

MEMORANDUM

March 15, 1967

TO: Vincent R. Dahlfred, Director of Economic Development  
✓ Gerald S. Mayberry, Director of Building & Inspection Services  
Alfred Iucci, City Assessor  
Karl F. Switzer, Director of Parks & Recreation  
Thomas F. Griffin, Jr., Director of Public Works  
Dr. John Revy, Director of Health Department  
Barnett I. Shur, Corporation Counsel

FROM: Wm. Bruce Dalton, Planning Director

SUBJECT: Request for change of Zone from R-3 to Residence-Professional-  
Northwesterly corner of Warwick Street and Brighton Avenue-  
Mr. William E. Hammond, Spurwink Agency.

Mr. William E. Hammond of the Spurwink Agency, has requested a change of zone from R-3 to Residence-Professional for the N.W. corner of Warwick Street and Brighton Avenue, to permit construction of a professional building for Real Estate and other professional uses. Mr. Hammond's request involves six vacant 4,000 sq. ft. lots at this location which are owned by the Spurwink Agency.

Any thoughts or comments your department may have regarding this proposed change of zone would be greatly appreciated. It is hoped that your comments would be available on or before March 29, 1967.

*Warren J. Turner*  
for Wm. Bruce Dalton

Granted 7/16/64  
64/85

DATE: July 16, 1964

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Jordan & Hammond, Inc.

AT 945-947 Brighton Ave., corner of Warwick St.

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

BOARD OF APPEALS

	YES	VOTE	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

VARIANCE APPEAL

June 23, 1964

Jordan & Hammond, Inc. tenant-at-will of property at 045-047 Brighton Ave. corner of Warwick St. under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals for a variance from the provisions of said Ordinance to permit erection of detached sign about 6 feet by 6 feet by 7 feet high. This permit is presently not issuable under the Zoning Ordinance for the following reasons: 1) A sign of this nature advertising a development project is limited to two square feet in area by Section 16-A-8-a of the Ordinance, instead of the area of 24 square feet of the proposed sign, in the R-3 Residence Zone where the property is located; 2) The sign is to be located about one foot in from the line of both streets and, therefore, will encroach unlawfully upon the 25-foot setback area required by Section 19-M of the Ordinance.

LEGAL BASIS OF APPEAL: Such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

JORDAN & HAMMOND, INC.

By William Hammond  
APPELLANT

DECISION

After public hearing held July 16, 1964, the Board of Appeals finds that all of the above conditions do exist with respect to this property and that a variance should be granted in this case.

It is, therefore, determined that a variance from the provisions of the Zoning Ordinance should be granted in this case.

Fred H. Hill  
Arthur King  
Harry M. Smith  
BOARD OF APPEALS

July 13, 1964

Jordan & Hammond, Inc.  
249 Ocean House Road  
Cane Elizabeth, Maine

Gentlemen:

July 16, 1964,

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

July 6, 1964

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, July 16, 1964, at 4:00 p.m. to hear the appeal of Jordan & Hammond, Inc. requesting an exception to the Zoning Ordinance to permit erection of detached sign about 4 feet by 6 feet by 7 feet high at 945-947 Brighton Avenue, corner of Warwick Street.

This permit is presently not issuable under the Zoning Ordinance for the following reasons: 1) A sign of this nature advertising a development project is limited to two square feet in area by Section 16-A-8-a of the Ordinance, instead of the area of 24 square feet of the proposed sign, in the R-3 Residence Zone where the property is located; 2) The sign is to be located about one foot in from the line of both streets and, therefore, will encroach unlawfully upon the 25-foot setback area required by Section 19-N of the Ordinance.

This appeal is taken under Section 24 of the Zoning Ordinance which provides such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional or unique circumstances relating to the property that do not generally apply to other property in the same zone or neighborhood, which have not arisen as a result of action of the applicant subsequent to the adoption of this Ordinance whether in violation of the provisions of the Ordinance or not; that property in the same zone or neighborhood will not be adversely affected by the granting of the variance; and that the granting of the variance will not be contrary to the intent and purpose of the Ordinance.

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 property in question as required by Ordinance.

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

PORTLAND, MAINE  
AL DEPARTMENT



BARNETT I SHUR  
CORPORATION COUNSEL  
ROBERT W DONOVAN  
ASST CORPORATION COUNSEL

June 22, 1964

Jordan & Hammond, Inc.  
249 Ocean House Road  
Cape Elizabeth, Maine

Gentlemen:

On June 17, 1964 the City Council informally agreed that it would permit you to file the necessary appeal relating to the sign which you wish to erect on tax deed property at 945-947 Brighton Avenue, said appeal to be filed by you as a tenant-at-will of this property.

If you will, therefore, come to this office, bringing with you the necessary fee of \$15.00, an appeal will be processed for the next meeting of the Board of Appeals, which will be held on July 16, 1964.

Very truly yours,

Barnett I. Shur  
Corporation Counsel

BIS:M  
cc: Building Inspector

CITY OF PORTLAND, MAINE

Department of Building Inspection

A.P.-945-947 Brighton Ave., corner of Warlock St.

June 22, 1964

June 22, 1964

cc to: Corporation Counsel

Jordan & Hammond, Inc.  
249 Ocean House Road  
Cape Elizabeth, Maine

Gentlemen:

Now that authorization has been secured from the City Council for erection by you of a sign on the vacant lot at the above named location to advertise your housing development at the farther end of Warlock Street, we will be able to write a certification letter on which a zoning appeal can be based.

Erection of this detached sign about 4 feet by 6 feet by 7 feet high at this location is not issuable under the Zoning Ordinance for the following reasons: tax deed property at 945-947 Brighton Avenue, said appeal to be filed by you as a contract-at-will of this property.

1. A sign of this nature advertising a development project if you is limited to two square feet in area by Section 16-A-3-a (the excess of the Ordinance), instead of the area of 24 square feet very much of the proposed sign, in the R-3 Residence Zone where July 16, 1964 the property is located.

2. The sign is to be located about one foot in from the line of both streets and therefore will encroach unlawfully upon the 25-foot setback area required by Section 19-H of the Ordinance.

Earnett I. Skur

In order to file the appeal you should go to the office of the Corporation Counsel in Room 208, City Hall, where a copy of this letter is being sent.

cc: Building Inspector

Very truly yours,

Albert J. Sears  
Building Inspection Director

AJS:m

OFFICE OF THE CITY CLERK  
CITY OF BRIGHTON, MAINE  
Department of Building Inspection  
150-211-1000

City Council Meeting  
Brighton, Maine  
July 16, 1964

*make appeal*

June 22, 1964

Jordan & Hammond, Inc.  
249 Ocean House Road  
Cape Elizabeth, Maine

Gentlemen:

On June 17, 1964 the City Council informally agreed that it would permit you to file the necessary appeal relating to the sign which you wish to erect on tax deed property at 945-947 Brighton Avenue, said appeal to be filed by you as a tenant-at-will of this property.

If you will, therefore, come to this office, bringing with you the necessary fee of \$15.00, an appeal will be processed for the next meeting of the Board of Appeals, which will be held on July 16, 1964.

Very truly yours,

Barnett I. Shur  
Corporation Counsel

BIS:M  
cc: Building Inspector



Request by Jordan & Hammond, Inc. for development sign on tax deed property at 945-947 Brighton Avenue. Jordan & Hammond, Inc., housing developers in the Warwick Heights area, have requested a permit from the building Inspector to construct a detached sign about 4 feet by 6 feet by 7 feet high on the property at the corner of Brighton Avenue and Warwick Street to advertise their development. Before this permit can be granted, it will be necessary that an appeal be filed inasmuch as the Zoning Ordinance does not now permit signs of such size in a Residence Zone. ~~It has been found~~ that the City of Portland has tax deed title to the property on which ~~this sign~~ it is desired to erect this sign, and ~~that it~~ does not wish to release this title at this time because of potential future city use for such property. In the interim, in order to permit the use of this property for erection of the desired sign and to permit the matter to be presented to the Zoning Board of Appeals, it is suggested that the Council informally grant permission to Jordan & Hammond, Inc. to file an appeal as a tenant-at-will of <sup>the City</sup> said property insofar as the City has an interest by tax title.

*Get  
Council OK'd.  
Pls advise  
Jordan & H.  
6/19*

*[Signature]*

*Jordan & Hammond*  
JORDAN & HAMMOND INC.

Hanson Road

CAPE ELIZABETH, MAINE

SPRUCE 9-4149 OR SPRUCE 9-2100

June 10, 1964

City of Portland  
City Manager  
City Hall  
Portland, Maine

Dear Mr. Watt:

Please find enclosed a letter from the office of the Building Inspector of Portland, Maine.

In so much as it is our intention to comply with the Zoning laws of Portland it becomes necessary to ask you to include in your agenda for the June 15th Council meeting our formal request for permission to let our sign remain standing on City Property and our appeal to the Zoning Board for the above same reason.

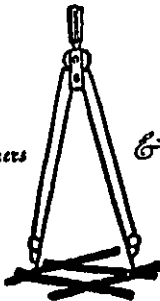
Hope you and the departments involved will be considerate as it will place us in an uncompetitive position if we cannot advise people in this manner of the location of our sub-division as other builders are doing.

Yours truly

*William Hammond*

William Hammond

Arch. Designers & Builders



PORTLAND, MAINE

BUILDING INSPECTION



ALBERT J. SEARS  
DIRECTOR  
GERALD E. MAYBERRY  
DEPUTY DIRECTOR

P.O. - 945-947 Erighton Avenue, corner of Warwick Street

June 6, 1961,

Jordan & Hammond, Inc.  
249 Ocean House Road  
Cape Elizabeth, Maine

cc to: Corporation Counsel  
cc to: City Manager

Gentlemen:

As you are aware, permit for erection of a detached sign about 4 feet by 6 feet by 7 feet high on the lot at the above named location to advertise your housing development near the farther end of Warwick Street is not issuable under the Zoning Ordinance because the property is located in an R-3 Residence Zone where a sign of this nature is limited to two square feet in area by Section 16-A-5a of the Ordinance.

It further develops that the property involved is owned by the City of Portland by tax deed. While the question of zoning is subject to appeal, it is useless to write a certification letter on which an appeal can be based until you have secured authorization from the proper City authority to have the sign at this location.

If you are interested in continuing further in this matter, it is suggested that you consult the City Manager or the Corporation Counsel. In the meantime, since the sign is already in place and has been for some time, it is necessary that it be removed until such time as a permit for its erection in a lawful manner can be issued.

Very truly yours,

*Albert J. Sears*

Albert J. Sears  
Building Inspection Director

ALJ:sm

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

July 6, 1964

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BOARD OF APPEALS

Franklin G. Hinckley

Chairman

Inspection Services  
Samuel P. Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

CITY OF PORTLAND

February 20, 1998

Roger Lauzier & Son, Inc.  
150 A Ross Rd.  
Old Orchard Beach, Maine 04064

RE: 949 Brighton Avenue

Dear Sir,

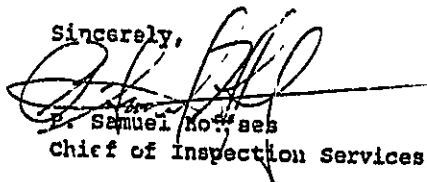
Your application to make interior renovations has been reviewed and a permit is herewith issued subject to the following requirements: This permit doesn't preclude the applicant from meeting applicable state and Federal laws.

No Certificate of Occupancy can be issued until all requirements of this letter are met:

1. Portable fire extinguishers shall be provided as per NFPA #10.
2. All exit signs, and means of egress lighting shall be done in accordance with Chapter 10, section & subsections 1023. & 1024. of the City's building code. BOCA National Building Code/1993.

If you have any questions, please do not hesitate to contact this office.

Sincerely,



S. Samuel Hoffses  
Chief of Inspection Services

cc: Lt. G. McDougall - Fire Prevention Bureau

Roger Lavoie 2/14/95  
150 A Ross Road.  
00B ME. 04064.

I propose to do following at 949 Brighton  
Ave. convert existing space to a real estate office.

1. Remove existing walls, carpet & ceiling.
2. Reframe 2x4 walls 16" O.C.
3. Re-wire to code
4. ~~Sheet~~ Rock w/ 1/2" GYPSUM ALL WALLS  
INTERIOR. EXTERIOR EXCEPT furnace room.  
Furnace to be 1hr rated.
5. Install new suspended ceiling  
" " carpeting & floor
6. Do interior finish work doors, trim, base etc.
7. Re-work base board heat where necessary.

Existing building is 2x4 frame 16" O.C.  
Trussed roof on concrete slab.