

A.P. 1041-1045 Brighton Avenue

Feb. 18, 1964

Mr. Charles C. Nicely
1041 Brighton Avenue

cc to: Corporation Counsel

Dear Mr. Nicely:

Building permit to construct a one story concrete block addition 18 feet by 56 feet on side towards Taft Avenue of retail grocery store building at the above named location, after demolition of an existing addition 12 feet by 27 feet, is not issuable under the Zoning Ordinance because the front wall of the proposed addition, while being a continuation of that of the existing building, would be only about 18 feet back from the street line and thus would encroach unlawfully upon the 40-foot setback area required by Section 21 of the Ordinance for that part of Brighton Avenue where the property is located.

We understand that you would like to exercise your appeal rights in this matter. Accordingly we are certifying the case to the Corporation Counsel, to whose office in Room 208, City Hall, you should go to file the appeal.

Very truly yours,

Albert C. Joara
Building Inspection Director

AJ3:m

A.P.- 1041 Brighton Ave.

Sept. 2, 1964

Mr. Charles C. Nicely
1041 Brighton Avenue

Dear Mr. Nicely:

As per our discussion it is understood that new and more complete plans are being drawn to construct a 1-story concrete block addition 56'x11' on the left side of the building as one faces the building from Brighton Avenue.

As the actual construction work has not started within the six months period following February 27, 1964 when the appeal was sustained, your appeal rights have expired. We will therefore hold this application in abeyance until such time as your completed plans are received and that you notify us of your intention to again petition the Board of Zoning Appeals to review this case.

Very truly yours,

Gerald V. Keyberry
Deputy Building Inspection Director

GEM:m



APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class
Portland, Maine, February 16, 1964
Completed 8/17/64

PERMIT ISSUED

NOV 3 1964

PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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 1041 Brighton Ave. Within Fire Limits? Dist. No.
Owner's name and address Charles C Nicely, 1041 Brighton Ave. Telephone
Lessee's name and address Telephone
Contractor's name and address not let Edward J. Willette, 440 Telephone
Architect Specifications Plans yes No. of sheets
Proposed use of building Store No. families
Last use No. families
Material cem. blk. No. stories 1 Heat Style of roof Roofing
Other buildings on same lot
Estimated cost \$ 7500. Fee \$ 16.00

General Description of New Work

To demolish existing 27' x 12' 1-story frame (storage section) on front of building.

To construct 1-story FRAME cement blk. addition 56' 18' on north side of building.

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

APPROVAL DATE 10/29/64

2/27/64

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?
Has septic tank notice been sent? Form notice sent?
Height average grade to top of plate Height average grade to highest point of roof
Size, front depth No. stories solid or filled land? earth or rock?
Material of foundation Thickness, top bottom cellar
Kind of roof Rise per foot Roof covering
No. of chimneys Material of chimneys of lining Kind of heat fuel
Framing Lumber-Kind Dressed or full size? Corner posts Sills
Size Girder 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 2x8, 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: G. E. W. Letter

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
Charles C Nicely

ON COPY

Signature of owner

Signature of Charles C Nicely

7M

NOTES

11-9-64 Ex. started
 hedge in front reold
 corner Sills - on
 on existing bldg etc
 11-16-64 Footing forms
 OK to pour hedge
 pins in all forms
 12-21-64 OK to close
 in walls of addition
 2-2-65 Completed
 Ammits 1 & 2 A/50

157-1465
 1465
 11/3/64
 11/13/64

Owner Charles R. Smith
 Date of permit 11/3/64
 Notif. closing-in
 Inspn. closing-in
 Final Notif.
 Final Inspn.
 Cert. of Occupancy issued
 Staking Out Notice
 Form Check Notice 11/13/64

Blank lined area for notes and form details.

PERMIT TO INSTALL PLUMBING

Address 1041 Brighton Avenue

Installation For Nicely Market

Owner of Bldg: Nicely Market

Owner's Address 1041 Brighton Avenue

Plumber: Reuben Katz Date: 4/24/61

4/24/61

PORTLAND PLUMBING INSPECTOR

By J. P. Welch

APPROVED FIRST INSPECTION

Date Apr 25, 1961

By JOSEPH P. WELCH

APPROVED FINAL INSPECTION

Date Apr 25, 1961

By JOSEPH P. WELCH

- TYPE OF BUILDING
- COMMERCIAL
 - RESIDENTIAL
 - SINGLE
 - MULTI FAMILY
 - NEW CONSTRUCTION
 - REMODELING

NEW		REP L		PROPOSED INSTALLATIONS		NUMBER	FEE
	1			SINKS		1	\$ 2.00
				LAVATORIES			
				TOILETS			
				BATH TUBS			
				SHOWERS			
				DRAINS			
				HOT WATER TANKS			
				TANKLESS WATER HEATERS	3		
				GARBAGE GRINDERS			
				SEPTIC TANKS			
				HOUSE SEWERS			
				ROOF LEADERS (conn. to house drain)			
						1	\$ 2.00
Total							

SM 12-53

PORTLAND HEALTH DEPT.

PLUMBING INSPECTION

Total

MEMORANDUM FROM DEPARTMENT OF BUILDING INSPECTION, PORTLAND, MAINE

Date Sept. 23, 1964

TO: Commissioner of Public Works

FROM: Inspector of Buildings

SUBJECT: Moving building from #1041 Brighton Ave. to
Dunlap Road, Gorham Maine

We have application for permit to move 11' x 27' ell on front (left side) of building
as above. (attached to store and dwelling)

We are checking the proposition against Zoning Ordinance and Building Code and will delay issuance of the permit until we hear from you that the permit for moving through the streets is cleared sufficiently. When that point is reached, will you be kind enough to write "OK to issue building permit" on the bottom of this memorandum and return.

Albert J. Sears
Inspector of Buildings



B1 BUSINESS ZONE APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class

Portland, Maine, Sept. 23, 1964

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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 1041 Brighton Ave. Within Fire Limits? _____ Dist. No. _____
 Owner's name and address Charles C. Nicely, 1041 Brighton Ave. Telephone _____
 Lessee's name and address _____ Telephone _____
 Contractor's name and address owner Telephone _____
 Architect _____ Specifications _____ Plans _____ No. of sheets _____
 Proposed use of building 1-c-garage No. families _____
 Last use storage No. families _____
 Material frame No. stories 1 Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ _____ Fee \$ 5.00

General Description of New Work

To remove existing ell, 11'x27' ^{left side} on front of existing store and 1-fam. dwelling- to board up side

To move same to Dunlap Road, Gorham, Maine

Ell demolished and not removed

fee paid

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? _____
 Has septic tank notice been sent? _____ Form notice sent? _____
 Height average grade to top of plate _____ Height average grade to highest point of roof _____
 Size, front _____ depth _____ No. stories _____ solid or filled land? _____ earth or rock? _____
 Material of foundation _____ Thickness, top _____ bottom _____ cellar _____
 Kind of roof _____ Rise per foot _____ Roof covering _____
 No. of chimneys _____ Material of chimneys _____ of lining _____ Kind of heat _____ fuel _____
 Framing Lumber—Kind _____ Dressed or full size? _____ posts _____ Sills _____
 Size Girder _____ Columns under girders _____ Max. on centers _____
 Studs (outside walls and carrying partitions) 2x4-16" O. C. E. & G. 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? _____
 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

Charles Nicely

By: *Lee Nicely*

Signature of owner

CS 101

INSPECTION COPY

F. Mac

Granted 10/29/64
64/107

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

MISCELLANEOUS APPEAL

Charles C. Nicely, owner of property at 1041-1045 Brighton Avenue under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit: construction of one-story addition 18 feet by 56 feet on side toward Taft Avenue of retail store building. This permit is not issuable because the front wall of the proposed addition, while being a continuation of that of the existing building, would be only about 18 feet back from the street line and thus would encroach unlawfully upon the 40-foot setback required by Section 21 of the Ordinance.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that enforcement of the terms of the Ordinance would result in undue hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Ordinance.


APPELLANT

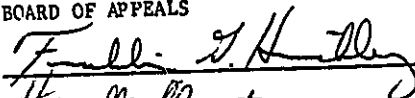
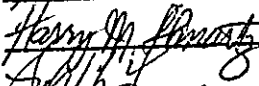
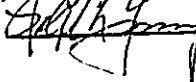
DECISION

After public hearing held 10/25/64 the Board of Appeals finds that enforcement of the terms of the Ordinance would result in undue hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Ordinance.

It is, therefore, determined that such permit may

be issued.

BOARD OF APPEALS

ALBERT J. SEARS
INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE
Department of Building Inspection

AP - 1041-1045 Brighton Ave.

October 12, 1964

October 12 1964

Mr. Charles C. Nicely
1041 Brighton Avenue
Mr. Charles C. Nicely
1041 Brighton Avenue

cc to: Charles B. Rodway, Jr., Esq.
142 Federal St.
cc to: Corporation Council

Dear Mr. Nicely:

Since complete plans have not been received for a one story addition 18 feet by 56 feet on side towards Taft Avenue of retail grocery store building at the above named location, the building permit has never been issued and your appeal rights have expired through lack of compliance with Section 25-L of the Zoning Ordinance.

We understand that you would like to again exercise your appeal rights in this matter. Accordingly we are certifying the case to the Corporation Council to whose office in Room 208, City Hall you should go to file the appeal.

Very truly yours,

Gerald E. Kayberry
Deputy Director of
Building Inspection

GEM/h

cc: Charles B. Rodway, Jr.
142 Federal Street
Portland, Maine

October 29, 1964

Mr. Charles C. Nicely
1041 Brighton Avenue
Portland, Maine

Dear Sir:

October 29, 1964

*Positive notice
needed*

cc: Charles B. Rodway, Jr.
142 Federal Street
Portland, Maine

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

October 26, 1964

Mr. Joseph Barber,
1065 Brighton Avenue
Portland, Maine

Dear Mr. Barber:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, October 29, 1964, at 4:00 p.m. to hear the appeal of Charles C. Blosely requesting an exception to the Zoning Ordinance to permit construction of a one-story concrete block addition 18 feet by 56 feet on side towards Taft Avenue of retail grocery store building, after demolition of an existing addition 12 feet by 27 feet at 1041-1045 Brighton Avenue.

This permit is presently not issuable under the Zoning Ordinance because the front wall of the proposed addition, while being a continuation of that of the existing building, would be only about 18 feet back from the street line and (be) would encroach unlawfully upon the 40-foot setback area required by Section 21 of the Ordinance for that part of Brighton Avenue where the property is located.

All persons interested either for or against this appeal will be heard at the above time and place.

BOARD OF APPEALS

Franklin C. Hinchey

Chairman

DATE: Oct. 29, 1964

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Charles C. Nicely

AT 1041-1045 Brighton Ave.

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

BOARD OF APPEALS

William Kirkpatrick
Franklin G. Hinkley
Ralph L. Young
Harry M. Schwartz

VOTE

YES

NO

(3)

()

Record of Hearing

*Granted 2/27/64
64/22*

DATE: February 27, 1964

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Charles C Nicely

AT 1041-1045 Brighton Avenue

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

BOARD OF APPEALS	VOTE	
	YES	NO
Franklin G. Hinckley	(x)	()
Ralph L. Young	(x)	()
Harry M. Shwartz	(x)	()

Record of Hearing

Granted

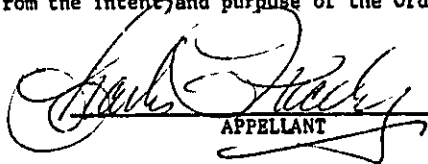
No opposition

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

MISCELLANEOUS APPEAL

Charles C. Nicely, owner of property at 1041-1045 Brighton Avenue under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit: construction of a one story concrete block addition 18 feet by 56 feet on side towards Taft Avenue of retail grocery store building, after demolition of an existing addition 12 feet by 27 feet. This permit is presently not issuable under the Zoning Ordinance because the front wall of the proposed addition, while being a continuation of that of the existing building, would be only about 18 feet back from the street line and thus would encroach unlawfully upon the 40-foot setback area required by Section 21 of the Ordinance for that part of Brighton Avenue where the property is located.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that enforcement of the terms of the Ordinance would result in undue hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Ordinance.

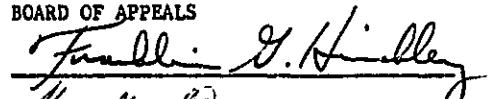
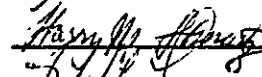
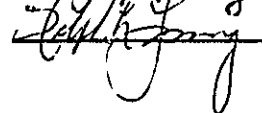

APPELLANT

DECISION

After public hearing held February 27, 1964 the Board of Appeals finds that enforcement of the terms of the Ordinance would result in undue hardship and desirable relief may be granted without substantially departing from the intent and purpose of the Ordinance.

It is, therefore, determined that such permit may be issued.

BOARD OF APPEALS

February 24, 1964

Mr. Charles C. Nicely
1041 Brighton Avenue
Portland, Maine

Dear Mr. Nicely:

February 27, 1964,

**CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS**

February 24, 1964

Mr. Joseph Barber
1065 Brighton Avenue
Portland, Maine

Dear Mr. Barber:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, February 27, 1964, at 4:00 p.m. to hear the appeal of Charles C. Nicely requesting an exception to the Zoning Ordinance to permit construction of a one-story concrete block addition 18 feet by 56 feet on side towards Taft Avenue of retail grocery store building, after demolition of an existing addition 12 feet by 27 feet at 1041-1045 Brighton Avenue.

This permit is presently not issuable under the Zoning Ordinance because the front wall of the proposed addition, while being a continuation of that of the existing building, would be only about 18 feet back from the street line and thus would encroach unlawfully upon the 40-foot setback area required by Section 21 of the Ordinance for that part of Brighton Avenue where the property is located.

All persons interested either for or against this appeal will be heard at the above time and place.

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

ALBERT J. SEARS
INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE

DEPARTMENT OF BUILDING INSPECTION

A.P. 1041-1045 Brighton Avenue

Feb. 18, 1964

Mr. Charles C. Nicely
1041 Brighton Avenue

Corporation Counsel

Dear Mr. Nicely:

Building permit to construct a one story concrete block addition 18 feet by 56 feet on side towards Taft Avenue of retail grocery store building at the above named location, after demolition of an existing addition 12 feet by 27 feet, is not issuable under the Zoning Ordinance because the front wall of the proposed addition, while being a continuation of that of the existing building, would be only about 18 feet back from the street line and thus would encroach unlawfully upon the 40-foot setback area required by Section 21 of the Ordinance for that part of Brighton Avenue where the property is located.

We understand that you would like to exercise your appeal rights in this matter. Accordingly we are certifying the case to the Corporation Counsel, to whose office in Room 208, City Hall, you should go to file the appeal.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

Department of Building Inspection
CITY OF PORTLAND, MAINE

PORTLAND, MAINE

DEPARTMENT OF BUILDING INSPECTION



ALBERT J. SEARS
DIRECTOR
GERALD S. HAYBERRY
DEPUTY DIRECTOR

A.P. 1041-1045 Brighton Avenue

Feb. 18, 1964

Mr. Charles G. Nicely
1041 Brighton Avenue

cc to: Corporation Counsel

Dear Mr. Nicely:

Building permit to construct a one story concrete block addition 18 feet by 36 feet on side towards Taft Avenue of retail grocery store building at the above named location, after demolition of an existing addition 12 feet by 27 feet, is not issuable under the Zoning Ordinance because the front wall of the proposed addition, while being a continuation of that of the existing building, would be only about 18 feet back from the street line and thus would encroach unlawfully upon the 40-foot setback area required by Section 21 of the Ordinance for that part of Brighton Avenue where the property is located.

We understand that you would like to exercise your appeal rights in this matter. Accordingly we are certifying the case to the Corporation Counsel, to whose office in Room 211, City Hall, you should go to file the appeal.

Very truly yours,
Albert J. Sears
Albert J. Sears
Building Inspection Director

AJS:m

PS Mr. Nicely: This hearing will occur on February 27th if the appeal is filed before Friday of this week and not before 12th as I stated to you over the phone.

4 10.2
Miss Hamrickson
Chief Clerk

*Sustained 5/2/63
63/36*

DATE: May 2, 1963

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Nicely's Supermarket
AT 1041-1045 Brighton Avenue

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

BOARD OF APPEALS	VOTE	
	YES	NO
Franklin G. Hinckley	(x)	()
Ralph L. Young	(x)	()
Harry M. Shwartz	(x)	()

Record of Hearing

No opposition.

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

MISCELLANEOUS APPEAL

Nicely's Supermarket, owner of property at 1041-1045 Brighton Avenue
under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby
respectfully petitions the Board of Appeals to permit: attaching a one-story structure
approximately 16 feet by 19 feet to the left hand side of the existing store, at its rear
corner. This permit is presently not issuable under the Zoning Ordinance because the rear
wall, while forming an extension of the rear wall of the existing building, will be only about
8 feet from the rear lot line instead of the 20 feet required by Section 8-C-b-1 of the Ordinance
applying to the B-1 Business Zone.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that
enforcement of the terms of the Ordinance would result in undue hardship and desirable relief
may be granted without substantially departing from the intent and purpose of the Ordinance.

Nicely's Supermarket

X By

Charles B. Rodway
ATTORNEY

DECISION

After public hearing held May 2, 1963 the Board of Appeals finds that enforcement
of the terms of the Ordinance would result in undue hardship and desirable relief may
be granted without substantially departing from the intent and purpose of the Ordinance.

It is, therefore, determined that such permit may be issued.

BOARD OF APPEALS

Francis J. Hille
Harold M. Murray
Robert H. Jones

**CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS**

April 29, 1963

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, May 2, 1963, at 3:30 P.M. to hear the appeal of Nicely's Supermarket requesting an exception to the Zoning Ordinance to permit attaching a one-story structure approximately 16 feet by 19 feet to the left hand side of the existing store at 1041-1045 Brighton Avenue at its rear corner.

This permit is presently not issuable because the rear wall, while forming an extension of the rear wall of the existing building, will be only about 8 feet from the rear lot line instead of the 20 feet required by Section B=C-b-1 of the Ordinance applying to the B-1 Business Zone in which the property is located.

All persons interested either for or against this appeal will be heard at the above time and place.

BOARD OF APPEALS

Franklin G. Hinchley

Chairman

cc: Joseph Barber, 1065 Brighton Avenue
Portland Housing Authority, 21 Popham Street

ALBERT J. SEARS
INSPECTOR OF BUILDINGS

*Meals
AT 5
3 03*

CITY OF PORTLAND, MAINE
Department of Building Inspection

AP- 1041-1045 Brighton Avenue

April 16, 1953

Nicely's Supermarket
1041 Brighton Avenue

cc to: Corporation Counsel

Gentlemen:

Building permit for attaching a one-story structure approximately 16 feet by 19 feet to the left hand side of the existing store at the above named location at its rear corner is not issuable under the Zoning Ordinance because the rear wall, while forming an extension of the rear wall of the existing building, will be only about 8 feet from the rear lot line instead of the 20 feet required by Section 8-C-b-1 of the Ordinance applying to the E-1 Business Zone in which the property is located.

We understand that you would like to exercise your appeal rights in this matter. Accordingly we are certifying the case to the Corporation Counsel, to whose office in Room 203, City Hall, an authorized representative should go to file the appeal.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

COPY

Hinckley

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

MISCELLANEOUS APPEAL

Hinckley's Supermarket, owner of property at 1041-1045 Brighton Avenue
under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby
respectfully petitions the Board of Appeals to permit: attaching a one-story structure
approximately 16 feet to the left hand side of the existing store, at its rear
corner. This permit is presently not issuable under the Zoning Ordinance because the rear
wall, while forming an extension of the rear wall of the existing building, will be only about
8 feet from the rear lot line instead of the 20 feet required by Section S-C-b-1 of the Ordinance
applying to the B-1 Business Zone.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that
enforcement of the terms of the Ordinance would result in undue hardship and desirable relief
may be granted without substantially departing from the intent and purpose of the Ordinance.

APPELLANT

DECISION

After public hearing held May 2, 1963 the Board of Appeals finds that enforcement
of the terms of the Ordinance would result in undue hardship and desirable relief may
be granted without substantially departing from the intent and purpose of the Ordinance.

It is, therefore, determined that such permit may

be issued.

BOARD OF APPEALS

/s/ Franklin G. Hinckley

/s/ Harry M. Shwartz

/s/ Ralph L. Young

CITY OF PORTLAND, MAINE

LEGAL DEPARTMENT



BARNETT I SHUR
CORPORATION COUNSEL
ROBERT W DONOVAN
ASST CORPORATION COUNSEL

May 3, 1963

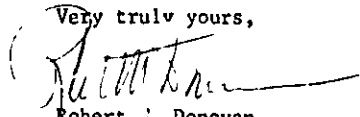
Charles B. Rodway, Esq.
443 Congress Street
Portland, Maine

Dear Mr. Rodway:

Enclosed please find copy of the decision of the Board of Appeals relating to the request for exception to the Zoning Ordinance by Nicely's Supermarket to permit attaching a one-story structure approximately 13 feet by 19 feet to the left hand side of the existing store at 1041-1045 Brighton Avenue.

It will be noted that this appeal was granted.

Very truly yours,


Robert W. Donovan
Assistant Corporation Counsel

Enclosure

START NO WORK
UNTIL
PERMIT CARD IS ISSUED



APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 71
Portland, Maine, June 25, 1963

PERMIT ISSUED

JUN 25 1963

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 63/689 pertaining to the building or structure comprised in the original application 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 1041 Brighton Ave. Within Fire Limits? Dist. No.

Owner's name and address Nicely's Supermarket, 1041 Brighton Ave. Telephone

Lessee's name and address Telephone

Contractor's name and address Golder Construction, 42 West Pleasant St., Westbrook Maine. Telephone

Architect Bernard C Golder Plans filed No. of sheets

Proposed use of building Walk In Box and Meat Cutting Room No. families

Last use No. families

Increased cost of work 250.00 Additional fee 50

Description of Proposed Work

To cut in new door opening 4' wide by 6'8" with 4x8 header between meat room and store. (swinging doors)

Details of New Work permit to contractor

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

Framing lumber—Kind Dressed or full size?

Corner posts Sills Gin 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

Approved:

Nicely's Supermarket
Golder Construction Bernard C Golder
Signature of Owner B. C. Golder

Approved:

Albert J. Lee
Inspector of

INSPECTION COPY

CS-108

LOCATION

1041 Brighton Ave.

DATE

5/24/63

PERMIT

INQUIRY

COMPLAINT

A. J. S.

Being now at Gorham
framed as follows:

7" x 7" f.s. sills.

7" x 7" f.s. center girder

2 x 8" floor joists @ 16" o.c.

notched over 2 x 3 nailing strip
on girder and sills, span 7'

Other timbers added in place of
2 x 8's but are heavier.

7 x 4 studs @ 16" o.c.

Sheathed and clapboard walls

Trussed 2 x 6 in rafters at

24" o.c. with 2 x 4 lower chords.

I understand that Mr. Nicely
plans to place building on

trench walls and he will

need piers under center girder

H. E. P.

Building size 16' x 20'

He proposes to cut 15" off
20' length.

One pier at center would give

53 # total load.

Figures other size

MEMORANDUM FROM DEPARTMENT OF BUILDING INSPECTION, PORTLAND, MAINE
Moving requirements approved . Dept. Public Works

JUN 21 1963

Date May 8, 1963

TO: Commissioner of Public Works

FROM: Inspector of Buildings

SUBJECT: Moving building from Out of town limits. TO

#1041-1045 Brighton Ave.

We have application for permit to move 1-story frame building 16' wide x 19' high
as above. *12 1/2' HIGH*

We are checking the proposition against Zoning Ordinance and Building Code and will delay issuance of the permit until we hear from you that the permit for moving through the streets is cleared sufficiently. When that point is reached, will you be kind enough to write "OK to issue building permit" on the bottom of this memorandum and return.

Albert J. Sears
Inspector of Buildings

*5/9/63
JES*

AP-1041-1045 Brighton Ave.

May 3, 1963

Ricalcy's Supermarket
1041 Brighton Avenue

Gentlemen:

Although your appeal under the Zoning Ordinance concerning an addition to the store building at the above named location has been sustained, any action towards issuance of a building permit cannot be taken by this department until you have completed application already filed by giving an estimated cost of the work, paying the permit fee based thereon, and furnishing framing details of the addition and its supports.

No permit for moving the structure can be issued by this department, in any case until any permit required from the City Department of Public Works for moving it through the public streets has been issued.

Very truly yours,

Albert J. Sears
Director of Building Inspection

AJS/h

AF- 1041-1045 Brighton Avenue

April 16, 1963

Nicely's Supermarket
1041 Brighton Avenue

cc to: Corporation Counsel

Gentlemen:

Building permit for attaching a one-story structure approximately 16 feet by 19 feet to the left hand side of the existing store at the above named location at its rear corner is not issuable under the Zoning Ordinance because the rear wall, while forming an extension of the rear wall of the existing building, will be only about 8 feet from the rear lot line instead of the 20 feet required by Section 8-C-b-1 of the Ordinance applying to the B-1 Business Zone in which the property is located.

We understand that you would like to exercise your appeal rights in this matter. Accordingly we are certifying the case to the Corporation Counsel, to whose office in Room 208, City Hall, an authorized representative should go to file the appeal.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m



BI BUSINESS ZONE

APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class

Portland, Maine, April 12, 1963

PERMIT ISSUED

JUN 21 1963

CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE -

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: 1041 Brighton Ave. Within Fire Limits? _____ Dist. No. _____

Owner's name and address Nicely's Supermarket, 1041 Brighton Ave. Telephone _____

Lessee's name and address _____ Telephone _____

Contractor's name and address Dwayne Shavi, New Portland Road Cornham Maine Telephone 639-7509

Architect _____ Specifications _____ Plans yes No. of sheets 1

Proposed use of building Walk In Box and Meat Cutting Room. No. families _____

Last use restaurant No. families _____

Material frame _____ No. stories 1 Heat _____ Style of roof _____ Roofing _____

Other buildings on same lot _____

Estimated cost \$ 750.00 Fee \$ 5.00

General Description of New Work

Fee \$ 5.00
fee paid 5-8-63

To move 1-story frame building 16' wide x 18'10" long x 12 1/2' high from out-of-town limits to #1041 Brighton Ave. Portland.

Attached to existing building, left hand side of store.

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

5/27/63 Advance permit for excavation and foundation issued to day-agg

Appeal sustained 5/2-1963

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** Nicely's Supermarket

Details of New Work

Is any plumbing involved in this work? no Is any electrical work involved in this work? yes

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

Has septic tank notice been sent? _____ Form notice sent? yes

Height average grade to top of plate 8' Height average grade to highest point of roof 12'

Size, front 19' depth 16' No. stories 1 solid or filled land? solid earth or rock? earth

Material of foundation concrete at least 4' below grade Thickness, top 8" bottom 8" cellar _____

Kind of roof pitch Rise per foot 4" Roof covering Asphalt Class C Und. Lab.

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

Framing Lumber—Kind pine Dresser, or full size? dressed Corner posts 6x4 Sills 6x6

Size Girder _____ 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 2x6, 2nd _____, 3rd _____, roof 2x6

On centers: 1st floor 16", 2nd _____, 3rd _____, roof 24"

Maximum span: 1st floor 8', 2nd _____, 3rd _____, roof 19'

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? _____

PROVED:

3.12-6/2/63-agg

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

CS 321

INSPECTION COPY

Signature of owner

by

Nicely's Supermarket
[Signature]

AP - 1041 Brighton Avenue

May 27, 1963

Hicely's Supermarket,
1041 Brighton Avenue

cc to: Mr. Dwayne Shaw
Box Portland Rd.
Gorham, Maine

Gentlemen:

Permit for excavation and construction of foundation for one story addition to store at the above named location is issued herewith subject to the following conditions:

1. It is understood that foundation walls of poured concrete are to be provided to support walls of addition. These walls are to extend at least four feet below and six inches above grade. If straight eight inch thick walls are used, they will need to be supported on poured concrete footings at least eight inches deep and 10 inches wide; otherwise straight 10 inch thick walls, or walls eight inches thick at the top and 10 inches thick on the bottom, may be used without a footing.
2. At least two equally spaced piers not less than eight inches square or nine inches in diameter are to be provided for support of the girder.
3. It is suggested that openings be provided in masonry walls to furnish means for ventilation of space between ground and wood floor of addition.
4. Building is not to be moved onto the foundation until permits from this department and the Public Works Department for moving it have been issued.

Very truly yours,

Albert J. Sears
Director of Building Inspection

AJS/h

BI BUSINESS ZONE

PERMIT ISSUED
00565
MAY 27 1963
CITY OF PORTLAND



APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class
Portland, Maine, May 27, 1963

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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 1041 Brighton Ave. Within Fire Limits? _____ Dist. No. _____
Owner's name and address Nicely's Supermarket, 1041 Brighton Ave. Telephone _____
Lessee's name and address _____ Telephone _____
Contractor's name and address Dwayne Shaw, New Portland Rd, Gorham Me, Telephone _____
Architect _____ Specifications _____ Plans _____ No. of sheets _____
Proposed use of building Walk In Box and Meat Cutting Room No. families _____
Last use _____ No. families _____
Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot _____
Estimated cost \$ _____ Fee \$ 2.00

General Description of New Work

For Excavation and foundation only for 1-story wood building 16' wide x 18'10" long x 12 1/2' high.

Appeal sustained 5/2/63

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** Permit-Issued with Memo

Details of New Work

Is any plumbing involved in this work? _____ Is any electrical work involved in this work? _____
Is connection to be made to public sewer? _____ If not, what is proposed for sewage? _____
Has septic tank notice been sent? _____ Form notice sent? _____
Height average grade to top of plate _____ Height average grade to highest point of roof _____
Size, front _____ depth _____ No. stories _____ solid or filled land? _____ earth or rock? _____
Material of foundation _____ Thickness, top _____ bottom _____ cellar _____
Kind of roof _____ Rise per foot _____ Roof covering _____
No. of chimneys _____ Material of chimneys _____ of lining _____ Kind of heat _____ fuel _____
Framing Lumber—Kind _____ Dressed or full size? _____ Corner posts _____ Sills _____
Size Girder _____ Columbus 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.

Nicely's Supermarket

ES 101

INSPECTION COPY

Signature of owner

by:

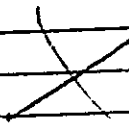
[Handwritten Signature]

NOTES

6-14-63 Forms &
 Roofings in color OK
 10" wall JP

7-15-63 Bldg OK
 ready to cut thru
 wall into store JP

7-18-63 Needs new
 new opening OK



Permit No: 63/565
 Location: 1041 Barclay Ave
 Owner: [illegible]
 Date of permit: 6/27/63
 Notif. closing-in:
 Inspn. closing-in:
 Final Notif.:
 Final Inspn.:
 Cert. of Occupancy issued:
 Staking, Our Notice:
 Form Check Notice: 1/14/63

28 case 6-13

Memorandum from Department of Building Inspection, Portland, Maine

AP-1041-1045 Brighton Avenue

April 6, 1963

Niceley's Supermarket
1041 Brighton Avenue

cc to: Mr. George Hannon, Jr.
RFD 2, Gorham, Maine

Gentlemen:

Permit for cutting in 10 foot wide opening in front wall of wing of store at the above named location is issued herewith. Permit is issued on the understanding that there is an existing continuous 4x8 plate or header extending the full length of this wing and that, where new opening is to be cut through, this header will be reinforced by a 2x8 on the inside of the wall extending the full length of opening and securely fastened thereto.

4" x 4" header.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m



APPLICATION FOR PERMIT

00311

Class of Building or Type of Structure Third Class
Portland, Maine April 5, 1963

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect or 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 1041-1045 Brighton Ave. Within Fire Limits? _____ Dist. No. _____
Owner's name and address Nicely's Supermarket, 1041 Brighton Ave. Telephone _____
Lessee's name and address _____ Telephone _____
Contractor's name and address George Mannon, Jr. 122 Gorham Maine Telephone _____
Architect _____ Specifications _____ Plans no No. of sheets _____
Proposed use of building Supermarket No. families _____
Last use _____ No. families _____
Material wood No. stories 1 Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot _____
Estimated cost \$ 175.00 Fee \$ 3.00

General Description of New Work

To cut in new door (10' opening) in front of building.
6'6" high

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** owner-1041 Brighton Ave.

Details of New Work

Is any plumbing involved in this work? _____ Is any electrical work involved in this work? _____
Is connection to be made to public sewer? _____ If not, what is proposed for sewage? _____
Has septic tank notice been sent? _____ Form notice sent? _____
Height average grade to top of plate _____ Height average grade to highest point of roof _____
Size, front _____ depth _____ No. stories _____ solid or filled land? _____ earth or rock? _____
Material of foundation _____ Thickness, top _____ bottom _____ cellar _____
Kind of roof _____ Rise per foot _____ Roof covering _____
No. of chimneys _____ Material of chimneys _____ of lining _____ Kind of heat _____ fuel _____
Framing Lumber-Kind _____ Dressed or full size? _____ Corner posts _____ Sills _____
Size Girder _____ Columns under girders _____ Size _____ Max. on centers _____
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bndging 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:

with memo by AGS

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

Nicely's Supermarket

18 301

INSPECTION COPY

Signature of owner

by:

[Handwritten Signature]

[Handwritten initials]