

AP 899 Brighton Ave.

April 23, 1954

Mr. R. J. Gagnor  
899 Brighton Ave.  
Herbert G. Cail & Son  
52 Maplowood St.

Copy to: Mr. Joseph T. Tubby  
85 Exchange St.

Gentlemen:-

The appeal under the Zoning Ordinance having been sustained, building permit for construction of an addition 14 feet by 40 feet to the side of the store building at 899 Brighton Ave., corner of Devon St., is issued herewith based on revised plans filed April 13th and 21st, but subject to the following conditions:-

1. A concrete block trench foundation wall extending at least four feet below grade is to be provided under the front, rear, and Devon St. walls of the existing building. A poured concrete footing at least eight inches deep is required for support of this wall. The use of cinder concrete blocks below grade is not permissible.

2. A poured concrete wall at least 10 inches thick at the top and 12 inches thick at the bottom, similar to that under the rest of the addition, is to be provided where the wall of the existing building is to adjoin the addition, but it is to be only about four feet high so as to leave an opening above it from the cellar of the addition into the space beneath the existing building. The floor at this point is to be carried on a 6x10 girder running the full length of the building and supported on wood posts at intervals of not over seven feet on top of this wall. The lally columns supporting the girder under roof immediately above are to also rest on this wall. Provision will need to be made to fasten these wood posts and lally columns adequately to the concrete foundation wall.

3. The 6x8 girder indicated for support of the roof at the rear of the building is to be made a 6x10 extending through to the rear wall of the building, so that the toilet partition will be non-bearing.

4. Where the new roof is to be provided over the rear section of the existing building, new 2x4 studs spaced 16 inches on centers and extending full length from sill to plate are to be provided where the existing walls are to be extended upward.

5. Notice is to be given for a "closing-in" inspection before any of new work is covered up.

6. A separate permit issuable only to the actual installer is required for the installation of the new heating plant.

Very truly yours,

Warren McDonald  
Inspector of Buildings

ASB/LS

AP 899 Brighton Ave.

April 16, 1954

Mr. E. J. Gagnon  
899 Brighton Ave.  
Mr. Josiah T. Tubby  
85 Exchange St.

Copy to: Mr. King Butland  
208 Franklin St.

Gentlemen:-

There are still two questions remaining concerning the construction of a proposed addition 14 feet by 40 feet on the side of the existing store at 899 Brighton Ave. about which more information is needed before a permit can be issued.

We understand that you now propose to make the new concrete foundation wall between the cellar of the addition and the unexcavated space beneath the existing building only four feet high, sloping down the earth beneath the existing building to the top of this wall if necessary, so as to have access from the new cellar to the area beneath the existing building. No detail has been shown on the revised plans of the construction to be provided at this location.

It is evident that a wood beam adequate in size to support the loads to be carried on the spacing of Lally columns to be used will be needed at this location. The fact that the Lally columns supporting the 6x12 girder under the roof framing directly overhead will need to extend down to and get a direct bearing on the foundation wall will prevent the use of a continuous girder at the floor level. Then, too, the carrying partition forming one side of the toilets at the rear of the building will place an added load on that section of the girder. Unless the supporting columns are spaced rather close together, it will be necessary for this girder to be considerably larger than the 6x8 indicated at the center of the span of the floor joists of the proposed addition.

The 6x8 girder indicated for support of the roof framing in front of the toilets will not figure out now that the rafters of the raised section of the existing building are to run at right angles to the direction of the existing rafters. - 1122 (1/10)

Very truly yours,

Warren McConald  
Inspector of Buildings

AJS/G

AP 899 Brighton Ave.

April 7, 1954

Mr. B. J. Gaynon  
899 Brighton Ave.  
Mr. Jonah T. Tubby  
85 Exchange St.

Copy to: Mr. King Rutland  
208 Franklin St.

Gentlemen:-

We are unable to issue a permit for construction of a one story wood frame addition about 14 feet by 40 feet to the side of the existing store at 899 Brighton Ave., corner of Devon St., and for raising the roof of a rear section of the existing building to the same height as the roof of the proposed addition because the plans filed with the application for permit do not show compliance with Building Code requirements as regards the following details:-

1. An exit sign with letters not less than six inches high is required over the new rear exit door. See Sect. 205e4.
2. Vestibule latches without locks of any other kind are required on front and rear exit doors. See Sect. 212e2.5. - O.K.
3. Self-closing devices are required on doors to toilet room and its vestibule. See Sect. 212e2.
4. Size of columns not indicated for supporting girder in floor framing of addition. We understand that there is to be an excavated cellar under the entire addition, instead of only a portion of it as shown on the plans, so presumably pipe columns will be used instead of the concrete piers shown.
5. What is meant by underpinning the walls of the existing building? At present the building appears to be supported in part at least on one course of concrete blocks laid on the ground. It is evident that a concrete wall at least 10 inches thick at the top and 12 inches thick at the bottom will be required beneath the full length of the side of the existing building to which the addition is to be built, and it is certain that some type of permanent foundation extending at least four feet below grade will be necessary under the other three outside walls of the existing building. 8" concrete block walls
6. What is the size to be of the rafters of the rear raised section of the existing building and in what direction are they to run? - 2/12-16" OC
7. What is the framing to be where the walls of the existing rear section are to be raised up to the new roof height? Masonry
8. What construction is to be provided for the parapet wall across the front of the building? Apparently this is to project as much as six feet above the roof so special construction may be needed to provide rigidity. - covered

Very truly yours,

Warren McDonald  
Inspector of Buildings

AJ3/G

899 Brighton Ave., corner  
Devon St.

March 5, 1954

Mr. R. J. Gagnon  
899 Brighton Ave.,

Copies to: Mr. Josiah Tubby  
85 Exchange St.  
Corporation Counsel

Dear Mr. Gagnon:

Building permit to authorize construction of a one-story addition about 14 feet wide by 40 feet deep to the retail variety store at 899 Brighton Ave., on the side farther from Devon St. and to include raising the roof of a small rear portion of the present building so that its roof will be at the same level as that of the proposed addition, is not issuable under the Zoning Ordinance because the location of the proposed addition and of the portion proposed to be raised would be contrary to Section 5B of the Ordinance applying to the Local Business Zone where the property is located as follows:

- the front wall of the proposed addition, being proposed as a continuation of the front wall of the present building would be precisely at the street line (inside edge of public sidewalk) of Brighton Ave., instead of the normally required setback of 15 feet and instead of the 30 foot setback stipulated because the front wall of an existing dwelling on the adjoining lot sets more than 30 feet from the street line of Brighton Ave.
- the new part of the rear existing portion to be raised would be only 3 feet 6 inches from the street line of Devon St. instead of the 7 feet stipulated.

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

It is understood, of course, that the application is based on merely a plat plan of the project and, if the appeal should be successful, it will be necessary to file full plans of the proposed work.

Very truly yours,

Warren McDonald  
Inspector of Buildings

WMcD/B

Mrs. Heally: Because of a little quirk in this matter of the present raised portion, please be sure that the owner of the house lot facing on Devon St. at the rear of the corner lot receives a notice of the appeal as well as the owner of the lot beside the store facing on Brighton Ave.

WMcD

City of Portland, Maine  
Board of Appeals  
—ZONING—

*Sustained  
3/11/54*

March 5, 1954

To the Board of Appeals:

Your appellant, R. J. Gagnon, who is the owner of property at 899 Brighton Ave., 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 8, Paragraph E of said Zoning Ordinance.

Building permit to authorize construction of a one-story addition about 14 feet wide by 40 ft. deep to the retail variety store at 899 Brighton Avenue, on the side farther from Devon St. and include raising the roof of a small rear portion of the present building so that its roof will be at the same level as that of the proposed addition, is not issuable under the Zoning Ordinance because the location of the proposed addition and of the portion proposed to be raised would be contrary to Sect. 6B of the Ordinance applying to the Local Business Zone where the property is located as follows: the front wall of the proposed addition, being proposed as a continuation of the front wall of the present building would be precisely at the street line (inside edge of public sidewalk) of Brighton Ave., instead of the normally required setback of 15 ft. and instead of the 30 foot setback stipulated because the front wall of an existing dwelling on the adjoining lot sets more than 30 ft. from the street line of Brighton Ave.; the new part of the rear existing portion to be raised would be only 3 ft. 6 ins. from the street line of Devon St. instead of the 7 ft. stipulated.

The facts and conditions which make this exception legally permissible are as follows:

An exception is necessary in this case to grant reasonable use of property and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

*Rudolph J. Gagnon  
Appellant*

After public hearing held on the 12th day of March, 1954, the Board of Appeals finds that an exception is necessary in this case to grant reasonable use of property and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

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

*William F. O'Brien  
Helen E. Frost  
Reverend Wilson  
Edward J. Riley  
Harry J. Jones*  
BOARD OF APPEALS

DATE: MARCH 9, 1954

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF RUDOLPH J. GAGNON  
AT 899 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	
WILLIAM H. O'BRIEN	/	( )	
HELEN C. FROST	/	( )	
HARRY K. TORREY	/	( )	
EDWARD T. COLLEY	/	( )	
BEN B. WILSON	/	( )	
	( )	( )	
	( )	( )	

Record of Hearing:  
Mrs. Bennett, 895 Brighton Avenue, for information only.

NO OPPOSITION

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

March 9, 1954

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, March 12th, at 10:30 a. m. to hear the appeal of Rudolph J. Gagnon requesting an exception to the Zoning Ordinance to authorize construction of a one-story addition about 14 feet wide by 40 feet deep to the retail variety store at 499 Brighton Avenue, on the farther side from Devon Street, and to include raising the roof of a small rear portion of the present building so that its roof will be at the same level as that of the proposed addition.

This permit is presently not issuable under the Zoning Ordinance because the location of the proposed addition and of the portion proposed to be raised would be contrary to Section 6B of the Ordinance applying to the Local Business Zone where the property is located as follows: the front wall of the proposed addition, being proposed as a continuation of the front wall of the present building would be precisely at the street line (inside edge of public sidewalk) of Brighton Avenue, instead of the normally required setback of 15 feet and instead of the 30 foot setback stipulated because the front wall of an existing dwelling on the adjoining lot sets more than 30 feet from the street line of Brighton Avenue; the new part of the rear existing portion to be raised would be only 3 feet 6 inches from the street line of Devon Street instead of the 7 feet stipulated.

If you are interested either for or against this appeal, please be present or be represented at this hearing.

BOARD OF APPEALS

William H. O'Brien

Chairman

K  
cc: Sherman I Gould  
17 Wolcott St.

Mr. and Mrs. Chester Bennett  
395 Brighton Avenue

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

March 9, 1954

Mr. Rudolph J. Gagnon  
899 Brighton Avenue  
Portland, Maine

Dear Mr. Gagnon:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine on Friday, March 12, 1954 at 10:30 a. m. to hear your appeal under the Zoning Ordinance.

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

BOARD OF APPEALS

William H. O'Brien

Chairman

K



WARREN McDONALD  
INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE

On reply refer  
to file AP 899 Brighton Ave., corner  
of Devon St.  
Department of Building Inspection

March 5, 1954

Copies to: Josiah Tuby  
85 Exchange St.  
Corporation Counsel

Mr. R. J. Gagnon  
899 Brighton Ave.,

Dear Mr. Gagnon:

I authorize construction of a one-story addition about  
deep to the retail variety store at 899 Brighton Ave.,  
from Devon St. and to include raising the roof of a small rear  
portion of the present building so that its roof will be at the same level as  
the proposed addition, is not issuable under the Zoning Ordinance because  
the position of the proposed addition and of the portion proposed to be raised  
would be contrary to Section 6B of the Ordinance applying to the Local Business  
Zone where the property is located as follows:

- the front wall of the proposed addition, being proposed as a con-  
tinuation of the front wall of the present building would be  
precisely at the street line (inside edge of public sidewalk)  
of Brighton Ave., instead of the normally required setback of  
15 feet and instead of the 30 foot setback stipulated because  
the front wall of an existing dwelling on the adjoining lot  
sets more than 30 feet from the street line of Brighton Ave.
- the new part of the rear existing portion to be raised would be  
only 3 feet 6 inches from the street line of Devon St. in-  
stead of the 7 feet stipulated.

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

It is understood, of course, that the application is based on merely a  
plat plan of the project and, if the appeal should be successful, it will be  
necessary to file full plans of the proposed work.

Very truly yours,

Warren McDonald  
Inspector of Buildings

WMCD/B

Mrs. Meally: Because of a little quirk in this matter of the present raised  
portion, please be sure that the owner of the house lot facing  
on Devon St. at the rear of the corner lot receives a notice of  
the appeal as well as the owner of the lot beside the store facing  
on Brighton Ave.

WCD

**WELLS & FARWELL, INC.**  
**REALTORS**

**477 CONGRESS STREET  
CHAPMAN ARCADE TEL. 2-4827  
PORTLAND 3, MAINE**

**REPRESENTED BY  
NORMAN E. LIBBY**

897-8998 *Orange Ave*

INQUIRY BLANK

ZONE 1"

FIRE DIST. Nor

CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

Verbal  
By-Telephone

Date 10/2/51

LOCATION Corner of Devon Street  
897-899 Brighton Ave OWNER \_\_\_\_\_

MADE BY Norman E. Libby TEL. 2-4627

ADDRESS 477 Congress Street

PRESENT USE OF BUILDING Retail store

CLASS OF CONSTRUCTION Third NO. OF STORIES One

REMARKS: \_\_\_\_\_  
\_\_\_\_\_

*OK*  
*10/3/51*  
INQUIRY: 1- Would it be allowable to erect a dwelling on the rear part of this lot in back of the existing store building these now or would it be allowable to construct an addition to the store for dwelling house use?

ANSWER: 2- It is extremely doubtful if there is room on the rear of the lot to set off a new lot large enough to provide required yard spaces for both the existing building and the proposed one to have the required frontage and area of lot it might be possible to make an add to the store for dwelling house use. However, not be definitely determined unless a loc

DATE OF REPLY 10/2/51 REPLY BY AGS  
plan showing distances to street and lot all parts of the existing bldg & proposed addition against zoning Ordinance requirements is furnished



(D) LOCAL ZONING ZONE  
APPLICATION FOR PERMIT

Class of Building or Type of Structure First Class

Portland, Maine, January 10, 1951

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

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

Location 895-899 Brighton Avenue Within Fire Limits? no Dist. No. \_\_\_\_\_  
Owner's name and address Chester & Mae Bennett, 695 Brighton Avenue Telephone \_\_\_\_\_  
Lessee's name and address Benjamin Austin, 899 Brighton Avenue Telephone \_\_\_\_\_  
Contractor's name and address Prospective purchaser L. A. MacFarland, 234 Middle St. Telephone \_\_\_\_\_  
Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans yes No. of sheets 11  
Proposed use of building Service Station No. families \_\_\_\_\_  
Last use \_\_\_\_\_ No. families \_\_\_\_\_  
Material \_\_\_\_\_ No. stories \_\_\_\_\_ Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_  
Other buildings on same lot \_\_\_\_\_  
Estimated cost \$ \_\_\_\_\_ Fee \$ \_\_\_\_\_

General Description of New Work

To construct 1-story masonry service station 45' x 27' 4" as per plans.

*Denied*

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. If appeal is successful, existing buildings are to be demolished.

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

Appeal denied 2/16/51

Details of New Work

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

If a Garage

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

APPROVED:

Empty box for approval stamp

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

Chester & Mae Bennett  
Benjamin Austin

Signature of owner *Benjamin Austin*

INSPECTION COPY

Permit No 511

Location: 895-899 Brighton Ave.  
Chester + Max Bennett, Benjamin Austin

Owner: L. O. Miss Mapkin (Prof. publisher)

Date of permit 1/5/11

Notif. closing-in

Inspn. closing-in

Final Notif.

Final Inspn

Cert. of Occupancy issued

NOTES

Vertical stamp: RECEIVED  
Large handwritten signature: [Signature]

City of Portland, Maine  
Board of Appeals

—ZONING—

January 31, 1951

*Denied  
2/16/51  
5/1/10*

To the Board of Appeals.

Your appellant, Chester & Mae Bennett and B. Austin, who <sup>are</sup> the owners of property at 895-899 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 masonry wall motor vehicle service station, approximately 45' x 28', on the three lots of land at 895-899 Brighton Avenue, corner of Devon Street, is not assuable under the Zoning Ordinance because such a use of the property is not allowable in the Local Business Zone where this property is located unless first authorized by the Board of Appeals; and because the rear wall of the building is proposed only about 5' from new rear lot line, instead of minimum of 12' required; and because the entrance door proposed for the women's rest room would face Devon Street, rather than Brighton Avenue as required by Section 15B of the Ordinance.

The facts and conditions which make this exception legally permissible are as follows:

An exception is necessary in this case to grant reasonable use of property and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

Chester & Mae Bennett  
Benjamin Austin

By *John W. Michaud*  
Appellants' Authorized Agent

After public hearing held on the 16th day of February, 1951 the Board of Appeals finds that an exception is not necessary in this case to grant reasonable use of property and can not be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

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

*Helen C. Fiset*  
Chairman, Board of Appeals

BOARD OF APPEALS

DATE: February 16, 1951

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF CHESTER & MAE BENNETT AND  
BENJAMIN AUSTIN  
AT 895-899 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	
Mrs. Frost	( )	(x)	
Mr. Getchell	( )	(x)	
Mr. Colley	( )	(x)	
Mr. O'Brien	(x)	( )	
Mr. Luthe	( )	(x)	
	( )	( )	
	( )	( )	
	( )	( )	
	( )	( )	

Record of Hearing:

Hyman Jacobson and Sidney Thaxter for proponents

20 persons in attendance in opposition  
Petition in file

Mrs. Sumner Bernstein spoke in opposition  
Anthony Nappi also spoke in opposition  
George A. Young, too spoke

February 8th, 1951

Board of Appeals  
City of Portland  
Portland, Maine

Gentlemen:

We, the undersigned, whose residences are as listed, hereby request that the Board of Appeals deny Chester and Mas Bennett and Benjamin Austin permit to construct a so-called motor vehicle service station on the three lots of land at 895-899 Brighton Ave., Portland, Maine.

NAME	RESIDENCE
Mr. & Mrs. Walter Hutchings	9 Dorset St.
Margaret G. Gray	14 Devon St.
John B. M. Phair	10 Dorset St.
Ernest H. Ameshouse	905 Brighton Ave.
Mr. Frank J. Nappi	915 Brighton Ave.
Mrs. & Miss Quinn S. Evans	20 Dorset St.
Floyd C. Kimball	918 Brighton Ave.
Mrs. Lewatessy	13 Devon Street
Mrs. Dorothy Hilbert	25 Devon St.
Mrs. Madeline Riley	31 Devon St.
Bernice Brock	30 Devon St.
Karl G. Bertelsen	26 Kent St.
Hamilton Smith	20 Kent St.
J. R. Fournier	19 Dorset St.
Mrs. A. N. Jensen	25 Dorset St.
Geo. A. Young	242 Brighton Ave.



January 11, 1951

This is to authorize WYNDON A. MC MACKIN,  
of Portland, County of Cumberland, State of Maine,  
to act as my Agent before the Appeal Board in the  
matter of appeal to the request for a permit for  
a filling station on my land situated at 897-899  
Brighton Avenue in said Portland.

*Benjamin H. Austin*

January 17, 1951

This is to authorize LYNDON A. MCMACKUN, of Portland, County of Cumberland, State of Maine, to act as my Agent before the Appeal Board in the matter of appeal to the request for a permit for a filling station on my land situated at 895 Brighton Avenue in said Portland. This agency is to expire after hearing of Feb. 16, 1951.

*Christa W. Bennett*

*Maie C. Bennett*

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

February 6, 1951

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 16, 1950 at 10:30 a. m. to hear the appeal of Chester and Mae Bennett and Benjamin Austin requesting exception to the Zoning Ordinance to permit construction of one-story masonry wall motor vehicle service station, approximately 45' x 28', on the three lots of land at 895-899 Brighton Avenue, Corner of Devon Street.

This permit is presently not issuable because such a use of the property is not allowable in the Local Business Zone where this property is located unless first authorized by the Board of Appeals; and because the rear wall of the building is proposed only about 5' from the new rear lot line, instead of minimum of 12' required; and because the entrance door proposed for the women's rest room would face Devon Street rather than Brighton Avenue as required.

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 where necessary to great reasonable use of property and without substantially departing from the intent and purpose of the Zoning Ordinance, subject always to the rule that said Board shall give due consideration to promoting public health, safety, convenience, and welfare, encouraging the most appropriate use of land and conserving property values, that it shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood, and that it shall prescribe appropriate conditions and safeguards in each case.

All persons interested either for or against this appeal will be heard at the above time and place, this notice of required public hearing having been sent to the owners of property within 500 feet of the premises in question as required by law.

BOARD OF APPEALS

Helen C. Frost

My dear Mrs. Frost - we have a filthy <sup>Chairman</sup> mess at the head of Essex St. which no one in the City Council concerns itself about - and does not seem to be covered by the Zoning Laws - so why not have every street corner in our section decorated in the same manner - personally I have no other interest except for my own street. Ride by some day and have a look and see what we pay increased taxes for each year.

Very truly yours,



CITY OF PORTLAND, MAINE

Department of Building Inspection

January 17, 1951

895-899 Brighton Avenue,  
Corner of Devon Street-1

Chester & Mae Bennett  
895 Brighton Avenue  
Mr. Benjamin Austin  
899 Brighton Avenue  
Mr. L. A. MacKackin  
234 Middle Street

Copy to: Mr. MacKackin for Tide Water Oil  
Engineering Department  
Corporation Council

Dear Madam & Gentlemen:

C  
O  
P  
Y

Building permits intended to cover construction of a one story, masonry wall motor-vehicle service station buildings, approximately 45' x 75' over-all and to cover installation of various underground tanks, piping and pumps on the three lots of land at 895-899 Brighton Avenue, corner of Devon Street (lots 254-c-9 and 6-4 owned by Bennett and 284-c-5 owned by Austin, the latter at the corner) are not issuable under the Zoning Ordinance because use of land or buildings for gasoline filling and motor vehicle service station (Building Code terms the latter Service Garage) is not allowable in the Local Business Zone where the property is located, according to Section 6A8 of the Ordinance unless first authorized by the Board of Appeals after the usual appeal procedure; because the rear wall of the building is proposed only about 5' from the new rear lot line proposed to be set out between service station lot and the new lot face on Devon Street on which is proposed to be located the Bennett dwelling, instead of the minimum of 12' required by Section 6B of the Ordinance; and because the entrance door proposed for the women's toilet room would face Devon Street while Section 15B of the Ordinance requires that no entrance door to the building shall face any other street than the main business street of the Business Zone, which in this case is undoubtedly Brighton Avenue.

Mr. MacKackin has indicated the desire of all of you to seek authorization to establish the station in the Local Business Zone and to seek exceptions from the Board of Appeals with relation to these various features; so, there is enclosed to each of you an outline of the appeal procedure.

Mr. MacKackin has indicated your desire to go on with the appeal at the earliest possible date, and to accomplish this the appeal should be filed at the office of Corporation Counsel before Friday noon, January 19, 1951.

Mr. MacKackin's attention and that of the Engineering Department of the Tide Water Associated Oil Company is called to the fact that we have experienced difficulties in the past when similar proposals were granted by the Board of Appeals because the appellants did not ask precisely for what they wanted, or if they did, they changed their minds after action by the Board. It must be obvious to all that when a special proposition is placed before the Board of Appeals and is granted, there can be variation from the proposal as presented to the Board only in very minor details indeed. In view of this it is important that those concerned with the establishment of the station will be very sure before the date of public hearing that the proposal they are making is really what they want, both as to size, height, materials of construction, especially the exterior of the building, location of building, number and capacity and location of tanks and number and location of pumps and other features.

The plot plan indicates the proposal to remove certain trees and remove or relocate certain utility poles and perhaps some other features on the public street.

30 1170  
CITY OF  
Baltimore

John & Eas Barnett  
Benjamin Austin  
City of Baltimore

January 17, 1931

If the appeal should be successful, the action of the Board will not confer approval of all of these various items, but arrangements for changes will have to be made with the City departments involved and will be decided in the usual manner irrespective of action of the Board of Appeals.

The entire proposal contemplates the relocation of the Barnett dwelling to a portion of the three lots to be set out at the rear with a frontage of 45' on Devon Street and tapering back to a width of lot of 30' at the rear line. This new lot will be in the Local Business Zone, but the proposed location of the dwelling house shows it to be only 5' from the side line of the new lot farther from Division Street (this is the rear line of the present three lots), while section 60 of the Zoning Ordinance provides that there shall be on each side of every building a side yard having a minimum width of 7'. To comply with this provision of the Ordinance with relation to the dwelling house would mean setting it 7' from this side line which (according to scale) would leave only about 6' from the rear part of the dwelling house and the other side lot line. This would make close quarters if the owner of the dwelling in the new location should want a driveway. If it is the desire to actually have the dwelling house 5' from the side line, then that should be included in the appeal or a separate appeal filed covering the dwelling house. Since you are asking for so much, however, I suggest that you gain a reasonable width for a driveway past the relocated dwelling by taking a few feet from the lot proposed to be used for the service station to make the dwelling house lot wider.

All of this advice does not prejudice the Board in any way to make a decision for or against any or all of the items involved under the Zoning Law. Pending action of the Board, no examination of the plans will be made as regards compliance with the Building Code.

Very truly yours,

Harron McDonald  
Inspector of Buildings

WMB/S

Enclosure to each addressee; Outline of appeal procedure

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

February 6, 1951

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 16, 1950 at 10:30 a. m. to hear the appeal of Chester and Mae Bennett and Benjamin Austin requesting exception to the Zoning Ordinance to permit construction of one-story masonry wall motor vehicle service station, approximately 45' x 28', on the three lots of land at 895-899 Brighton Avenue, Corner of Devon Street.

This permit is presently not issuable because such a use of the property is not allowable in the Local Business Zone where this property is located unless first authorized by the Board of Appeals; and because the rear wall of the building is proposed only about 5' from the new rear lot line, instead of minimum of 12' required; and because the entrance door proposed for the women's rest room would face Devon Street rather than Brighton Avenue as required.

This appeal is taken under Section 101 of the Zoning Ordinance, which provides that the Board of Appeals, by unanimous vote of its members, may permit exceptions in specific cases where necessary to grant reasonable use of property and without substantially departing from the intent and purpose of the Zoning Ordinance, subject always to the rule that said Board shall give due consideration to promoting public health, safety, convenience, and welfare, encouraging the most appropriate use of land and conserving property values, that it shall permit no building or use injurious, noxious, offensive or detrimental to a neighborhood, and that it shall prescribe appropriate conditions and safeguards in each case.

All persons interested either for or against this appeal will be heard at the above time and place, this notice of required public hearing having been sent to the owners of property within 500 feet of the premises in question as required by law.

BOARD OF APPEALS

Helen C. Frost

Chairman



Y.M.C.

FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, 9/29/49

PERMIT ISSUED

01646  
OCT 8 1949

CITY of PORTLAND

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 899 Brighton Ave. Use of Building Store No. Stories          New Building Existing "        "  
Name and address of owner of appliance Benjamin E. Austin, 899 Brighton Ave.  
Installer's name and address Johnson Automatic Heat Telephone 3-9682  
15 Brackett St.

General Description of Work

To install oil burning floor furnace in store back

IF HEATER, OR POWER BOILER

Location of appliance or source of heat hanging from flc Type of floor beneath appliance dirt  
If wood, how protected?          Kind of fuel oil  
Minimum distance to wood or combustible material, from top of chimney or casing top of furnace contact  
From top of smoke pipe 13" From front of appliance over From sides or back of appliance over 3'  
Size of chimney flue 6" x 6" Other connections to same flue use hot water heater  
If gas fired, how vented?          Rated maximum demand per hour         

Sent to Fire Dept. 9/29/49  
Rec'd from Fire Dept. 9/30/49

IF OIL BURNER

Name and type of burner H.C. Little 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 dirt  
Location of oil storage Outside above ground Number and capacity of tanks 1 100 gal. water tank set  
If two 275-gallon tanks, will three-way valve be provided?           
Will all tanks be more than five feet from any flame?          How many tanks fire proofed? In 4' concrete  
Total capacity of any existing storage tanks for furnace burners         

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

Gas-fired water heater is equipped with device which will automatically shut off all gas supply in case pilot flame is extinguished.  
100 gal. water tank has been used for oil by Nicely's Market.

Amount of fee enclosed? 2.00 (\$1.00 for one heater, etc., 50 cents additional for each additional heater, etc., in same building at same time.)

APPROVED: OK 10-5-49. T.H.  
[Signature]  
CITY OF PORTLAND

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

INSPECTION COPY

Signature of Installer

A.C. Johnson

JOHNSON AUTOMATIC HEAT

INQUIRY BLANK

*Newholder*

ZONE L

FIRE DIST. No

CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

Verbal  
By Telephone

Date 8/14/47

LOCATION 599 Brighton Ave OWNER Joe Levine

MADE BY Owner TEL. 3-7353

ADDRESS 101 North St

PRESENT USE OF BUILDING \_\_\_\_\_

CLASS OF CONSTRUCTION 3rd NO. OF STORIES 1

REMARKS: \_\_\_\_\_

INQUIRY: Can addition be built on this  
lot or a separate lot for  
retail side of antique shop

ANSWER: Yes if location & yard  
space were correct - explained  
limitations as to use in that  
zone.

DATE OF REPLY 8/14/47 REPLY BY WMM