

965-971 BRIGHTON AVENUE



APPLICATION FOR PERMIT

B.O.C.A. USE GROUP
B.O.C.A. TYPE OF CONSTRUCTION
ZONING LOCATION R-2 PORTLAND, MAINE, July 14, 1976

PERMIT ISSUED
JUL 16 1976
CITY OF PORTLAND

To the DIRECTOR OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE
The undersigned hereby applies for a permit to erect, alter, repair, demolish, move or in all the following building, structure, equipment or change use in accordance with the Laws of the State of Maine, the Portland B.O.C.A. Building Code and Zoning Ordinance of the City of Portland with plans and specifications, if any, submitted herewith and the following specifications:

LOCATION 971 HXK Brighton Ave. Fire District #1 [] #2 []
1. Owner's name and address Chester David West Hook St. WESTBK. Telephone
2. Lessee's name and address Portland, Head Builders Telephone HXK-774-6431
3. Contractor's name and address Lessee Telephone
4. Architect Specifications Plans No. of sheets
Proposed use of building No. families
Last use No. families
Material No. stories Heat Style of roof Roofing
Other buildings on same lot
Estimated contractual cost \$ Fee \$ 8.20

FIELD INSPECTOR—Mr. Hoffsc... GENERAL DESCRIPTION
This application is for: @ 775-5451 To replace sign 4'x8'
Dwelling Ext. 234 Old sign was in poor condition
Garage
Masonry Bldg.
Metal Bldg.
Alterations
Demolitions
Change of Use
Other

Stamp of Special Conditions

NOTE TO APPLICANT: Separate permits are required by the installers and subcontractors of heating, plumbing, electrical and mechanicals.

PERMIT IS TO BE ISSUED TO 1 [] 2 [x] 3 [] 4 []
Other:

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 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?

APPROVALS BY: DATE

BUILDING INSPECTION—PLAN EXAMINER

ZONING: A.K. M.C. 7/14/76

BUILDING CODE: C-14.2.8. 7/14/76

Fire Dept.:

Health Dept.:

Others:

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

Signature of Applicant

Type Name of above Richard Wilson

Phone #

FIELD INSPECTOR'S COPY

Other and Address

NOTES

7-29-76 Not started
 8-2-76 same
 8-12-76 same
 8-18-76 same
 8-25-76 same
 9-76 same
 9-29-76 same
 11-18-76 up. AS per permit - 1/2

Permit No. 76/631
 Location 971 Brighton Ave
 Owner Chester Blawie
 Date of permit 7-16-76
 Approved by [Signature] 7-28-76

Large empty lined area for additional notes or drawings, with a large handwritten 'X' or scribble on the left side.



APPLICATION FOR PERMIT
DEPARTMENT OF BUILDING INSPECTIONS SERVICES
ELECTRICAL INSTALLATIONS

Date Dec. 2, 1975, 19__
 Receipt and Permit number A 06231

To the CHIEF ELECTRICAL INSPECTOR, Portland, Maine:
 The undersigned hereby applies for a permit to make electrical installations in accordance with the laws of Maine, the Portland Electrical Ordinance, the National Electrical Code and the following specifications:

LOCATION OF WORK 971 Brighton Ave.
 OWNER'S NAME: Industrial Sweeping ADDRESS: _____

OUTLETS (number of)
 Lights _____
 Receptacles _____
 Switches _____
 Plugmold _____ (number of feet)
 TOTAL _____ FEES _____

FIXTURES (number of)
 Incandescent _____
 Fluorescent _____ (Do not include strip fluorescent)
 TOTAL _____
 Strip Fluorescent, in feet _____

SERVICES
 Permanent, total amperes 200 _____
 Temporary _____ FEES 3.00

METERS (number of) 1 _____ FEES .50

MOTORS (number of)
 Fractional _____
 1 HP or over _____

RESIDENTIAL HEATING:
 Oil or Gas (number of units) _____
 Electric (number of rooms) _____

COMMERCIAL OR INDUSTRIAL HEATING:
 Oil or Gas (by a main boiler) _____
 Oil or Gas (by separate units) _____
 Electric (total number of kws) _____

APPLIANCES (number of)
 Ranges _____
 Cook Tops _____
 Wall Ovens _____
 Dryers _____
 Fans _____
 Water Heaters _____
 Disposals _____
 Dishwashers _____
 Compactors _____
 Others (denote) _____
 TOTAL _____

MISCELLANEOUS (number of)
 Branch Panels _____
 Transformers _____
 Air Conditioners _____
 Signs _____
 Fire/Burglar Alarms _____
 Circus, Fairs, etc. _____
 Alterations to wires _____
 Repairs after fire _____
 Heavy Duty, 220v outlets _____
 Emergency Lights, battery _____
 Emergency Generators _____

FOR ADDITIONAL WORK NOT ON ORIGINAL PERMIT _____
 FOR REMOVAL OF A "STOP ORDER" (304-16 b) _____
 FOR PERFORMING WORK WITHOUT A PERMIT (304-9) _____

INSTALLATION FEE DUE: _____
 DOUBLE FEE DUE: _____
 TOTAL AMOUNT DUE: 3.50

INSPECTION:
 Will be ready on now, 19__, or Will Call _____

CONTRACTOR'S NAME: Ames Electric
 ADDRESS: 29 Leonard St.
 TEL.: 774-0604

MASTER LICENSE NO: 3395
 LIMITED LICENSE NO: _____

SIGNATURE OF CONTRACTOR:
[Signature]

1ak

INSPECTOR'S COPY

CITY OF PORTLAND, MAINE
MEMORANDUM

TO: Robert W. Donovan, Asst. Corporation Counsel DATE Dec. 1, 1958
FROM: Warren McDonald, Inspector of Buildings
SUBJECT: Violations of Zoning Ordinance at 965-971 Brighton Avenue
by Chester H. Davis

With reference to my letter to Mr. Davis (copy to you) of Nov. 20th, requiring that the violations be corrected without delay, and especially that Mr. Davis notify this department before Dec. 1, 1958 on what date satisfactory to the Legal Department he would see to it that the violations are eliminated and the property placed in compliance with the Zoning Ordinance, we have heard nothing from Mr. Davis, though the letter was sent by registered mail with return receipt, and the receipt was signed by Ambrose McLellan as the addressee's agent.

Yesterday (Nov. 30) there were several pieces of heavy equipment stored on the open land in back of the garage, and there had been no apparent change in the signs advertising the excavation business and the sale or rental of equipment.

Inspector of Buildings

WHcD:m



CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION
COMPLAINT

Location
965-971 Brighton Ave.

SECTION COPY

COMPLAINT NO. 56/35

Date Received May 10, 1956

Location 965-971 Brighton Ave. Use of Building Repair Garage

Owner's name and address Frank Allen's Garage, Inc., 971 Brighton Ave Telephone

Tenant's name and address Telephone

Complainant's name and address Councillor Mrs. Walsh Telephone

Description: Cars are parked all over this lot, -side, rear, etc.

NOTES: Built in 1926 for Repair Garage.
 Changed in 1944 to *Al's State*
 " back to Repair Garage 1946.
 No mention in *code* where *al* restriction on
 parking. *PH*
 When changed back to Repair Garage in 1946
 application says to be used substantially as
 before.
 5/29/56 - Better seeking out of *all* with
 intention of appeal - *MM*
 11/20/55 - See letter - *MM*
 12/1/55 - Memo to *asst. Corp Counsel* - *MM*
 7-15-59. *TH* change *service* photos *when*
 taken 5-25-59. *MM*

Warren McDonald, Inspector of Bldgs.

November 30, 1958

KU-307-12/1/58

Caplt.-965-971 Brighton Ave.-Violations of Zoning Ordinance

Mr. Chester A. Davis
965-971 Brighton Avenue

cc to: Corporation Counsel

Dear Mr. Davis:

In connection with my stated duty of enforcing the provisions of the Zoning Ordinance, our copy of a letter to you on August 26, 1957 from Asst. Corporation Counsel of the city, has come to my attention. That letter called to your attention that you were using 965-971 Brighton Avenue in violation of the Zoning Ordinance in that: (1) The property was being used for storage of equipment which you used in your contracting business; (2) The property was also being used as a sales agency for tractors and other heavy equipment.

The letter also advised you that you had no special rights under the zoning appeal in May 1956 and explained the reasons why the Board of Appeals had deferred action on that appeal. The letter also stated that these violations were to be corrected without delay, and requested that you notify the Legal Department how soon you could place the property in compliance with the law.

Inspection of your property a few days ago disclosed that you were parking or storing a considerable number of pieces of more or less heavy equipment and parts thereof on the "back-lot" at the side and rear of the garage; also that the sign on the front of the building still identifies the business as Gleason Equip., Co., offering equipment for rent and announcing the business of snow removal and excavation contracting. Our files disclose advertisement in the Press Herald of June 23, 1958 (at least nine months after Mr. Brown's letter) offering for sale new tractors and implements at this property.

Whether or not you are still selling or renting equipment on this property is not presently known; but that you are storing there equipment which you use in your contracting business and making the property the headquarters of that business, is obvious.

Upon conferring with our Legal Department, it was concluded that all Zoning violations on the property must be corrected without further delay or legal proceedings will be started to compel compliance without further notice.

While no one has any right to authorize continued violation of law for any time at all, unless you notify this department before December 1, 1958 on what date satisfactory to the Legal Department you will see to it that the violations are eliminated and the property placed in compliance with the Zoning Ordinance, the situation will be reported to Legal Department to start the legal procedure laid down in the ordinance.

Very truly yours,

Warren McDonald, Inspector of Bldgs.

Coapt. 56/35
FU - 5/28/56- Hcd

May 18, 1956

Mr. Chester Davis,
971 Brighton Ave.

Copy to: Mrs. Ruth D. Walsh
240 Brighton Ave.

Robert Donovan, Asst. Corp. Counsel

Dear Mr. Davis:

(it turned out this property changed hands - therefore new letter)

While developments through the years around your garage at the above location have doubtless come about gradually without any intent on your part to violate the law, information in our records seems to establish without doubt that a considerable area of land at the side of the garage building and a larger area in the rear have been filled in since 1946 and have been used for the storage and parking of a considerable number of motor vehicles. From my own observation in driving by several pieces of heavy motor equipment are currently being stored there.

All of this is obviously in violation of the Zoning Ordinance because the property is in a Residence C zone where those uses, including that of a repair garage are not allowed, being what the Zoning Ordinance calls "non-conforming" uses. The garage building had been built and used as a repair garage in 1938 when the Zoning Ordinance was adopted. Thus the building has been allowed to continue through these years as a non-conforming use because it so existed. However up to 1946 there was not enough area of land on the side of the building toward Rosmont to afford any considerable amount of parking and practically no such area at all in the rear of the building.

It becomes apparent that you or some previous owner caused the land to be filled both at the side and the rear to afford such parking area. The Zoning Ordinance relating to such non-conforming uses in Section D-A stipulates that such non-conforming uses shall not be extended to or allowed to occupy any part or parts of the land outside of building other than the part so occupied when the Ordinance was adopted—December 1938. Thus, it is clear that the use of this land outside of your building is in violation of the Zoning Ordinance.

When I feel sure that you did not realize it, the Zoning Ordinance also provides that it shall be unlawful to use any premises (including the land outside of this building) until this department shall have issued a certificate of occupancy specifying the use to which the premises may be put. Had you known of this latter requirement and applied for that certificate before the land was filled, you would have been advised of the provisions of the law.

When such a violation of the Zoning Ordinance is found, we are directed to report the matter to the Corporation Counsel of the City who is authorized and directed to take appropriate steps for enforcement of the Ordinance. As a practical matter we are often able to get violations cleared up without recourse to the legal department. Will you be good enough to let me know before May 25, 1956 what steps you will take to clear up this violation and how soon it can be accomplished?

Very truly yours,

WHCD/H

Inspector of Buildings

August 26, 1957

*See
Conf. 27*

RECEIVED
AUG 27 1957
DEPT. OF BLDG. INSP.
CITY OF PORTLAND

Mr. Chester Davis
965-971 Brighton Avenue
Portland, Maine

Dear Mr. Davis:

The Building Inspector has called to our attention the fact that your property at 965-971 Brighton Avenue is being used in violation of the City of Portland Zoning Ordinance in the following respects: (1) The property is being used for storage of equipment which you use in your contracting business. (2) The property is also being used as a sales agency for tractors and other heavy equipment.

You should realize that you have received no special rights for the use of this property as a result of the Zoning appeal which you took on May 31, 1956, and which was heard on the following June 15th. At the time of that appeal there was a proposed change in the Zoning regulations on outer Brighton Avenue. The failure of the Council to change the Zoning Ordinance for the area in which your property is located and the failure of the Zoning Board to grant your appeal mean that the property is being used in violation of the Zoning Ordinance.

Under the circumstances we must insist that both of these violations be corrected without further delay. Will you please phone or write this office and let us know how soon you can remove your equipment and the tractors from the premises.

Thanking you for your cooperation.

Very truly yours,



Robert W. Loveman
Assistant Corporation Counsel

RWD:AS

cc: Kerran McDonald, Inspector of Buildings

Handwritten notes:
 965-971
 Glenwood
 for filing with appeal
 cert letter 5/31/56
 1001
 275016
 48.7
 27504 27505
 1001
 40. 20.
 Brighton Ave
 965-971
 72 Madeline Street
 Portland, Maine
 May 28, 1956

Office of The Building Inspector
 City of Portland
 Portland, Maine

R3 RESIDENCE ZONE

Dear Sir;

I hereby request a certificate of occupancy for the parking of vehicles at the rear of Glenwood Garage, 971 Brighton Avenue, Portland, Maine, while the vehicles are waiting to be repaired or picked-up.

I am the owner of the above mentioned Glenwood Garage.

Very truly yours,

Chester E. Davis
 Chester E. Davis

RECEIVED
 MAY 29 1956

Handwritten notes:
 act on appeal
 argued and
 appeal
 cert letter 5/31/56
 WOK

Mail in the 4 and signed appeal forms.
Paid 6/4/56

**City of Portland, Maine
Board of Appeals
—ZONING—**

May 31, 1956, 19

To the Board of Appeals:

Your appellant, Chester E. Davis, who is the owner of property at 965-971 Brighton Ave. corner of Leonard St., 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.

Certificate of occupancy issued to authorize use of parcel at the site toward Greenwood Square and at the rear of the repair garage at 965-971 Brighton Ave. corner of Leonard St. (Successor's lot nos. 175-5-1, 5 & 16) for parking of motor vehicles while waiting for repairs to be made or to be picked up after repairs and for parking or storage of self-propelled equipment, or parts thereof in connection with the owner's business of excavation and grading, is not in compliance with the Zoning Ordinance since the repair garage is a use non-conforming with the Ordinance, according to Section 18E applying to the Residence C Zone where the property is located, allowed by the Ordinance to be continued since it existed when the Ordinance was adopted and because, according to Section 11E of the Ordinance such a non-conforming use is not allowed to be extended to or allowed to occupy any part or parts of such land outside of buildings other than the parts of such open land so occupied at the time the Zoning Ordinance was adopted in December 1939.

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 necessary to grant conditions not can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

Appellant

After public hearing held on the
the Board of Appeals finds that an exception is

day of , 19

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

RE RESIDENCE ZONE

May 31, 1956

APCO 965-977 Brighton Ave., corner of Lombard St. (Assessors' Lot Nos. 275-C-4,5 and 16)

Mr. Chester E. Davis
72 Madeline St.

Copy to Corporation Counsel

Dear Mr. Davis,

Certificate of occupancy intended to authorize use of open land at the side toward Glenwood Square and at the rear of the repair garage at 965-977 Brighton Ave. corner of Lombard St. (Assessors' lot Nos. 275-C-4,5 & 16) for parking of motor vehicles while waiting for repairs to be made or to be picked-up after repairs and for parking or storage of self-propelled equipment or parts thereof in connection with the owner's business of excavating and grading, is not issuable under the Zoning Ordinance since the repair garage is a use non-conforming with the Ordinance, according to Section 16A applying to the Residence C Zone where the property is located, allowed by the Ordinance to be continued since it existed when the Ordinance was adopted and because, according to Section 14A of the Ordinance such a non-conforming use is not allowed to be extended to or allowed to occupy any part or parts of such land outside of buildings other than the parts of such open land so occupied at the time the Zoning Ordinance was adopted in December, 1938.

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

In order that the board may have a clear understanding of the matter at the time of the required public hearing, it is suggested that you have a plan to scale prepared and filed at this office well in advance of the public hearing, showing the lots which you own, the location of the building upon them and approximately the particular area of this land involved in your request for a certificate, much of the area having been filled to prepare for this use during the last ten years.

Very truly yours,

Warren McDonald
Inspector of Buildings

WMcD/B

Enc: Outline of appeal procedure

95

Barnett I. Shur, Corporation Counsel

August 19, 1957

Warren McDonald, Inspector of Buildings

Violation of the Zoning Ordinance on the part of Chester E. Davis
at 965-971 Brighton Ave.—reference to Zoning Appeal of May 31, 1956.

We have a written complaint, though anonymous, to the effect that Chester Davis is using the above property for the sales of farm tractors and other equipment. I know this report to be true from having passed the garage many times within the past few months.

Early in 1956 it was found that Mr. Davis had acquired this non-conforming garage property and had established there his business of excavating and grading, and also had extended the usable part of the lot by considerable fill. When notified of this violation of the zoning Ordinance, he asked for a certificate of occupancy for the use of the open land for the parking of vehicles at the side toward Glenwood Square and at the rear of the garage while waiting for repairs to be made or to be picked up after repairs, and for parking or storage of self-propelled equipment or parts thereof in connection with the owner's business of excavating and grading; and subsequently filed an appeal seeking the certificate.

The Appeal Board considered the appeal at the public hearing on June 15, 1956 at the time when the whole matter of change of zone between the city line and Glenwood Square was up for consideration. It is my recollection that the Board deferred any action awaiting a decision of the Planning Board and City Council as to what should be done about change of zone. These decisions took a long time, and apparently when the decision was made not to change the zone at this location, the matter was not brought up to the attention of the Board of Appeals.

Mr. Davis has not only proceeded with the use of the land without a certificate, but he apparently has taken on the agency for some make of tractors and other equipment which he is displaying outside of the building and offering for sale—an additional violation of the present Zoning Ordinance in the zone which is now R-3 Residence.

Since Mr. Davis is no doubt aware of the former violation and probably of the additional violation set up by the sales agency, will you be good enough to tell me what you think should be done with regard to the violations? Presumably, Davis has assumed that, since he got no letter from his appeal, he was safe to proceed as he saw fit.

I had at least one other complaint as to the violation during the long period when the question of class of zone was undecided.

Inspector of Buildings

Aug 14, 57

Dear Sir:

In regards to ZONE
boards on outer

Brighton ave. How
come Mr Chester Davis
has gone into an
other line of selling
Farm Tractors under
the name of Glenwood
Eq. Co. I don't think
it is right. It isn't
fenced in, and on
Sundays there is
a lot of kids fool-
ing around them,
and it is no good.
Will you look into it
Thank You A Citizen

RECEIVED
AUG 14 1957



U.S. POSTAL SERVICE
POSTAL CARD

Portland City Hall
In care of
Mr. McDonald
Building Inspector
Portland, Me.

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

June 5, 1956

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, June 15, 1956, at 10:30 a. m. to hear the appeal of Chester E. Davis, requesting an exception to the Zoning Ordinance to authorize use of open land at the side toward Glenwood Square and at the rear of the repair garage at 965-971 Brighton Ave., corner of Lombard St. (Assessor's Lot Nos. 275-C-4, 5 and 16) for parking of motor vehicles while waiting for repairs to be made or to be picked up after repairs and for parking or storage of self-propelled equipment or parts thereof in connection with the owner's business of excavating and grading.

This permit is presently not issuable under the Zoning Ordinance because the repair garage is a use non-conforming with the Ordinance, according to Section 10A applying to the Residence C Zone where the property is located, allowed by the Ordinance to be continued since it existed when the Ordinance was adopted and because, according to Section 14A of the Ordinance such a non-conforming use is not allowed to be extended to or allowed to occupy any part or parts of such land outside of buildings other than the parts of such open land so occupied at the time the Zoning Ordinance was adopted in December 1938.

This appeal is taken under Section 18E 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

Ben B. Wilson

Chairman

K



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, Dec. 6, 1955

12345

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to install the following heating, cooking or power equipment in accordance with the Laws of Maine, the Building Code of the City of Portland, and the following specifications:

Location 971 Brighton Ave. Use of Building garage No. Stories 1 ~~New~~ Building Existing "
 Name and address of owner of appliance Frank Allen, 971 Brighton Ave. & 16 Sandy Terrace
 Installer's name and address Harris Oil Co., 202 Commercial St. Telephone 2-8304

General Description of Work

To install circulating hot water furnace (replacement) and oil burning equipment (replacement)

IF HEATER, OR POWER BOILER

Location of appliance boiler house Any burnable material in floor surface or beneath? no
 If so, how protected? Kind of fuel? oil
 Minimum distance to burnable material, from top of appliance or casing top of furnace *
 From top of smoke pipe * From front of appliance * From sides or back of appliance *
 Size of chimney flue 12x14 Other connections to same flue none
 If gas fired, how vented? Rated maximum demand per hour
 Will sufficient fresh air be supplied to the appliance to insure proper and safe combustion? yes

IF OIL BURNER

Name and type of burner General Electric Labelled by underwriters' laboratories? yes
 Will operator be always in attendance? Does oil supply line feed from top or bottom of tank? top
 Type of floor beneath burner concrete Size of vent pipe existing 1 1/2"
 Location of oil storage boiler house Number and capacity of tanks existing 1-275 gal.
 Low water shut off Make No.
 Will all tanks be more than five feet from any flame? yes How many tanks enclosed?
 Total capacity of any existing storage tanks for furnace burners none

IF COOKING APPLIANCE

Location of appliance Any burnable material in floor surface or beneath?
 If so, how protected? Height of Legs, if any
 Skirting at bottom of appliance? Distance to combustible material from top of appliance?
 From front of appliance From sides and back From top of smokepipe
 Size of chimney flue Other connections to same flue
 Is hood to be provided? If so, how vented? Forced or gravity?
 If gas fired, how vented? Rated maximum demand per hour

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

*No. combustible material
 This boiler house is a separate building from the garage.

Amount of fee enclosed? 2.00 (\$3.00 for one heater, etc., 50 cents additional for each additional heater, etc., in same building at same time.)

APPROVED
[Signature]
 12.8.55
[Signature]

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

Harris Oil Co.
[Signature]

CITY OF PORTLAND PRINTING CO

INSPECTION COPY

Signature of Installer by:



APPLICATION FOR PERMIT

Class of Building or Type of Structure Second Class

Portland, Maine, March 25, 1955

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to ~~erect~~ repair the following building ~~structure~~ 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 971 Brighton Ave. Within Fire Limits? no Dist. No. _____

Owner's name and address Frank Allen's Garage, Inc., 971 Brighton Ave. Telephone _____

Lessee's name and address _____ Telephone _____

Contractor's name and address let. Telephone _____

Architect _____ Specifications _____ Plans yes No. of sheets 1

Proposed use of building repair garage No. families _____

Last use " " No. families _____

Material con block No. stories 1 Heat _____ Style of roof _____ Roofing _____

Other buildings on same lot _____

Estimated cost \$ _____ Fee \$ _____

General Description of New Work

To construct 60' x 60' concrete block addition on rear of building as per plan.

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

4/15/55

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** Frank Allen's Garage, Inc.

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 _____

Material of underpinning _____ Height _____ Thickness _____

Kind of roof? _____ Rise per foot _____ Roof covering _____

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

Framing lumber—Kind _____ Dressed or full size? _____

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

Girders _____ Size _____ Columns under girders _____ Size _____ Max. on centers _____

Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.

Joists and rafters: 1st floor _____, 2nd _____, 3rd _____, roof _____

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

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

If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

No. cars now accommodated on same lot _____, to be accommodated _____ number commercial cars to be accommodated _____

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

APPROVED:

Miscellaneous

Will work require disturbing of any tree on a public street? no

Will there be in charge of the above work a person competent to see that the State and City requirements pertaining thereto are observed? yes

Frank Allen's Garage, Inc.

Signature of owner by: Charles Cohen
Acty for Allen's Garage, Inc.

DITION COPY

City of Portland, Maine
Board of Appeals
—ZONING—

March 25, 1955, 19

*Denied
4/15/55
55/27*

To the Board of Appeals:

Your appellant, Frank Allen's Garage, Inc., who is the owner of property at 971 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 to cover construction of a one-story concrete block addition, about 60 feet by 60 feet, at the rear of the repair garage at 971 Brighton Avenue is not issuable under the Zoning Ordinance because this property is located in a Residence C Zone. The existing repair garage is a legal non-conforming use which may continue, but Section 14A of the Ordinance provides that a non-conforming use shall not be increased in volume.

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.

Frank Allen's Garage, Inc.

By *Charles Cohen*
Appellant's Attorney

After public hearing held on the 15th day of April, 1955,

~~the Board of Appeals finds that an exception is~~
Since 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: Harry K. Torrey and Ruth D. Walsh
In Favor Of: Ben B. Wilson, John W. Lake, and William H. O'Brien

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

Ben B. Wilson
Chairman

DATE: April 15, 1955

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Frank Allen's Garage, Inc.

.T 971 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	
Ruth D. Welch	()	(✓)	
Ben B. Wilson	(✓)	()	
Harry K. Torrey	()	(✓)	
John W. Lake	(✓)	()	
William H. O'Erion	(✓)	()	
	()	()	
	()	()	
	()	()	
	()	()	

Record of Hearing:

Opposed:

Frank Risbara, 970 Brighton Avenue
John C. Risbara, 976 Brighton Avenue
Earl F. Christensen - 70 Holm Avenue
Leigh E. Hoar, 21 Terrace Avenue

Letters in file

Not Opposed:

Mrs. Martelle, 977 Brighton Avenue
Mark Barrett, Esq., representing three owners of property at 926 Brighton Avenue
to Fowe Avenue

April 8, 1955

Thomas T. Polley, Chairman
Board of Appeals
City Bldg., Portland, Me

Dear Mr Polley, -

We will be unable to attend meeting of
April 15 regarding Mr Allen's appeal for an
addition to his garage and will say that we
have no objections whatsoever.

Respectfully

Sarah A. Love

William H. Love

125 Terrace Ave
Portland 5, Me

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

April 5, 1955

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, April 15, 1955, at 10:30 a. m. to hear the appeal of Frank Allen's Garage, Inc. requesting an exception to the Zoning Ordinance to allow construction of a one-story concrete block addition, about sixty feet by sixty feet, at the rear of the repair garage at 971 Brighton Avenue.

This permit is presently not issuable under the Zoning Ordinance because this property is located in a Residence C Zone. The existing repair garage is a legal non-conforming use which may continue, but Section 11A of the Ordinance provides that a non-conforming use shall not be increased in volume.

This appeal is taken under Section 18E 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

Edward T. Colley

Chairman

K

APR 15 1955
CITY OF PORTLAND, MAINE
211

April 12, 1955

Board of Appeals
City of Portland
City Bldg
Portland, Maine

Gentlemen: Attn Mr. Edward T. Colley, Chairman

We received your letter dated April 5 regarding the public hearing on Friday, April 15 to hear the appeal of Frank Allen's Garage, Inc., requesting an exception to the Zoning Ordinance to cover construction of a one-story concrete block addition at the rear of the repair garage at 971 Brighton Avenue.

It is impossible for me to attend the hearing personally as I work and cannot take time off, and my sister is not able to attend on account of lameness.

However, we wish to go on record as strongly opposed to this construction. I think the garages in the vicinity are detriment enough now without adding any more.

We own 2 lots of land on Brighton Ave. and thus far the garages in the vicinity have prevented us from selling to people who might buy a good house.

A few years ago we were denied permission to have a store on our lots - and I surely think that more garages would be much worse.

Please put us down as opposed to granting this appeal.

Yours truly

Florence Hooper
Inez M. Lewis

Mrs. Florence H. Hooper
Mrs. Inez M. Lewis
57 Morton St.
Cumberland Mills, Maine

1001 Broughton Avenue
Portland, Maine
April 13, 1955

Board of Appeals
Edward T. Colley
Chairman

Dear Mr. Colley,

Please voice the objections of H. Joseph
and Rosalbe Stanhope against granting Frank
Allen the permission to build an extension to
his garage

We both object to any further commercial
development in this area. Besides the general
unsightliness of garages, and the like, they tend
to increase traffic (already very heavy in this
vicinity) and are a hazard to school children, and
devalue the residential property.

Very truly yours,
Rosalbe L. Stanhope
H. Joseph Stanhope

For

Reg. P. Allen
Chairman

Hubert Craigie
Roger L. Creighton, Planning Director

Roger L. Creighton
Planning Director

CITY OF PORTLAND, MAINE
City Planning Board

April 15, 1955

To the Board of Appeals
City Hall
Portland, Maine

Gentlemen:

The City Planning Board has the honor to report to the Board of Appeals upon the question of zoning on Brighton Avenue from Nason's Corner to the City Hospital. The City Planning Board in making this report because it understands that at its meeting of April 15, 1955 the Board of Appeals will consider the appeal of Frank Allen's Garage, Incorporated for permission to construct a 60 ft. x 60 ft. addition to the present garage building at 971 Brighton Avenue.

The City Planning Board makes no recommendation in this particular case, but reiterates the position which it adopted in the summer of 1954, opposing any change in the residential zoning on Brighton Avenue between Nason's Corner and the City Hospital for the following reasons:

A. There is going to be continued heavy residential construction on both sides of Brighton Avenue for a considerable period of time. The new school ^{which} will be built off Warwick Street will encourage new construction in the Riggs Street area and on such presently unaccepted streets as Wessex and Lomond Streets. The construction of the Fore River Interceptor from the West Side Interceptor up to Rowe Avenue and out Brighton Avenue is going to make possible the development of a large area on the south side of Brighton Avenue. All of these houses are going to form a large residential community. A great many children from both sides of Brighton Avenue will be going to the new Chapman Supplement School although it is hoped that some children from the Webb and Rowe Avenue areas will be proceeding to the old Chapman School. To divide this community in two by a strip commercial development would greatly increase the traffic hazard and would create an undesirable element of commercialization in the middle of such a residential area.

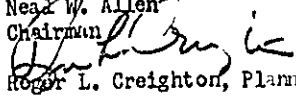
B. The Westbrook Expressway will in the future take a considerable volume of the traffic which is now using Brighton Avenue directly from Portland to Westbrook and the Maine Turnpike. This should result in a substantial reduction of traffic volume on Brighton Avenue itself. At such a time, if a string commercial development had been allowed to take place on Brighton Avenue, such development would decline and would become a commercial slum blighting the residential areas on both sides of the street.

C. String commercial development on Brighton Avenue would tend to slow down the steady flow of traffic volume which best carries the most vehicles with the least chance of accident.

Respectfully submitted,

For

Neal W. Allen
Chairman


Roger L. Creighton, Planning Director

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

April 13, 1955

Charles Cohen, esq.
10 Exchange Street
Portland, Maine

Re: Frank Allen's Garage, Inc.
971 Brighton Avenue

Dear Mr. Cohen:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, April 15, 1955, at 10:30 a. m. to hear your client's appeal under the Zoning Ordinance.

Please be present at this hearing in support of this appeal.

BOARD OF APPEALS

Edward T. Colley

Chairman

X

cc: Frank Allen's Garage, Inc.
971 Brighton Avenue
Portland, Maine

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

April 5, 1955

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, April 15, 1955, at 10:30 a. m. to hear the appeal of Frank Allen's Garage, Inc. requesting an exception to the Zoning Ordinance to cover construction of a one-story concrete block addition, about sixty feet by sixty feet, at the rear of the repair garage at 971 Brighton Avenue.

This permit is presently not issuable under the Zoning Ordinance because this property is located in a Residence C Zone. The existing repair garage is a legal non-conforming use which may continue, but Section 14A of the Ordinance provides that a non-conforming use shall not be increased in volume.

This appeal is taken under Section 12E 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

Edward T. Colley

Chairman

K

City of Portland, Maine
Board of Appeals

Denied
2/1/52 *53/7*

--ZONING--

To the Board of Appeals:

.....January 19,....., 19 52

Your appellant, Frank S. Allen, who is the owner of property at 971 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 to cover construction of one-story, concrete block addition, about 60' x 60', at the rear of the repair garage at 971 Brighton Avenue is not issuable under the Zoning Ordinance because this property is located in a Residence C Zone. The existing repair garage is a legally established non-conforming use and may continue, but Section 14A of the Ordinance provides that a non-conforming use shall not be increased in volume.

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.

Frank S. Allen
Appellant

After public hearing held on the 1st day of February, 19 52 the Board of Appeals finds that an exception is not necessary in this case to grant reasonable use of property where necessary to avoid confiscation and can not be granted without substantially departing from the intent and purpose of the Zoning Ordinance. (An exception to the Ordinance may be granted only by a unanimous vote of the Board and since the vote was as follows, this appeal must be denied:
FOR EXCEPTION: H. Merrill Luthé, William H. O'Brien; OPPOSED: Helen C. Frost, Robert L. Getchell, Edward T. Colley).

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

H. Merrill Luthé
Chairman, Board of Appeals

BOARD OF APPEALS

DATE: February 1, 1952

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF FRANK ALLIEN

AT 971 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	
H. Merrill Luthe (x)	(x)	()	
Helen C. Frost ()	()	(x)	
Robert L. Getchell ()	()	(x)	
Edward T. Colley ()	()	(x)	
William H. O'Brien ()	()	()	
()	()	()	
()	()	()	
()	()	()	
()	()	()	

Record of Hearing:

Mr. Allen and Wilfred Chapman appeared in support of appeal. Desired to place under cover all operations of this garage. Some operations being carried out in rear on open land.

OPPOSED: Letter in file from Mrs. Carl Olsen
John W. Tinsman

Speaking in opposition: Martin Olsen, 8 Lombard Street
Mrs. John C. Risbara, 976 Brighton Avenue
Mr. and Mrs. Leigh Hoar, Terrace Avenue

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

January 29, 1952

Mr. Frank S. Allen
971 Brighton Avenue
Portland, Maine

Dear Mr. Allen:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, February 1, 1952 at 10:30 a. m. to hear your appeal under the Zoning Ordinance relating to enlargement of garage at 971 Brighton Avenue.

Please be present or be represented at this hearing in support of your appeal.

Very truly yours,

H. Merrill Lutho

Chairman

H

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

January 22, 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, February 1, 1952 at 10:30 a. m. to hear the appeal of Frank S. Allen requesting exception to the Zoning Ordinance to permit construction of one-story concrete block addition, about 60' x 60', at the rear of the repair garage at 971 Brighton Avenue.

This permit is presently not issuable under the Zoning Ordinance because this property is located in a Residence C Zone where such a use is not permitted. The existing repair garage is a legally established non-conforming use since it was in existence at the time of the adoption of the Zoning Ordinance; however, section 14A of the Ordinance provides that a non-conforming use shall not be increased in volume.

This appeal is taken under Section 12E 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

H. Merrill Luthé

Chairman

*To whom it may concern:
When I bought my home here I presumed it was a residential section and hope it will continue to be. I do not wish Mrs. Allen to build anything more on to her garage, in fact I wish her garage were not even existing. I have three small children and I think it is dangerous having them grow up around such a place. I remain -
Mrs Carl Olsen*

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

January 22, 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, February 1, 1952 at 10:30 p. m. to hear the appeal of Frank S. Allen requesting exception to the Zoning Ordinance to permit construction of one-story concrete block addition, about 60' x 60', at the rear of the rear garage at 971 Brighton Avenue.

This permit is presently not issuable under the Zoning Ordinance because this property is located in a Residence C Zone where such a use is not permitted. The existing rear garage is a legally established non-conforming use since it was in existence at the time of the adoption of the Zoning Ordinance; however, section 14A of the Ordinance provides that a non-conforming use shall not be increased in volume.

This appeal is taken under Section 19E 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

H. Merrill Luthe

Chairman

M It is my opinion that this garage is a public nuisance and that it has made a dump of Leonard St. It is more than big enough now. John W. Timmerman

Jan. 28. 1952

H. Merrill Luthé, Chairman
Board of Appeals
Portland, Maine

My Dear Mr. Luthé:

As neither my sister or I can be present at the hearing on Friday, February 1, 1952, to hear the appeal of Frank S. Allen requesting exception to the Zoning Ordinance to permit construction of one-story concrete block addition at the rear of 971 Brighton Avenue, we wish to register our disapproval of an exception being made to allow the construction of this building.

We find it impossible to sell our lots except for commercial purposes and no permit would be granted us for type of building that would have to be constructed.

The repair garage within 500 feet of our property has already lowered its value, even though the city raised the value for tax purposes last year.

If Frank Allen can have an exception to the Zoning law, why can't Florence Hooper and Inez Lewis.

Very truly yours,

(Mrs.) Florence H. Hooper
(Mrs.) Inez M. Lewis

Florence H. Hooper
and
Inez H. Lewis
57 Morton St.,
Cumberland Mills, Maine

ALD
LINGS

971 Brighton Avenue-I

CITY OF PORTLAND, MAINE

Department of Building Inspection

January 19, 1952

Mr. Frank S. Allen
971 Brighton Avenue
Portland, Maine

Copies to: Corporation Counsel
Mr. Munson Strout, 32 Fairview Street
Mr. William B. Millward, 48 Fessenden Street

Dear Mr. Allen:

Building permit intended to cover construction of a one story, concrete block addition, about 60' x 60' at the rear of your existing repair garage at 971 Brighton Avenue, is not issuable under the Zoning Ordinance because the property is located in a Residence C Zone. The existing repair garage is a non-conforming use in that zone, according to Section 10A, applying to such zones, and is allowed to continue as it is because it existed when the Ordinance was adopted in 1938. The proposed addition would be an increase in volume of the building, however, which is forbidden by Section 14A of the Ordinance which says: "No non-conforming building shall be increased in volume."

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

Very truly yours,

Warren McDonald
Inspector of Buildings

WMcD/G

Enclosure: Outline of appeal procedure

P. S. Before you actually file this appeal, your attention is respectfully called to some of the extraordinary features of your proposition and to the limitation with which the members of the Board of Appeals are confronted in such a case.

The present building is only about 39' x 42' while the addition is proposed 60' x 60'—the proposed addition being more than twice as large in floor area as the present building.

The appeal clause of the Ordinance says that the Board of Appeals may only grant such appeals as yours would be where necessary to avoid confiscation and without substantially departing from the intent and purpose of the Ordinance. It is suggested that you consider before filing the appeal, whether you could establish to the satisfaction of the Board that failure to be allowed to build the addition would amount to confiscation of the property.

C
O
P
Y

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

January 22, 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, February 1, 1952 at 10:30 a. m. to hear the appeal of Frank S. Allen requesting exception to the Zoning Ordinance to permit construction of one-story concrete block addition, about 60' x 60', at the rear of the repair garage at 971 Brighton Avenue.

This permit is presently not issuable under the Zoning Ordinance because this property is located in a Residence C Zone where such a use is not permitted. The existing repair garage is a legally established non-conforming use since it was in existence at the time of the adoption of the Zoning Ordinance; however, section 14A of the Ordinance provides that a non-conforming use shall not be increased in volume.

This appeal is taken under Section 19L 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

H. Merrill Luthé

Chairman

M



(RC) RESIDENCE ZONE - G

APPLICATION FOR PERMIT

Class of Building or Type of Structure Second Class

Portland, Maine, January 18, 1952

TOWN 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 971 Brighton Avenue Within Fire Limits? no Dist. No. _____

Owner's name and address Frank Allen, 971 Brighton Ave. Telephone _____

Lessee's name and address _____ Telephone _____

Contractor's name and address Hanson Strout, 32 Fairview Street Telephone _____

Architect _____ Specifications _____ Plans yes No. of sheets _____

Proposed use of building Repair Garage No. families _____

Last use _____ No. families _____

Material con. block No. stories 1 Heat _____ Style of roof _____ Roofing _____

Other buildings on same lot _____

Estimated cost \$ 6000. Fee \$ 6.00

General Description of New Work

To construct 60'x80' concrete block addition on rear of building as per plan.

Handwritten notes:
 approved
 2/1/52
 Blue print
 referred with
 appl. of 3/1/52
 3/20/52

Appeal denied 2/1/52

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 Frank Allen**

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 _____ Dressel 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) 2x4-1b" 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

INSPECTION COPY

Signature of owner

Handwritten signature: Frank S. Allen

PH

AP 971 Brighton Ave.

February 2, 1932

Mr. Frank Allen,
971 Brighton Avenue,
Portland, Maine

Dear Mr. Allen:

The Board of Appeals on February 1, 1932 denied your appeal to construct an addition to your garage at 971 Brighton Avenue.

If you will return the receipt for the fee paid to this office within ten days of receipt of this letter, your money will be refunded by voucher.

Very truly yours,

Chief Clerk

to 972 Brighton Avenue

January 18, 1938

Mr. Frank E. Allen
972 Brighton Avenue
Northbrook, Illinois

Copies to: Corporation Council

Mr. Mayor Stuart, 36 Franklin Street

Mr. William E. Bennett, 43 Pleasant Street

Dear Mr. Allen:

Building permit intended to cover construction of a one story, concrete block addition, about 60' x 60' at the rear of your existing repair garage at 972 Brighton Avenue, is not issuable under the zoning Ordinance because the property is zoned in a Residence C Zone. The existing repair garage is a non-conforming use in that zone, according to Section 104, applying to such uses, and is allowed to continue as it is because it existed when the Ordinance was adopted in 1936. The proposed addition would be an increase in value of the building, however, which is forbidden by Section 114 of the Ordinance which says: "No non-conforming building shall be increased in value."

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

Very truly yours,

Warren McDonald
Inspector of Buildings

WMA:G

Enclosure: Outline of appeal procedure

P. S. Before you actually file this appeal, your attention is respectfully called to some of the extraordinary features of your proposition and to the limitations with which the members of the Board of Appeals are confronted in such a case.

The present building is only about 39' x 42' while the addition is proposed 60' x 60'--the proposed addition being more than twice as large in floor area as the present building.

The appeal clause of the Ordinance says that the Board of Appeals may only grant such appeals as yours would be where necessary to avoid confiscation and without substantially departing from the intent and purpose of the Ordinance. It is suggested that you consider before filing the appeal, whether you could establish to the satisfaction of the Board that failure to be allowed to build the addition would amount to confiscation of the property.

INQUIRY BLANK

ZONE RC

FIRE DIST. _____

CITY OF PORTLAND, MAINE
DEPARTMENT OF BUILDING INSPECTION

Date 4/16/51

Verbal
By Telephone

LOCATION 969 Brighton Ave OWNER Frank Allen

MADE BY Mr. Morrell, R. E. Agent for Canteen Company TEL. _____
of Maine

ADDRESS _____

PRESENT USE OF BUILDING Repair Garage

CLASS OF CONSTRUCTION _____ NO. OF STORIES _____

REMARKS: _____

INQUIRY: How does Zoning Ordinance apply to changing this building for use of Canteen Company of Maine--wholly retail sales--storage of three trucks?

ANSWER: This change of use would be limited by the rules of a Limited Business Zone. The retail business is allowable if it can be carried on without undue noise and disturbance in the neighborhood, but storage of not more than one truck is allowed.

DATE OF REPLY 4/16/51

REPLY BY [Signature]



AJH

(R) RESIDENCE ZONE-6
APPLICATION FOR PERMIT

PERMIT ISSUED
00687
MAY 16 1950

Class of Building or Type of Structure Installed on
Portland, Maine, May 12, 1950

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to ~~construct~~ install the following building ~~and~~ 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 971 1/2 Brighton Avenue Within Fire Limits? _____ Dist. No. _____
 Owner's name and address Frank Allen, 971 Brighton Avenue Telephone _____
 Lessee's name and address _____ Telephone _____
 Contractor's name and address H. J. Erskine, 24 Bishop St., So. Portland Telephone 2-7001
 Architect _____ Specifications _____ Plans _____ No. of sheets _____
 Proposed use of building Service & repair garage No. families _____
 Past 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 2-2000 gallon gasoline tanks. Tank storage to be for public use. Tanks will be 3' underground and painted with asphaltum. Tanks bear Underwriters label. New Installation. 2 electric pumps to be installed. 1 1/2" piping from tank to pumps.

5/12/50
5/15/50

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 H. J. Erskine

Details of New Work

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

If a Garage

No cars now accommodated on same lot _____, to be accommodated _____ number commercial cars to be accommodated _____
Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? _____

APPROVED:

Miscellaneous

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

Frank Allen

Signature of owner by: M. J. Erskine

Memorandum from Department of Building Inspection, Portland, Maine

971 Brighton Avenue—Installation of 2-2000 gallon gasoline tanks for Frank Allen by E. J. Erskine, installer

Before tanks and piping are covered from view, installer is required to notify Fire Department Headquarters of readiness for inspection and to refrain from covering up until approved by the Fire Department.

These tanks of 2000 gallons capacity are required to be of steel or wrought iron no less in thickness than No. 7 gauge and before installation are required to be protected against corrosion, even though galvanized, by two preliminary coats of red lead and heavy coat of hot asphalt.

Pipe lines connected to underground tanks, other than tubing and except fill lines and test wells, must be provided with double swing joints arranged to permit the tank to settle without impairing the efficiency of the pipe connections.

Owner and installer will have to bear the responsibility for the structural capacity of the tank to support loads from above such as heavy motor trucks.

If tanks will be so located as to be subjected to the action of surface water or "ground" water, adequate anchorage or weighting must be provided to prevent "floating" when tanks are empty or nearly so.

3

CC: Mr. Frank Allen
971 Brighton Avenue

Oliver T. Sanborn, Chief
of the Fire Department

(Signed) Warren McDonald
Inspector of Buildings



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

02835
OCT 20 1947

Portland, Maine, October 18, 1947

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to install the following heating, cooking or power equipment in accordance with the Laws of Maine, the Building Code of the City of Portland, and the following specifications:

Location	971 Brighton Ave.	Use of Building	Repair garage	No. Stories	<input checked="" type="checkbox"/> New Building <input type="checkbox"/> Existing "
Name and address of owner of appliance	Franklin S. Allen, 971 Allen Avenue	Installer's name and address	Harris Oil Co., 202 Commercial St.	Telephone	2-8504

General Description of Work

To install oil burning equipment in connection with existing steam heat

IF HEATER, OR POWER BOILER

Location of appliance or source of heat _____ Type of floor beneath appliance _____
 If wood, how protected? _____ Kind of fuel _____
 Minimum distance to wood or combustible material, from top of appliance or casing top of furnace _____
 From top of smoke pipe _____ From front of appliance _____ From sides or back of appliance _____
 Size of chimney flue _____ Other connections to same flue _____
 If gas fired, how vented? _____ Rated maximum demand per hour _____

IF OIL BURNER

Name and type of burner _____ Johnson _____ Labeled by underwriter's laboratories? yes
 Will operator be always in attendance? _____ Does oil supply line feed from top or bottom of tank? bottom
 Type of floor beneath burner _____ concrete _____ Number and capacity of tanks _____ 1-275 gal.
 Location of oil storage _____ basement _____
 If two 275-gallon tanks, will three-way valve be provided? _____
 Will all tanks be more than five feet from any flare? yes How many tanks fire proofed? _____
 Total capacity of any existing storage tanks for furnace burners _____ none _____

IF COOKING APPLIANCE

Location of appliance _____ Kind of fuel _____ Type of floor beneath appliance _____
 If wood, how protected? _____
 Minimum distance to wood or combustible material from top of appliance _____
 From front of appliance _____ From sides and back _____ From top of smokepipe _____
 Size of chimney flue _____ Other connections to same flue _____
 Is hood to be provided? _____ If so, how vented? _____
 If gas fired, how vented? _____ Rated maximum demand per hour _____

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Amount of fee enclosed? **1.00** (\$1.00 for one heater, etc., 50 cents additional for each additional heater, etc., building at same time.)

APPROVED:

OK. 10-18-47 Pms

Will there be in charge of the above work a person who sees that the State and City requirements pertaining observed? yes

Harris Oil Co.

By:

Andrew R. Sides

Signature of Installer

INSPECTION COPY



GENERAL RESIDENCE ZONE - C

APPLICATION FOR PERMIT

Class of Building or Type of Structure Installation

00355

Portland, Maine, March 13, 1946

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to ~~erect~~ 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 969 Brighton Avenue

Within Fire Limits? no Dist. No. _____

Owner's name and address Harry Everett, 158 Pearl St. Telephone _____

Lessee's name and address _____ Telephone _____

Contractor's name and address Community Oil Co., 512 Cumberland Ave. Telephone 2-7491

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 \$ 200. Fee \$ 1.00

General Description of New Work

To install 2-1000 gallon gasoline tanks for public use, and two electric pumps.

Tanks will be underground and painted with asphaltum. Tank bears Underwriters' Label. ~~is~~ New installation. Size of piping from tank to pump $1\frac{1}{2}$ ".

NON-CONFORMITY USE MUST BE PRIOR TO 20 MARCH 1946

3/13/46
Rec'd City Fire Dept. 3/14/46

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 _____

Miscellaneous

Will work require disturbing of any tree on a public _____

Will there be in charge of the above work a _____

see that the State and City requirements _____ observed? yes

APPROVED *Clara D. Brown*
CHIEF OF FIRE DEPT.

Community

INSPECTION COPY

Signature of owner *Harry Everett*

APPLICATION FOR PERMIT



Class of Building or Type of Structure Second Class

Portland, Maine, March 8, 1946

PERMIT 18911
00311
36

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to ~~erect~~ alter ~~existing~~ ~~work~~ ~~in~~ all 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 97 1/2 Brighton Avenue Within Fire Limits? no Dist. No. Mahoney

Owner's name and address Harry L. Everett, Vesta Mahoney, Telephone 3-5327
158 Pearl St. 58 Spruce Street

Lessee's name and address _____ Telephone _____

Contractor's name and address _____ Telephone _____

Architect _____ Specifications _____ Plans no No. of sheets _____

Proposed use of building Repair Garage No. families _____

Last use Fire Station (minor garage) No. families _____

Material brick No. stories 1 Heat steam Style of roof pitch Roofing asphalt

Other buildings or same lot _____

Estimated cost \$ 200. Fee \$ 1.00

General Description of New Work

To remove all of the interior partition which was erected to make a fire station running from rear wall of office to the rear wall of building. To remove all of the ceiling in the building except that over the office and toilet room. To convert the building back to a repair garage substantially as it was in 1938.

The floor drain in approximately the center of the building ^{installed} when the fire station was established will be either completely closed to the approval of the Plumbing Inspector, or, if left open and connected with the sewer will be equipped with a approved grease and oil trap if not already so equipped.

There ~~will~~ are to be no body repairs in the building and no spraying on of finishes. All hazardous operations such as charging batteries, use of welding equipment will be safeguarded to the approval of the Chief of the Fire Dept.

Sent to Fire Dept. 3/8/46
Rec'd from Fire Dept. 3/11/46
VIOLATION BEFORE LATHING 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

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

APPROVED _____
CHIEF OF FIRE DEPT.

Signature of owner H. L. Everett



Public hearing set for 1/18, 1946

46/5

City of Portland, Maine

Serial 11/1/46
WMD

Appeal to the ~~Municipal Council~~ ^{Board of Appeals} to Change the Decision of the

Inspector of Buildings Relating to the Property Owned

by Ralph E. Warren at 965-969 Brighton Avenue, corner Lombard Street

January 8, 1946

To the ~~Municipal Council~~ ^{Board of Appeals}

Your appellant, Ralph E. Warren

who is the owner of property at 965-969 Brighton Avenue, corner Lombard Street

respectfully petitions the ~~Municipal Council~~ ^{Board of Appeals} of the City of Portland to change the decision of

the Inspector of Buildings relating to this property, as provided by Section ¹⁴ ~~13~~ Paragraph ⁴ ~~3~~

of the Zoning Ordinance, on the ground that the enforcement of the ordinance in this case

involves unnecessary hardship and because relief may be granted without substantially derogating

from the intent and purpose of the Zoning Ordinance.

The decision of the Inspector of Buildings holds that a building permit is not issuable to cover alterations in the Repair Garage on this property (used during the war for Sagamore Village Fire Station) and to cover change of use to a retail grocery store because the proposed use is not allowable in the General Residential C Zone where the property is located.

The reasons for the appeal are as follows: I was urged by the Distl Mgr. of Sagamore Village to lease my building for a grocery store as he claimed that one was needed. Also the agent for the Federal Wks. would not release the Bldg. until I had agreed to have a grocery store as he claimed his agency wanted to work along with manager of Sag. Vill., which he stated has been made a permanent housing project. I have talked with some people in that area and find that a grocery is much more to their liking than a Gen. garage. Hope that you decide to grant a permit so we can make the alterations.

Witness Returned
Charles A. Bane, 40 Marion Bldg., Meriden Conn. Special Delivery, Mr. Vernon, N.Y.
(signed) Ralph E. Warren

31

465

City of Portland, Maine

BOARD OF APPEALS

January 21, 1946

Public hearing having been duly held on January 18, 1946, upon appeal under Zoning Ordinance of Ralph E. Sarren at 965-969 Brighton Avenue, corner of Lomond Street, relating to a proposal to make alterations in and change the use of the former repair garage on the property to a retail grocery store, contrary to the provisions of the ordinance in the General Residence 3 Zone where the property is located, it is adjudged and action is decreed according to vote of members of the Board determined by their several signatures affixed below

TO DENY:

TO SUSTAIN:

____ Helen C. Frost, _____ Chairman

____ _____ Chairman

____ N. Francis Jensen _____

____ _____

____ Frederick H. Gaggi _____

____ _____

____ Edward T. Colley _____

____ _____

____ Gerald A. Cole _____

____ _____

At 965-969 Brighton Ave.

4/15
ATF
BMT
PH
AJS
HL
BS

January 25, 1946

Mr. Ralph E. Warren
163 Hartley Street
Portland 5, Maine

Subject: Action on variance zoning appeal
of Mr. Ralph E. Warren relating to the
building at 965-969 Brighton Avenue

Dear Sir:

On January 21, 1946, the Board of Appeals voted to deny
the above appeal.

Under these circumstances, of course, the building permit
applied for on January 2, 1946, is not issuable.

Very truly yours,

Inspector of Buildings

WMD/s

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF RALPH E. WARREN
AT 965-969 BRIGGTON AVENUE, CORNER LONDOND STREET

46/5

Walter P. Russell represented a number of residents who opposed a grocery store at the Brighton Avenue location. Ralph E. Warren, owner of the property, said an official of Sagamore Village had suggested the store was needed in that section. Charles M. Jones, vice president of the Sagamore Village Council, and Everett Johnson, a resident of the village, both spoke in favor of the grocery store, but opposed issuance of a license to sell beer.

Warren and Lafayette Shupe, the latter interested in operation of the store, said that beer sales had not been considered.

January 18, 1946

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

Present for City

Board Members

- Mr. P. H. C. Frost, Chairman
- Mr. P. G. A. Cole
- Mr. P. E. T. Colley
- Mr. F. H. Gabbi
- Mr. N. E. Jensen
- A. B. W. Holbrook
- P. H. B. Libby
- A. City Manager J. E. Barlow
- P. Corp. Counsel W. M. Payson
- A. City Clerk A. E. Smith
- P. I. of B. Warren McDonald
- P. Councilor G. Nichol

messrs Warren & Shupe present in support.

Walter Russell, atty for several (see attached sheet) in opposition.

Mr. Shupe said they cannot decide to sell beer.

Mr. Russell argues that use as repair garage use has been abandoned - Grocers are not needed there. It is probably could not stop sale of beer. Traffic hazard.

Mr. Jones, V.P. Sagamore Village Council, represents the Council in opposition especially to proposition of being able to get beer there. Not opposed to straight grocery store, but sale of beer.

Everett Johnson, lives at Sagamore - represents some of the people on the Council. People in village whom he saw not opposed to grocery store, but are opposed to sale of small beverages.

Mr. Shupe said they had no plans or intention to sell small beverages. Mr. Warren said they had never considered sale of beverages.