, furnish adequate plans

C
O
P
Y

Warren McDonald
Inspector of Buildings
August 28, 1952

Morris Greenberg, Esq.,-----2

August 28, 1952

and proceed without delay to get rid of the existing small building without having its contents stored in the open air.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMD/B

Enc: 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, August 27, 1952

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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

Location 1555 Congress Street Within Fire Limits? no Dist. No. _____
Owner's name and address Morris Greenberg et als, 102 Exchange Street Telephone 4-2741
Lessee's name and address _____ Telephone _____
Contractor's name and address not let Telephone _____
Architect _____ Specifications _____ Plans yes No. of sheets 1
Proposed use of building storage of cans, drums and soda bottles No. families _____
Last use _____ No. families _____
Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot service station
Estimated cost \$ 200. Fee \$ 2.00

General Description of New Work

To construct 1-story frame building 10' x 12'.

*7/20/51 original plat 11x14 granted by petition 7/20
10/29/48-7'x2' addn for toilet room granted by appeal*

Refused 10/11/52

Appeal denied 9/12/52

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

Details of New Work

Is any plumbing involved in this work? _____ Is any electrical work involved in this work? _____
Is connection to be made to public sewer? _____ If not, what is proposed for sewage? _____
Height average grade to top of plate 7' Height average grade to highest point of roof 7' 6"
Size, front _____ depth _____ at east 4' below grade solid or filled land? earth or rock?
Material of foundation cedar posts Thickness, top _____ bottom _____ cellar _____
Material of underpinning _____ Height _____ Thickness _____
Kind of roof flat hip Rise per foot _____ Roof covering Asphalt Class C Und Lab
No. of chimneys none Material of chimneys _____ of lining _____ Kind of heat none fuel _____
Framing lumber—Kind hemlock Dressed or full size? dressed
Corner posts 4x4 Sills 4x6 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 dirt, 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

INSPECTION COPY

Signature of owner

Morris Greenberg

At 1585 Congress Street
B-52-104 1585 Congress St.

September 15, 1952

Mr. Richard Sylvester
1585 Congress Street
Morris Greenberg, Esq.,
102 Exchange Street

Copy to Corporation Counsel

Gentlemen:

Now that the Zoning Board of Appeals has denied your appeal relating to the construction of the storage building at 1585 Congress Street, I must call upon you to remove the small building which has been located there without a permit and contrary to the zoning law.

As intimated in a former letter, it is quite apparent that the Zoning Ordinance does not allow the storage in the open air of miscellaneous goods such as tires, drums, cans, cases of bottled goods, full or empty, and other articles. It is therefore necessary that you have the grounds around the station cleared up, and only such goods and equipment to be on and displayed in the open air as are customarily so displayed at such a small gasoline filling station, as was granted first by the Board after petition in 1931 and to which an addition for toilet rooms was granted by the Board of Appeals in 1948.

We shall expect that the small building will be completely removed and the grounds cleared up as above on or before September 23, 1952.

With relation to the signs which are at this location, it appears that the two larger signs along the Congress Street frontage are standing within the lines of the highway, and are certainly existing contrary to law. While this matter of signs on the public street or sidewalk is not one controlled by the Zoning Ordinance, I find from consultation with the Legal Department that these signs are not allowable and no permission for their erection could be given by the Board of Municipal Officers because they are an obstruction of the public way. It is not the function of this department to order their removal, but it seems best that you so remove them immediately to avoid action on the part of the Police Department.

It is certainly contrary to the Zoning Ordinance that these signs be erected on the service station lot. There is some question about your rights to the smaller signs, which will be the subject of further inquiry. It does seem reasonable to suppose that the Board of Appeals intended that you should have a reasonable amount of advertising for the station, but the Board certainly did not intend that you have signs all over the place.

Very truly yours,

Warren McDonald
Inspector of Buildings

WheD/E

P. S. If Mr. Greenberg will return the receipt for the building permit fee to this office that money (\$2.00) will be refunded by voucher.

P 1585 Congress Street

August 28, 1952

Morris Greenberg, Esq.,
100 Exchange Street
Portland, Maine

Copies to: Corporation Counsel

Mr. Richard Sylvester
1585 Congress Street

Community Oil Company
Attn: Mr. Foley
204 Kennebec Street

Dear Mr. Greenberg:

Building permit for construction of a one story building, about 10' x 12' on premises owned by Morris Greenberg et als at 1585 Congress Street, corner of Frost Lane—the building being proposed to store miscellaneous materials and articles in connection with the automobile service station on the property—is not issuable under the zoning ordinance because the property is in a Residence C Zone where, according to Section 104 of the Ordinance both the automobile service station and the storage use of the proposed building are non-conforming uses.

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

As you are aware, some time ago according to the information which we have been able to gather, Mr. Sylvester, who operates the service station under lease or otherwise from Community Oil Company—the owner's lessee—had a small building of sub-standard construction under the Building Code deposited on the lot and has been using it for some time now for the storage of miscellaneous articles, including oil treatment containers in connection with the station. Your application for this permit and the appeal to be filed are results of finding of this situation in violation of the Zoning Ordinance and Building Code, and an effort on the part of the owners and all concerned to get the right in orderly fashion to have a building for storage purposes on the property. I believe the proposed building would be somewhat larger than the existing building. While the existing small building is clearly in violation of both Zoning Ordinance and Building Code and no one has a right to maintain it there nor a right to authorize such maintenance, we are not pressing Mr. Sylvester at this time to discontinue the building and remove it, if appeal proceedings are carried forward with all possible speed. It must be understood, however, in case the appeal should be unsuccessful, the small building will be removed without delay and the material or equipment habitually stored in it will either be stored in the main building or removed from the premises—not stored on the open land.

In talking with Mr. Sylvester he mentioned that it was better to have the material and equipment stored in the small building than to have it on the open lot. It is my belief that no one has the right to store the material and equipment on the open lot either.

We have accepted your application for the permit without sufficient information to show compliance with the Building Code. If your appeal should be successful, you must proceed quickly to complete the application, furnishing adequate plans

Norris Greenberg, Esq., _____2

August 28, 1952

and proceed without delay to get rid of the existing small building without
having its contents stored in the open air.

Very truly yours,

Warren McDonald
Inspector of Buildings

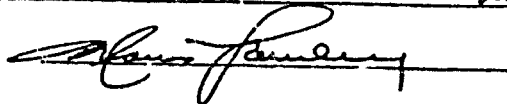
WMD/s

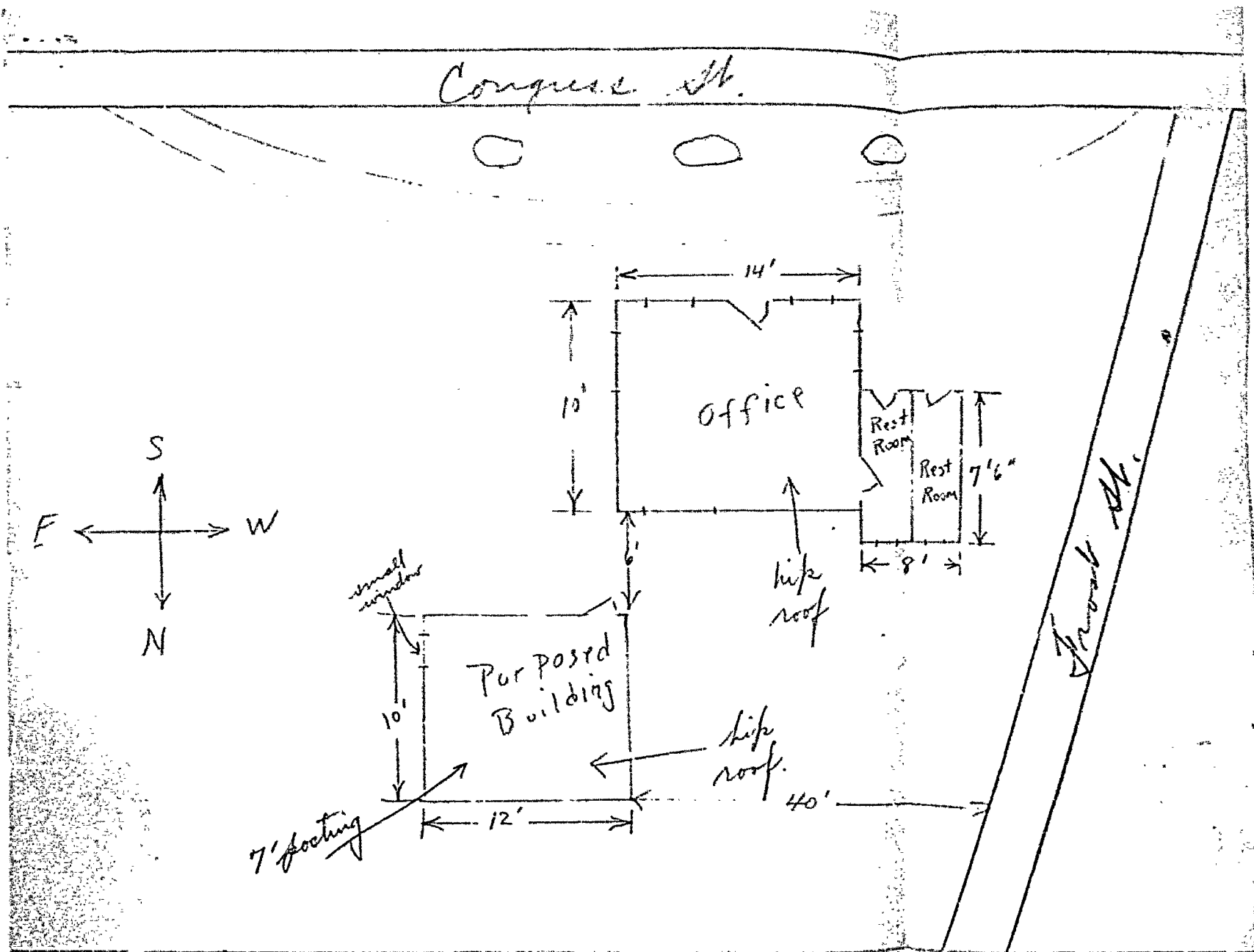
Enc: Outline of appeal procedure

STATEMENT ACCOMPANYING APPLICATION FOR BUILDING PERMIT

for storage building
at 1535 1st Street Date 2/27/52

1. In whose name is the title of the property now recorded? Morris Greenberg et al.
2. Are the boundaries of the property in the vicinity of the proposed work shown clearly on the ground, and how? _____
3. Is the outline of the proposed work now staked out upon the ground? yes
If not, will you notify the Inspection Office when the work is staked out and before any of the work is commenced? _____
4. What is to be maximum projection or overhang of eaves or drip? _____
5. Do you assume full responsibility for the correctness of the location plan or statement of location filed with this application, and does it show the complete outline of the proposed work on the ground, including bay windows, porches and other projections? yes
6. Do you assume full responsibility for the correctness of all statements in the application concerning the sizes, design and use of the proposed building? yes
7. Do you understand that in case changes are proposed in the location of the work or in any of the details specified in the application that a revised plan and application must be submitted to this office before the changes are made? yes





that he thought by being able to
from Communities for isresfrs - the
for the I.L.C. in the role of community
one confirmed that. - ~~with~~

8/12/52 Let M. - about last night from near
of service station - in name.
Richard S. Taylor, 112 Harriet St
S.P.

8/12/52 - Betty - ~~with~~

7/11/53 - Oldy still on lot. ~~with~~

7/12/53 - see letter about keys and
gas storage license - ~~with~~

C-52/104-1
1585 Congress St.
8/25/52 - WMcD

August 15, 1952

Mr. Richard Sylvester,
110 Harriet Street,
South Portland, Maine

Copy to: Morris Greenberg, Esq.
102 Exchange Street

Dear Mr. Sylvester:

Community Oil Co.,
Att. Fr. Foley
204 Kennebec Street

You are perhaps familiar with our inquiry into the small building on the filling station lot at 1585 Congress Street, corner Frost Street, and the fact that the building has been located there contrary to the Zoning Ordinance and the building in its details of construction does not comply with the Building Code and was moved onto the lot without securing the necessary building permit.

This building is about 4'x6', was probably used at some other location as a contractors shanty, has the rafters too far apart, sills which do not comply with the Building Code, only 2x3 studs too far apart in the outside walls and is not properly covered with permanent weather-resistant covering.

It is my understanding that you are responsible for having the building deposited on the lot, and therefore you are directed to have it completely removed to comply with both Zoning Ordinance and Building Code before August 25, 1952.

This filling station is in a residential zone, was first allowed there by special action of the City Council, and an addition was built under a permit after successful appeal to the Zoning Board of Appeals. It is not lawful to increase the volume of buildings on the property under the Zoning Ordinance unless similar procedure is followed and special right from Board of Appeals secured. It must be obvious to you that all such proceedings must be preceded by application for a permit stating what is desired.

We have no desire to work any hardship on you but if the violation is not cleared up as above, we shall lay the matter before the Corporation Council whose duty it is to designate what steps shall be taken to bring compliance with the law.

Very truly yours,

WMcD/H

Warren McDonald
Inspector of Buildings



(RQ) RESIDENCE ZONE - C

APPLICATION FOR PERMIT

Class of Building or Type of Structure Installation

Portland, Maine, October 27, 1948

PERMIT ISSUED

NOV 2 1948

CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to ~~erect~~ ~~install~~ install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 1565 Congress Street Within Fire Limits? no Dist. No. _____
Owner's name and address Frank Vaill, 1565 Congress Street Telephone _____
Lessee's name and address _____ Telephone _____
Contractor's name and address Portland Pump Co., 78 Lawn Ave., So. Portland Telephone _____
Architect _____ Specifications _____ Plans yes No. of sheets 1
Proposed use of building _____ No. families _____
Last use _____ No. families _____
Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot _____
Estimated cost \$ _____ Fee \$ 1.00

General Description of New Work

To install 3-2000 gallon gasoline tanks (additional storage) and two electric pumps for public use.
Tank bears Underwriters' label; coated with asphaltum; 3' below grade; 1 1/2" piping from tank to pump; 2" vent pipe.

CERTIFICATE OF OCCUPANCY
REQUIREMENT IS WAIVED

BEFORE Covering Tank and
any Piping APPROVAL of FIRE
DEPT. Required.

Sent to Fire Dept. 10/27/48
Rec'd from Fire Dept. 11/1/48

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 Portland Pump 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:

[Signature]

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

Portland Pump Co.

Signature of owner By: *[Signature]*

INSPECTION COPY

NOTES

2/21/49 - Wals Lane E.S.S.

Permit No. 46/2038
 Location 1515 Commercial St.
 Owner Edward J. Hall
 Date of permit 11/2/48
 Notif. closing-in
 Inspn. closing-in
 Final Notif.
 Final Inspn. 2/21/49
 Cert. of Occupancy issued none

✓ Contractor
Portland Pipe Co.
50 Portland Me

New Tank installation

RECEIVED
 OCT 27 1941
 DEPT. OF P.W.G. Insp.
 CITY OF PORTLAND

Existing
 station

2500 gal
 2500 gal
 Tank

2" vent lines

3" fill RRs

1 1/2" section line

Driveway

Side walk

Side 13'10"

1565 Congress St. Portland. Me



Appeal sustained
10/29/48
48/83

City of Portland, Maine
Board of Appeals
—ZONING—

October 11, 1948

To the Board of Appeals:

Your appellant, Frank Vail, who is the owner of property at 1565 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 17, Paragraph E of the Zoning Ordinance,

Permit for construction of addition to filling station office at 1565 Congress Street is not issuable because this addition would be an increase in volume of an existing non-conforming use in the Residence C Zone where this property is located, and the Zoning Ordinance provides that, while such a non-conforming use in existence at the time of the adoption of the Ordinance may be continued, it may not be extended or increased in volume.

Charts taken
10/15/48
VMT

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.

Frank Vail
Appellant
by Edward H. [Signature] his attorney

117/22

City of Portland, Maine
Board of Appeals

—ZONING—

Decision

Public hearing was held on the 29th day of October, 19 48,
on petition of Frank Vail, owner of property at
1565 Congress Street, seeking to be permitted an exception to the regulations of
the Zoning Ordinance relating to this property.

Permit for construction of addition to filling station office at 1565
Congress Street is not issuable because this addition would be an
increase in volume of an existing non-conforming use in the Residence C
Zone where this property is located, and the Zoning Ordinance provides
that, while such a non-conforming use in existence at the time of the
adoption of the Ordinance may be continued, it may not be extended or
increased in volume.

The Board 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.

John W. Lake
Helen C. Frost
Edna J. Colley

B. Wm. J. Lillbrook

Board of Appeals

48/23

October 29, 1948

HEARING ON APPEAL UNDER THE Zoning Ordinance OF Frank Vail
AT 1565 Congress Street

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

Present for City

Board of Zoning Appeals members:-

VOTE

	Yes	No
Mr. Getchell	(x)	()
Mrs. Frost	(x)	()
Mr. Holbrook	(x)	()
Mr. Lake	(x)	()
Mr. Colley	(x)	()
	()	()
	()	()
	()	()

Municipal Officers:-

City officials:-

I. Edward Cohen for Mr. Vail

No opposition to addition attached : building
for use as restrooms.

Petition in favor in file.

4873

To the Board of Appeals:
City of Portland.

Re: Construction of men's and ladies' toilet adjacent to
Mr. Frank Vail's filling station located at 1565
Congress Street.

We, the undersigned, have no objection to Mr. Frank Vail construct-
ing lavatories for men and women adjacent to his filling station:
We all live within a radius of five hundred feet of said filling
station:

George A. Manton.....	134 Frost St.....
Kenneth Haskell.....	22 Brewer St.....
Ruth Cross.....	1563 Congress St.....
Louisa O. Fisher.....	1562 Congress St.....
Margaret B. Johnson.....	3 Cliff Street.....
E. J. Casselault.....	131 Frost St.....
Edgar B. Carter.....	16 Brewer St.....
Edward M. Hopkins.....	1566 Congress St.....
H. F. Stanley.....	1608 Congress St.....
Franklin J. Cummings, Estate.....	241 Commercial St.....
Franklin J. Cummings, Trustee.....
Mrs. & Mrs. Francis E. Young.....	11 Brewer St.....
Mrs. Mrs. Harold F. Mayfield.....	1544 Congress St.....
Walter E. Anderson.....	1531 Congress St.....
Blanche L. Jordan.....	1552 Congress St.....
Dr. W. J. Thorne.....	60 Riverside St. Portland
Mrs. & Mrs. Kenneth W. Carter.....	13 Brewer Street.....
.....
.....
.....
.....
.....

48/13

CITY OF PORTLAND, MAINE
LEGAL DEPARTMENT

October 26, 1948

TO THE BOARD OF APPEALS:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, October 29, 1948 at ten-thirty o'clock to hear the following appeal:

Frank Vail - 1565 Congress Street - addition to present non-conforming filling station.
(see attached copy of notice for details)

As of today, there are no other appeals. However, it is possible that one or two yard space appeals may be received before Friday.

ROBERT L. GETCHELL
CHAIRMAN
BOARD OF APPEALS

Enc.

M

C
O
P
Y

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

October 19, 1948

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, October 29, 1948 at ten-thirty o'clock in the forenoon to hear the appeal of Frank Vail requesting exception to the Zoning Ordinance to permit construction of addition to filling station office at 1565 Congress Street.

This permit is not issuable because this addition would be an increase in volume of an existing non-conforming use in the Residence C Zone where this property is located, and the Zoning Ordinance provides that, while such a non-conforming use in existence at the time of the adoption of the Ordinance may be continued, it may not be extended or increased in volume.

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

Robert L. Getchell

Chairman

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

October 19, 1948

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, October 29, 1948 at ten-thirty o'clock in the forenoon to hear the appeal of Frank Vail requesting exception to the Zoning Ordinance to permit construction of addition to filling station office at 1565 Congress Street.

This permit is not issuable because this addition would be an increase in volume of an existing non-conforming use in the Residence C Zone where this property is located, and the Zoning Ordinance provides that, while such a non-conforming use in existence at the time of the adoption of the Ordinance may be continued, it may not be extended or increased in volume.

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

Robert L. Getchell

Chairman



(RC) RESIDENCE ZONE - C
APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class
Portland, Maine, October 6, 1948

PERMIT ISSUED
02052
NOV 3 1948
CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to ~~alter~~ add the following building ~~structure~~ addition 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 1565 Congress Street
Owner's name and address Frank Vail, 1565 Congress Street Within Fire Limits? no Dist. No. _____
Lessee's name and address _____ Telephone _____
Contractor's name and address Joseph Mazzotti, 68 Presumpscot St. Telephone 3-1276
Architect _____ Specifications _____ Plans yes No. of sheets 2
Proposed use of building Service Station No. families _____
Last use _____ No. families _____
Material wood No. stories 1 Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot _____
Estimated cost \$ 800 Fee \$ 4.00

General Description of New Work

To construct one-story frame addition 7' x 8' to provide toilet rooms.
To cut in door between service station and new addition.

Permit Issued with Letter

Permit Issued with Letter

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. **PERMIT TO BE ISSUED TO Joseph Mazzotti**
Appeal sustained 10/29/48

Details of New Work

Is any plumbing involved in this work? yes Is any electrical work involved in this work? yes
Height average grade to top of plate 9' 8" Height average grade to highest point of roof 11' 6"
Size, front 7' depth 8' No. stories 1 solid or filled land? solid earth or rock? earth
Material of foundation concrete trench wall at least 4' below grade Thickness top 10" bottom 10" cellar no
Material of underpinning _____ Height _____ Thickness _____
Kind of roof Hip Rise per foot 3" Roof covering Asphalt Class C Und Lab.
No. of chimneys _____ Material of chimneys _____ of lining _____ Kind of heat _____ fuel _____
Framing lumber—Kind hemlock Bolted to concrete _____ Dressed or full size? dressed
Corner posts 4x6 Sills 2x8 Girt or ledger board? _____
Girders _____ Size _____ Columns under girders _____ Size _____
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet. Max. on centers _____
Joists and rafters: 1st floor concrete, 2nd _____, 3rd _____, roof 2x6
On centers: 1st floor _____, 2nd _____, 3rd _____, roof 20"
Maximum span: 1st floor _____, 2nd _____, 3rd _____, roof _____
If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

No. cars row accommodated on same lot _____ to be accommodated _____ number commercial cars to be accommodated _____
Will auto mobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

Miscellaneous

Will work require disturbing of any tree on a public street? no
Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes

Frank Vail
Joseph Mazzotti

Signature of owner by: Raymond Mazzotti

APPROVED:

ON COPY

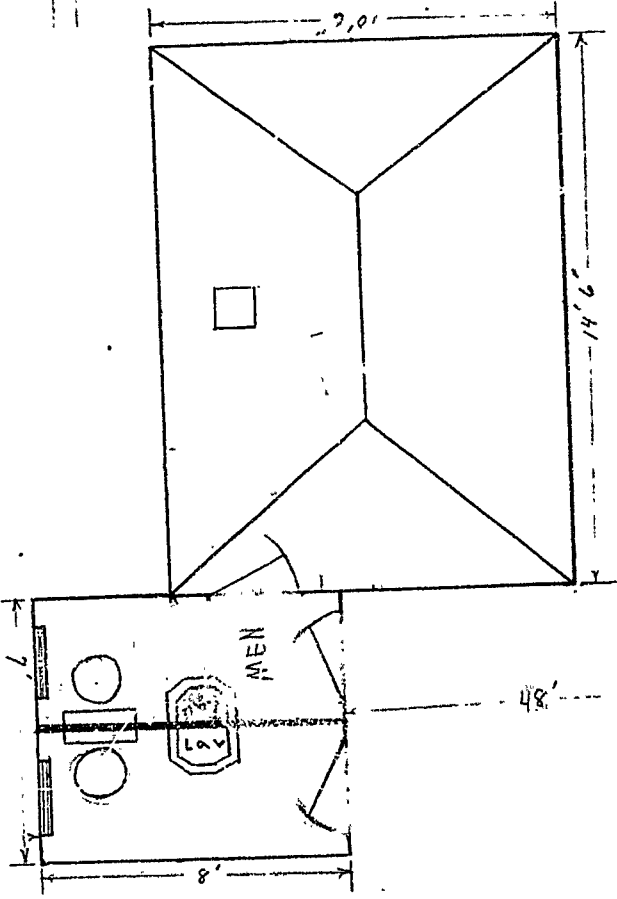
NOTES

8/21/49 - Work done 288

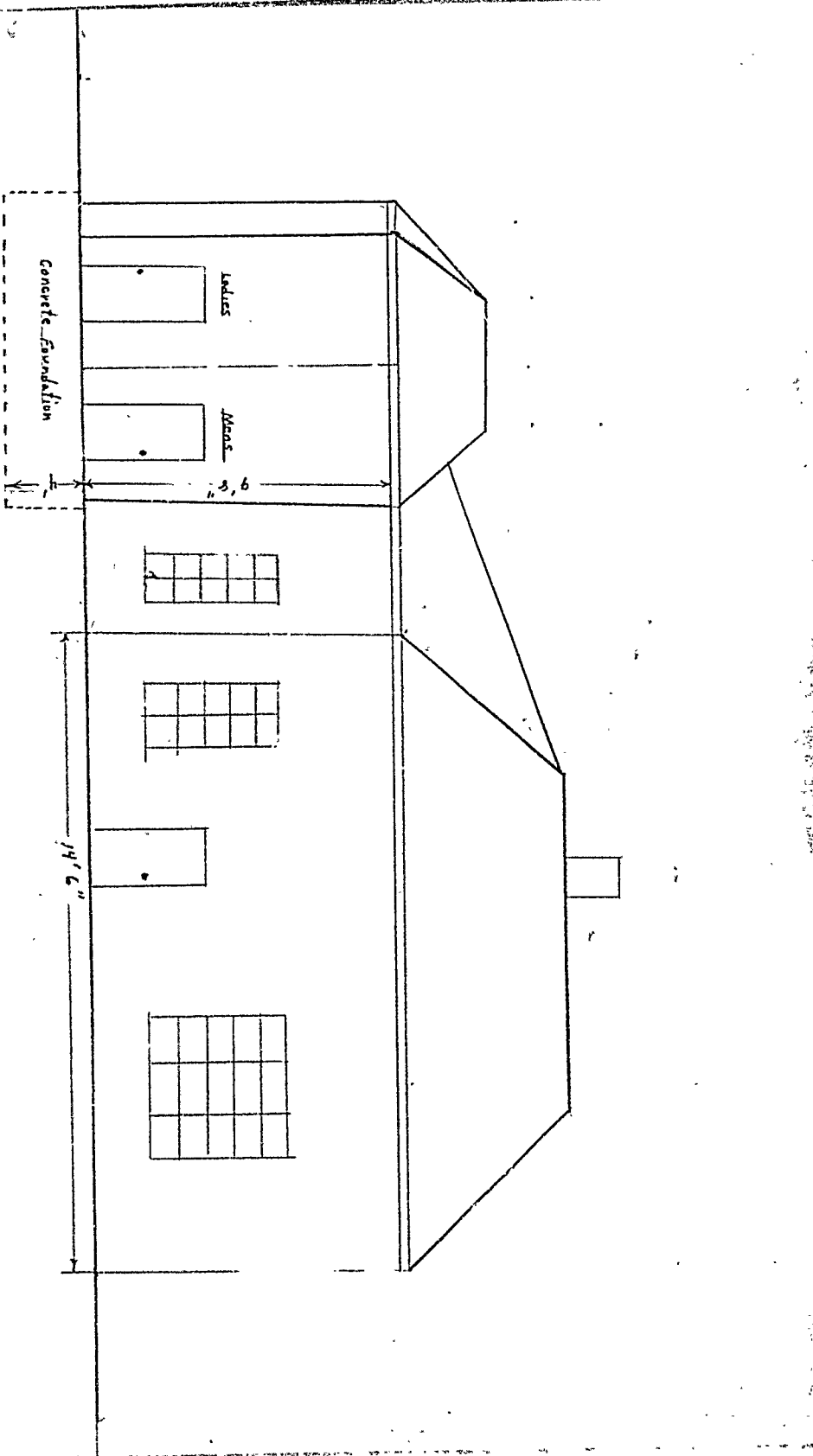
No. 48/2052
 on 15/15/1949
 or Frank & Paul
 Date of permit 10/3/48
 Notif. closing-in
 Inspn. closing-in
 Final Notif.
 Final Inspn. 8/21/49
 Cert. of Occupancy issued none

Esso Service Station
Frank Yail

Scale 1/4" = 1'



RECEIVED
OCT - 6 1948
DEPT. OF BLDG. INSP.
CITY OF PORTLAND



Asso. Service Station
Frank Watt

RECEIVED
OCT - 6 - 1948
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

AP 1565 Congress Street-I

November 2, 1948

Mr. Frank Vail
1565 Congress Street
Mr. Joseph Razziozzi
68 Presumpscot Street

Subject: Permit for construction of
addition 7'x8' to filling station
office at 1565 Congress Street

Gentlemen:

Now that the appeal under the Zoning Ordinance has been sustained, the permit for the above work is issued herewith subject to the following:

1. If desired the foundation wall may be 8" thick at the top and 12" thick at the bottom instead of having a uniform thickness of 10" as given in the application.
2. The sill is required to be at least 4x6 instead of the 2x8 indicated in application.

Very truly yours,

Inspector of Buildings

AJS/C

A 1565 Congress Street-I

October 7, 1948

Mr. Joseph Mazzioti
68 Presumpscot Street
Mr. Frank Vail
1565 Congress Street

- Subject: Application for permit for construction of addition to filling station office at 1565 Congress Street

Gentlemen:

We are unable to issue a permit for the above work because this addition would be an increase in volume of an existing non-conforming use in the Residence C Zone where the property is located. The Zoning Ordinance provides that such a use non-conforming at the time of the adoption of the Ordinance to the requirements of the zone in which it is located may be continued but may not be extended or increased in volume. Therefore we are not allowed to issue a permit for such work as you propose. Accordingly if you will return to this office within ten days the receipt for fee paid at time of making application for permit, we will authorize the return of the money to you by voucher.

Very truly yours,

AJS/G

Inspector of Buildings



(RC) GENERAL RESIDENCE ZONE - C
APPLICATION FOR PERMIT

Class of Building or Type of Structure Installation

Portland, Maine, March 28, 1946

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to ~~erect, alter, extend, or repair~~ install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location 1585 Congress Street Within Fire Limits? no Dist. No. _____
Owner's name and address Frank Vaill, 1585 Congress Street Telephone _____
Lessee's name and address _____ Telephone _____
Contractor's name and address Portland Pump Co., 78 Lawn Ave., So. Portland Telephone 2-6336
Architect _____ Specifications _____ Plans yes No. of sheets 1
Proposed use of building _____ No. families _____
Last use _____ No. families _____
Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot _____
Estimated cost \$ 400. Fee \$ 1.00

General Description of New Work

To install 1-2000 gallon tank for gasoline for public use. This is additional storage.

Tank to be underground and coated with asphaltum. Bears Underwriters' label. Piping from tank to pump $1\frac{1}{2}$ ".

NOT FOR PUBLIC USE
IT IS TO BE USED FOR PRIVATE PURPOSES

3/28/46
3/29/46

CERTIFICATE OF OCCUPANCY
REQUIREMENT IS WAIVED

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.

Details of New Work

Is any plumbing work 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 Alvin D. Johnson
CHIEF OF FIRE DEPT.

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

Portland Pump Co.

Signature of owner By: C. J. Wilson

INSPECTION COPY

Permit No. 46/476

Location 158.5 Congress St

Owner Frank Vaill

Date of permit 3/30/46

Notif. closing-in

Inspn. closing-in

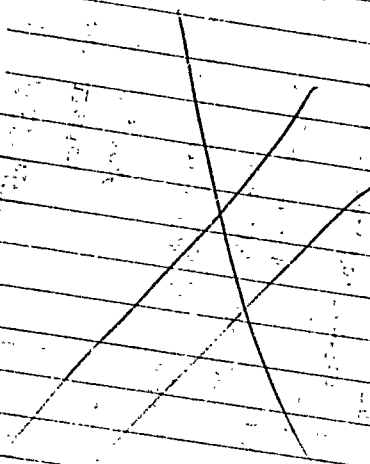
Final Notif.

Final Inspn. 3/30/46

Cert. of Occupancy issued None

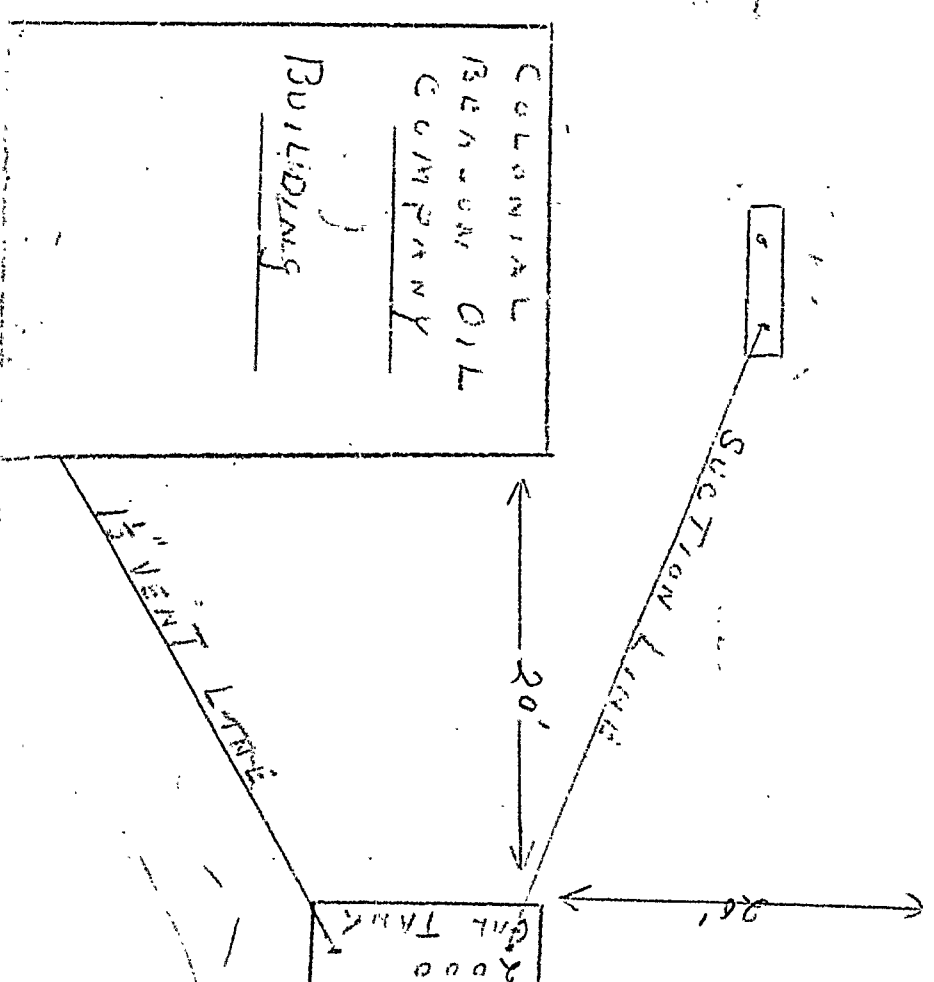
NOTES

3/30/46 - P. 1.7 - CJS



RECEIVED
MAR 23 1946
DEPT. OF P.D.G. INSP.
CITY OF P. ISLAND

1585 CONGRESS ST.





(RC) GENERAL RESIDENCE ZONE - C

APPLICATION FOR PERMIT

Class of Building or Type of Structure Gasoline Installation

Portland, Maine, September 22, 1915

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

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

Location 156 1/2 Congress Street Within Fire Limits? no Dist. No. _____
Owner's name and address Colonial Beacon Oil Co., 1 Lincoln St., So. Portland Telephone _____
Lessee's name and address _____ Telephone _____
Contractor's name and address Portland Pump Co., 72 Lawn Ave., So. Portland Telephone 2-5226
Architect _____ Specifications _____ Plans Yes No. of sheets 1
Proposed use of building _____ No. families _____
Last use _____ No. families _____
Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot _____
Estimated cost \$ _____ Fee \$ 1.00

General Description of New Work

To install 1-2000 gallon and 1-1000 gallon tank for gasoline for public use.
Tanks to be 3' underground; coated with asphaltum. Tanks bear Underwriters' label.
To install two electric pumps. Piping from tanks to pumps 1 1/2".

Sent to Fire Dept. 9/22/15
See a from Fire Dept.

CERTIFICATE OF OCCUPANCY
REQUIREMENT IS WAIVED

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.

Details of New Work

Is any plumbing work 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? _____

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

Colonial Beacon Oil Co.
Portland Pump Co.

Signature of owner Dir.

APPROVED:

FILE COPY

Permit No. 45/
Location 1565 Congress St
Owner Colonial Beacon Oil Co
Date of permit 9/ 145
Notif. closing-in
Inspn. closing-in
Final Notif
Final Inspn
Cert. of Occupancy issued

NOTES

This permit was never
issued because permit
card and inspection copy
disappeared. Mr. Wilson
claims he had permit.
This Dept. has no
record. Work done
and inspected by This
Dept. G.H.



(R) GENERAL RESIDENCE ZONE Permit No. 2459

APPLICATION FOR PERMIT

DEC 2 1931

Class of Building or Type of Structure Third Class

Portland, Maine, December 2, 1931

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect alter install the following building structure-equipment in accordance with the Laws of the State of Maine, the Building Code of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location Cor. Front & Congress Sts. Ward 8 Within Fire Limits? no Dist. No. _____
Owner's or Lessee's name and address Mr. H. Dresser, 1226 Congress St. Telephone F 6451
Contractor's name and address En. Knudsen, Southbrook Haskell St. Telephone _____
Architect's name and address _____
Proposed use of building Filling Station No. families _____
Other buildings on same lot _____
Plans filed as part of this application? no No. of sheets _____
Estimated cost \$ 25. Fee \$.25

Description of Present Building to be Altered

Material wood No. stories 1 Heat _____ Style of roof _____ Roofing _____
Last use filling station No. families _____

General Description of New Work

To erect one brick chimney

CERTIFICATE OF OCCUPANCY
REQUIREMENT IS WAIVED
NOTIFICATION BEFORE LATRIN
OR CLOSING-IN IS WAIVED.

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.

Details of New Work

Size, front _____ depth _____ No. stories _____ Height average grade to top of plate _____
Height average grade to highest point of roof _____
To be erected on solid or filled land? _____ earth or rock? _____
Material of foundation stone Thickness, top _____ bottom _____
Material of underpinning _____ Height _____ Thickness _____
Kind of Roof _____ Rise per foot _____ Roof covering _____
No. of chimneys 1 (inside) Material of chimneys brick of lining tile
Kind of heat oil heater Type of fuel oil Is gas fitting involved? _____
Corner posts _____ Sills _____ Girt or ledger board? _____ Size _____
Material columns under girders _____ Size _____ Max. on centers _____
Studs (outside walls and carrying partitions) 2x4-16" O.C. Girders 6x8 or larger. Bridging in every floor and flat roof span over 8 feet. Sills and corner posts all one piece in cross section.
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 _____
Total number commercial cars to be accommodated _____
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

Miscellaneous

Will above work require removal or disturbing of any shade 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

INSPECTION COPY

Signature of owner Era H. Dresser

Ward 8 Permit No. 31/2459
Location Cr. First + Congress Sts.
Owner Dia H. Dierkes
Date of permit 12/2/31.
Notif. closing-in
Inspn. closing-in
Final Notif.
Final Inspn. 12/22/31
Cert. of Occupancy issued None

NOTES

12/10/31 - No work
started - A.J.S.
12/16/31 - Signed A.J.S.
12/22/31 - Chimney up
A.J.S.



(R) GENERAL RESIDENCE ZONE

Permit No. _____

APPLICATION FOR PERMIT

Class of Building or Type of Structure Mini Office

Portland, Maine, June 29, 1961

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect alter install the following building structure equipment in accordance with the Laws of the State of Maine, the Building Code of the City of Portland, plans and specifications, if any, submitted herewith and the following specifications:

Location Fly Cor. Congress & Frost Sts. Ward 8 Within Fire Limits? no Dist. No. _____

Owner's or Lessee's name and address Ir. H. Dresser, 1298 Congress St. Telephone 6451

Contractor's name and address Mexican Petroleum Co. Telephone _____

Architect's name and address _____

Proposed use of building Filling Station No. families _____

Other buildings on same lot _____

Plans filed as part of this application? yes No. of sheets 1

Estimated cost \$ 500 Fee \$.75

Description of Present Building to be Altered

Material wood No. stories 1 Heat no Style of roof hip Roofing wood

Last use Filling Station No. families _____

General Description of New Work

To move building 11' x 14' from 1298 Congress St. to above location

To install one 1000 gallon tank and one 550 gallon tank and two five gallon pumps for gasoline. Tanks to be buried underground, New Installation. Public Use

Permit granted and Permit Ordered by City Council July 20, 1961

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by the heating contractor.

Details of New Work

Height average grade to top of plate _____

Size, front _____ depth _____ No. stories _____ Height average grade to highest point of roof _____

To be erected on solid or filled land? solid earth or rock? earth

Material of foundation concrete Thickness, top _____ bottom _____

Material of underpinning _____ Height _____ Thickness _____

Kind of Roof _____ Rise per foot _____ Roof covering _____

No. of chimneys _____ Material of chimneys _____ of lining _____

Kind of heat _____ Type of fuel _____ Is gas fitting involved? _____

Corner posts _____ Sills _____ Girt or ledger board? _____ Size _____

Material columns under girders _____ Size _____ Max. on centers _____

Studs (outside walls and carrying partitions) 2x4-16" O.C. Girders 6x8 or larger. Bridging in every floor and flat roof span over 8 feet. Sills and corner posts all one piece in cross section.

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 _____

Total number commercial cars to be accommodated _____

Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

Miscellaneous

Will above work require removal or disturbing of any shade 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

INSPECTION COPY

Signature of owner Ir. H. Dresser

Oliver T. Sanborn

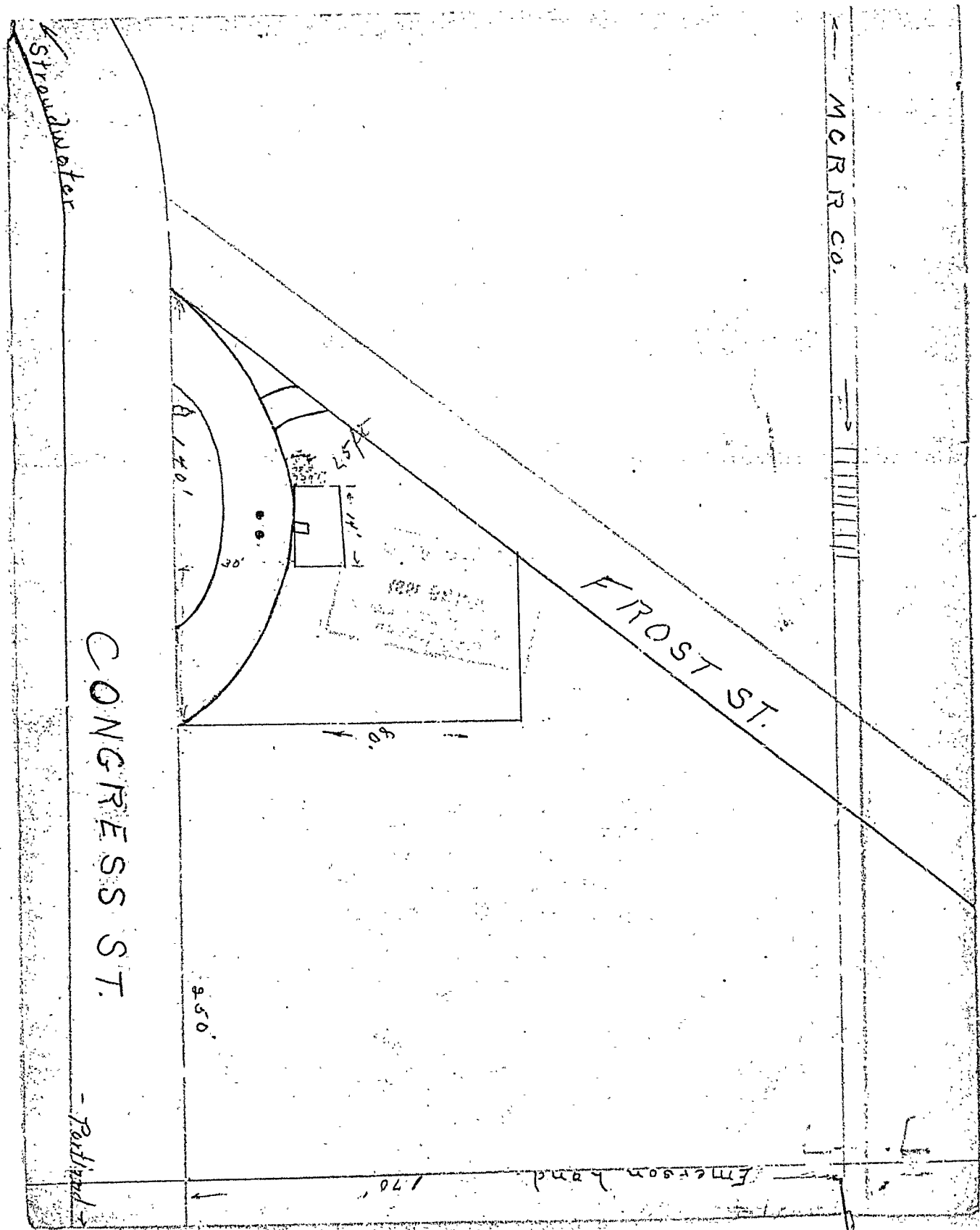
CHIEF OF FIRE DEPT.

NOTIFICATION BEFORE LATHING
OR CLOSING-IN IS WAIVED.
CERTIFICATE OF OCCUPANCY
REQUIREMENT IS WAIVED.

Ward 8 Permit No. 31/1344
Location Ely Co. Curges & First Sts.
Owner Geo H. Dresser
Date of permit 7/23/31
Notif. closing-in _____
Inspn. closing-in _____
Final Notif. _____
Final Inspn. 9/11/31
Cert. of Occupancy issued None.

NOTES

8/5/31 - No work started - A.G.B.
8/11/31 - Same - A.G.B.
8/27/31 - Same - A.G.B.
9/3/31 - Same - A.G.B.
9/11/31 - Building moved onto lot & grading being done - A.G.B.



(COPY)



City of Portland, Maine

Petition to the City Council to permit

A Gasoline Filling Station

On the Property at Elyl Cor. Congress & Frost Sts.

June 29, 19 51

To the City Council:

Your petitioner, Ira H. Dresser

who is the owner of property at Elyl Cor. Congress & Frost Sts.
respectfully petitions the City Council of the City of Portland to permit on this
property, a gasoline filling station, use being otherwise excluded, the
property being located in a General Residence Zone.

Attached hereto are the written consents to this proposed use of the owners
of seventy-five per cent of the frontage set forth in Section 10, Paragraph F of
the Zoning Ordinance.