

768 BRIGHTON AVENUE

STANWALKER
9203-1R

City of Portland, Maine
Board of Appeals
—ZONING—

*Sustained
Conditionally
4/4/52*
52/16

.....March 19....., 19 52

To the Board of Appeals:

Your appellant, The Minat Corporation, who is the owner of property at 768 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.

Building permit for construction of detached sign, 4' x 6', to advertise the development of the area for new homes located with one end of the sign directly at the street line of Brighton Avenue at 768 Brighton Avenue is not issuable under the Zoning Ordinance because this property is located in a Residence C Zone where according to Section 15A, such a sign for the sale or use of a lot shall not exceed a total area of eight square feet.

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.

The Minat Corp by [signature]
Appellant

After public hearing held on the 4th day of April, 19 52 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 for a period not exceeding one year from the date hereof.

It is, therefore, determined that exception to the Zoning Ordinance may be permitted in this specific case for a period not exceeding one year from the date hereof.

[Signature]
.....
William C. Foad
.....
John W. Lake
.....
William A. O'Brien
.....
Edward J. Colley
.....
BOARD OF APPEALS

DATE: April 4, 1952

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF THE MINAT CORPORATION
AT 763 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	
Mr. Luthé	(x)	()	
Mrs. Frost	(x)	()	
Mr. Colley	(x)	()	
Mr. Lake	(x)	()	FOR A PERIOD NOT EXCEEDING ONE YEAR FROM
Mr. O'Brion	(x)	()	THE DATE HEREOF.
	()	()	
	()	()	
	()	()	
	()	()	

Record of Hearing:

NO OPPOSITION

MCDONALD
OF BUILDINGS

768 Brighton Avenue

CITY OF PORTLAND, MAINE

Department of Building Inspection

March 17, 1952

The Minat Corp
220 Cumberland Avenue
Portland, Maine

Copies to: Corporation Counsel ✓

Commissioner of Public Works

Gentlemen:

Building permit for construction of a detached sign 4'x6' ~~proposed~~ to advertise the development of the area for new homes, located in a right-of-way for sewer near a sewer manhole and with one end of the sign directly at the street line of Brighton Avenue, the sewer right-of-way being in the vacant lot at 768 Brighton Avenue, is not issuable under the Zoning Ordinance because the property is located in a Residence C Zone, where, according to Section 15A of the Ordinance, such a sign for the sale or use of a lot or building shall not exceed a total area of eight square feet.

If this is a right-of-way of a public sewer, it seems questionable if the Zoning Board of Appeals has a right to grant the erection of any structure in the right-of-way or any other occupancy of it.

You have indicated your desire to seek an exception from the Board of Appeals; so, there is enclosed an outline of the appeal procedure. However, before any appeal is filed, I recommend that you take the question of location in the right-of-way up with the Corporation Counsel and the Commissioner of Public Works.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMCD/B

Enc: Outline of appeal procedure

C
O
P
Y

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

March 25, 1952

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, April 4, 1952 at 10:30 a. m. to hear the appeal of The Minet Corporation requesting exception to the Zoning Ordinance to permit construction of detached sign, 4' x 6', to advertise the development of the area for new homes located with one end of the sign directly at the street line of Brighton Avenue at 768 Brighton Avenue.

This permit is presently not issuable because this property is located in a Residence C Zone where according to Section 15A, such a sign for the sale or use of a lot shall not exceed a total area of eight square feet.

This appeal is taken under Section 13B 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 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

H. Merrill Luthé

Chairman



(RC) RESIDENCE ZONE - C

APPLICATION FOR PERMIT

Class of Building or Type of Structure Sign
Portland, Maine, March 15, 1952

PERMIT ISSUED
00435
APR 11 1952
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect ~~attached sign~~ attached sign with the following ~~structure~~ structure ~~erected~~ erected 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 768 Brighton Avenue Within Fire Limits? Dist. No.
Owner's name and address The Minat Corp., 220 Cumberland Avenue Telephone 4-0813
Lessee's name and address Telephone
Contractor's name and address OWNERS 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 erect attached sign 4' x 6'. Faces to be masonry, 4x4 uprights.

[Handwritten signature]
7/17/52
Permit Issued with Memo

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. PERMIT TO BE ISSUED TO owners 4/4/52

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 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?

NO:

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

The Minat Corp.

Signature of owner by: [Signature]

Memorandum from Department of Building Inspection, Portland, Maine

AP 768 Brighton Avenue - Permit for Sign for and
by the Minat Corp. - 4/11/52

FU - FH - 3/4/53

April 11, 1952

The Minat Corp.
220 Cumberland Avenue
Portland, Maine

Gentlemen:-

Permit for the above sign has been approved by the Zoning Board of Appeals,
but only upon the condition that the sign shall be removed before April 4th, 1953.

WMcD/G
Encl: Permit and copy of application

(Signed) Warren McDonald
Inspector of Buildings

at
file copy

AP 768 Brighton Avenue

March 17, 1952

The Minat Corp
220 Cumberland Avenue
Portland, Maine

Copies to: Corporation Counsel
Commissioner of Public Works

Gentlemen:

Building permit for construction of a detached sign 4'x6' (presumably to advertise the development of the area for new homes) located in a right-of-way for sewer near a sewer manhole and with one end of the sign directly at the street line of Brighton Avenue, the sewer right-of-way being in the vacant lot at 768 Brighton Avenue, is not issuable under the Zoning Ordinance because the property is located in a Residence 2 zone, and, according to Section 15A of the Ordinance, such a sign for the sale or use of a lot or building shall not exceed a total area of eight square feet.

If this is a right-of-way of a public sewer, it seems questionable if the Zoning Board of Appeals has a right to grant the erection of any structure in the right-of-way or any other occupancy of it.

You have indicated your desire to seek an exception from the Board of Appeals; so, there is enclosed an outline of the appeal procedure. However, before any appeal is filed, I recommend that you take the question of location in the right-of-way up with the Corporation Counsel and the Commissioner of Public Works.

Very truly yours,

Warren McDonald
Inspector of Buildings

Wic/D

Enc: Outline of appeal procedure