

AP- 885 Brighton Avenue

Oct. 30, 1962

Mr. Maurice True, Mgr.
Maine Building Specialties Company
127 Marginal Way

cc to: Tony's Meat Shoppe & Coffee Bar
885 Brighton Avenue

Dear Mr. True:

Although this canopy proposed to be erected at the above location has been carefully designed as evidenced by the supporting technical data loaned to this office, this structure does not meet the City of Portland Building Code requirements for supporting the design roof load of 40 lbs. per square foot. It will be necessary that this structure be strengthened and to provide this office with information on how this strengthening is to be done.

The manufacturing representative, F. H. Hudson, in his letter of Oct. 16, 1962 to your distributor, Mr. Stanley M. Bailey, suggested the following method of strengthening this structure which we quote in part as follows:

"With regard to your question concerning a 40 lb. load (your letter of 9/26) we have discussed this with our engineer and he says that you can achieve this by using 75% of the truss and support spacing dimensions shown in our 30 lb. design sheets."

Very truly yours,

Gerald E. Mayberry
Deputy Building Inspector cctor

GEM:ra

AF- 885 Brighton Avenue

Oct. 30, 1962

Mr. Maurice Trus, Mgr.
Maine Building Specialties Company
127 Marginal Way

cc to: Tony's Donut Shoppe & Coffee Bar
885 Brighton Avenue

Dear Mr. Trus:

Although this canopy proposed to be erected at the above location has been carefully designed as evidenced by the supporting technical data loaned to this office, this structure does not meet the City of Portland Building Code requirements for supporting the design live roof load of 40 lbs. per square foot. It will be necessary that this structure be strengthened and to provide this office with information on how this strengthening is to be done.

The manufacturing representative, F. H. Hudson, in his letter of Oct. 16, 1962 to your distributor, Mr. Stanley H. Bailey, suggested the following method of strengthening this structure which we quote in part as follows:

"With regard to your question concerning a 40 lb. load (your letter of 9/26) I have discussed this with our engineer and he says that you can achieve this by using 75% of the truss and support spacing dimensions shown in our 30 lb. design sheets."

Very truly yours,

Gerald E. Mayberry
Deputy Building Inspection Director

GRM:m



BI BUSINESS ZONE

APPLICATION FOR PERMIT

Class of Building or Type of Structure _____

Portland, Maine, October 26, 1962

PERMIT ISSUED

NOV 2 1962

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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

Location 885 Brighton Avenue Within Fire Limits? _____ Dist. No. _____
Owner's name and address Tony's Luncheon Shoppe & Coffee Bar, 625 Brighton Ave Telephone _____
Lessee's name and address _____ Telephone _____
Contractor's name and address Maine Building Specialties Co., 127 Marginal Way Telephone 2-6004
Architect _____ Specifications _____ Plans yes _____ No. of sheets 26
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 \$ 590. _____ Fee \$ 3.00

General Description of New Work

2.00 8/1/62
15.00

To erect fiberglass and aluminum flat copy over entrance and double windows of front wall. 22' long with 4' projection

Permit Issued with Letter

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 Maine Building Specialties Co.

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 wall 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:

M. E. ... in letter

Miscellaneous

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

Maine Building Specialties Co.

By:

Manuel ...

Signature of owner

CS 301

INSPECTION COPY

Denied 8/16/62
62/72

DATE: August 16, 1962

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Tony's Donut Shoppe & Coffee Bar
AT 885-889 Brighton Avenue

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

BOARD OF APPEALS

Franklin G. Hinckley
~~XXXXXXXXXXXX~~ Frederick B. Nelson
Harry M. Shwartz

VOTE	
YES	NO
()	()
()	()
()	()

Record of Hearing

Denied.

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

VARIANCE APPEAL

August 2, 1962

Tony's Donut Shoppe & Coffee Bar, owner of property at 885-889 Brighton Avenue
petitioning the Board of Appeals for a variance from the provisions of said Ordinance to permit:

erection of a detached double faced pole sign 5' x 7' on the premises at this location.
This permit is presently not issuable for the following reasons: (1) The sign is
to be located on a major thoroughfare within the 40 foot setback area required to remain
open by Section 21. (2) The sign would be within the required 15 foot front yard space
of the B-1 Business Zone in which this property is located. (3) The sign is not
allowable under Section 8 of the Zoning Ordinance.

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

Tony's Donut Shoppe & Coffee Bar

By: [Signature]

APPELLANT

DECISION

After public hearing held August 16, 1962, the Board of Appeals finds that all of the above
conditions do not exist with respect to this property and that a variance should not be granted
in this case.

It is, therefore, determined that a variance from the provisions of the Zoning Ordinance
should not be granted in this case.

[Signature]
[Signature]
[Signature]
BOARD OF APPEALS

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

August 13, 1962

Tony's Donut Shoppe & Coffee Bar
887 Brighton Avenue
Portland, Maine

Gentlemen:

The Board of Appeals will hold a public hearing
in the Council Chamber at City Hall, Portland, Maine, on
Thursday, August 16, 1962, at 4:00 P.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

Franklin G. Hinckley

Chairman

cc: United Neon
74 Elm Street
Portland, Maine

CITY OF PORTLAND, MAINE
IS THE BOARD OF APPEALS

August 6, 1962

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, August 16, 1962, at 4:00 P.M. to hear the appeal of Tony's Donut Shoppe & Coffee Bar requesting an exception to the Zoning Ordinance to permit erection of a detached double faced pole sign 5 feet by 7 feet on the premises at 885-889 Brighton Avenue.

This permit is presently not issuable because such a sign is not allowable in the B-1 Business Zone under Section 21 of the Zoning Ordinance and is to be located within the 40 foot setback area required to remain open under Section 21.

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

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

BOARD OF APPEALS

Franklin G. Hinckley

Chairman

Inquiry-885 Brighton Avenue

Sept. 18, 1962

United Neon Display
74 Elm Street

cc to: Tony's Coffee Shop
885 Brighton Avenue
cc to: Corporation Counsel

Gentlemen:

At a meeting of the Board of Zoning Appeals held on Sept. 13, 1962 consideration was given to your request involving the erection of a sign projecting from the front wall of the restaurant at the above named location. A zoning appeal for a similar sign detached from the building and setting on posts a few feet away from the presently proposed location was denied by the Board on August 16, 1962.

Section 25-H of the Zoning Ordinance provides that, if an appeal is denied, "a second appeal of a similar nature shall not be brought before the Board within one year from the date of the denial by the Board of the first appeal, unless in the opinion of a majority of the Board substantial new evidence shall be brought forward, or unless the Board finds, in its sole and exclusive judgement, that an error or mistake of law or misunderstanding of facts shall have been made".

The Board was unable to establish that the new proposal differs enough from the one which was denied to make it allowable for them under the provisions of this Section of the Ordinance to authorize the filing of a new appeal.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:EM

AP- 885 Brighton Avenue

August 20, 1962

United Neon Display
74 Elm Street

cc to: Tony's Coffee Shop
885 Brighton Avenue

Gentlemen:

The appeal under the Zoning Ordinance involving the erection of a detached sign on premises at the above named location has been denied by the Board of Appeals. Under these circumstances we are unable to issue a permit for its erection. If you will return to this office within 10 days the receipt for fee paid at time of filing application for permit, we will be able to authorize return to you by voucher of the amount paid.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

AP - 885 Brighton Ave.

July 30, 1962

United Neon Display,
74 Elm Street

cc to: Tony's Coffee Shop
885 Brighton Ave.

Gentlemen:

We find that permit to erect detached 5'x7' double faced pole sign is not issuable because of Zoning Ordinance discrepancies as follows:

1. This sign is located on a major thoroughfare within the 40' setback area required to remain open by Section 21.
2. This sign is also within the required 15' front yard space of the B-1 Business Zone in which this lot is located.
3. As per Section 8 of this Ordinance a detached sign is not permitted.

Should you desire to exercise your appeal rights concerning the above discrepancies then this office is to be notified.

Provided you appealed and it is granted, then there will need to be more data on the design of this sign and a certificate of design signed by the designer willing to take the responsibility for this design.

Very truly yours,

Gerald E. Hayberry
Deputy Director of Building Inspection

GEM/H



~~PL RESIDENCE ZONE~~
B1 BUSINESS ZONE
APPLICATION FOR PERMIT

Class of Building or Type of Structure _____
 Portland, Maine, July 26, 1962

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

Location 885 Brighton Ave Within Fire Limits? _____ Dist. No. _____
 Owner's name and address Tony's Coffee Shop, 885 Brighton Ave. Telephone _____
 Lessee's name and address _____ Telephone _____
 Contractor's name and address United Neon Display 74 Elm St. Telephone 4-069
 Architect _____ Specifications _____ Plans yes No. of sheets 2
 Proposed use of building _____ No. families _____
 Last use _____ No. families _____
 Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ _____ Fee \$ 2.00

General Description of New Work

To erect detached double-face 5' x 7' pole sign as per plan.

Referred - 8-23-62 Appeal denied 8/16/62

If 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** contractor

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? _____

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
 United Neon Display

INSPECTION COPY Signature of owner United Neon Display Paquet

7.7m.

*Granted 8/2/62
62/67*

DATE: August 2, 1962

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF Tony's Donut Shoppe & Coffee Bar
AT 885-889 Brighton Avenue

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

BOARD OF APPEALS

Franklin G. Hinckley
Ralph L. Young
Harry M. Shwartz

	YES	VOTE	NO
	(S)		()
	(S)		()
	(S)		()

Record of Hearing
No opposition.

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

VARIANCE APPEAL

July 18, 1962

Wm. Donut Shoppe & Coffee Bar, owner of property at 885-889 Brighton Avenue
at the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals for a variance from the provisions of said Ordinance to permit:

Construction of a one-story addition about 9 feet by 13 feet, to building at this location. This permit is presently not issuable for the following reasons: (1) The increase in volume of the building created by the addition, the restaurant or refreshment stand use which is non-conforming in the B-1 Business Zone in which the property is located, is not allowable under the provisions of Section 17-B of the Ordinance. (2) The canopy projecting from the front wall of the building would increase the already existing encroachment upon the forty foot setback area required by Section 21 of the Ordinance for that part of Brighton Avenue where the property is located.

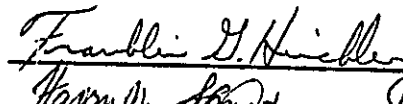
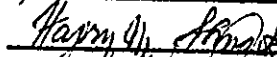

LEGAL BASIS OF APPEAL: Such variance may be granted only if the Board of Appeals finds that the strict application of the provisions of the Ordinance would result in undue hardship in the development of property which is inconsistent with the intent and purpose of the Ordinance; that there are exceptional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


APPELLANT

DECISION

After public hearing held August 2, 1962, the Board of Appeals finds that all of the above conditions do exist with respect to this property and that a variance should be granted in this case.

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




BOARD OF APPEALS

July 30, 1962

Tony's Donut Shoppe & Coffee Bar
887 Brighton Avenue
Portland, Maine

Gentlemen:

August 2, 1962

ALBERT J. SEARS
INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE
Department of Building Inspection

AP- 885-889 Brighton Ave., corner of Kent St.

July 5, 1962

Boyle & Rowe
912 Riverside Street
Donut Shoppe & Coffee Bar
887 Brighton Avenue

cc to: Corporation Counsel ✓

Variance

Gentlemen:

Building permit for alterations, including construction of a one story addition about 9 feet by 13 feet, to building at the above named location is not issuable under the Zoning Ordinance for the following reasons:

1. The increase in volume of the building created by the addition, the restaurant or refreshment stand use in which is non-conforming in the B-1 Business Zone in which the property is located, is not allowable under the provisions of Section 17-B of the Ordinance.
2. The canopy projecting from the front wall of the building would increase the already existing encroachment upon the forty foot setback area required by Section 21 of the Ordinance for that part of Brighton Avenue where the property is located.

Both of these discrepancies are subject to appeal. Should the owner desire to exercise his appeal rights, he or his authorized representative should go to the office of the Corporation Counsel in Room 209, City Hall, where appeals are filed and where a copy of this letter is being sent.

It should be borne in mind that total area of signs allowable on the premises is limited to 200 square feet, that advertising goods by brand or trade name is not permissible, and that detached, projecting, or roof signs are not allowable under the Zoning Ordinance. Should signs not complying with Ordinance requirements be desired, information as to location and nature of signs should be furnished so that, if appeal is to be filed, they may be included in it as to be appealed.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

COPY

CITY OF PORTLAND, MAINE
IN THE BOARD OF APPEALS

July 23, 1962

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, August 2, 1962, at 4:00 P.M. to hear the appeal of Iony's Donut Shoppe & Coffee Bar requesting an exception to the Zoning Ordinance to permit construction of a one-story addition about 9 feet by 13 feet, to building at 885-889 Brighton Avenue.

This permit is presently not issuable for the following reasons: (1) The increase in volume of the building created by the addition, the restaurant or refreshment stand use which is non-conforming in the B-1 Business Zone in which the property is located, is not allowable under the provisions of Section 17-B of the Ordinance. (2) The canopy projecting from the front wall of the building would increase the already existing encroachment upon the forty foot setback area required by Section 71 of the Ordinance for that part of Brighton Avenue where the property is located.

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

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

BOARD OF APPEALS

Franklin G. Hinckley

, Chairman

AP- 885-889 Brighton Ave., corner of Kent St.

July 5, 1962

Boyle & Rowe
912 Riverside Street
Donut Shoppe & Coffee Bar
887 Brighton Avenue

cc to: Corporation Counsel

Gentlemen:

Building permit for alterations, including construction of a one story addition about 9 feet by 13 feet, to building at the above named location is not issuable under the Zoning Ordinance for the following reasons:

1. The increase in volume of the building created by the addition, the restaurant or refreshment stand use in which is non-conforming in the B-1 Business Zone in which the property is located, is not allowable under the provisions of Section 17-B of the Ordinance.
2. The canopy projecting from the front wall of the building would increase the already existing encroachment upon the forty foot setback area required by Section 21 of the Ordinance for that part of Brighton Avenue where the property is located.

Both of these discrepancies are subject to appeal. Should the owner desire to exercise his appeal rights, he or his authorized representative should go to the office of the Corporation Counsel in Room 208, City Hall, where appeals are filed and where a copy of this letter is being sent.

It should be borne in mind that total area of signs allowable on the premises is limited to 200 square feet, that advertising goods by brand or trade name is not permissible, and that detached, projecting, or roof signs are not allowable under the Zoning Ordinance. Should signs not complying with Ordinance requirements be desired, information as to location and nature of signs should be furnished so that, if appeal is to be filed, they may be included in items to be appealed.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m



APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. #1

Portland, Maine, July 11, 1962

PERMIT ISSUED

AUG 6 1962

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 359 pertaining to the building or structure comprised in the original application in accordance with the Laws of the State of Maine, the Building Code and Zoning Ordinance of the City of Portland, plans and specifications, if any, submitted herewith, and the following specifications:

Location 887 Brighton Ave. Within Fire Limits? Dist. No.
Owner's name and address DoNut Shoppe & Coffee Bar, 887 Brighton Ave. Telephone
Lesse's name and address
Contractor's name and address Boyle & Rowe, 912 Riverside St. Telephone
Architect Plans filed yes. No. of sheets
Proposed use of building DoNut Shoppe No. families
Last use No. families
Increased cost of work 500. Additional fee 50.

Description of Proposed Work

To construct addition 9'x13' on rear of building and to construct canopy projecting three feet from front wall of building as per plan

Appeal sustained 8/2/62

Details of New Work contractor

Is any plumbing involved in this work? Is any electrical work involved in this work?
Height average grade to top of plate Height average grade to highest point of roof
Size, front depth No. stories solid or filled land? earth or rock?
Material of foundation Thickness, top bottom cellar
Material of underpinning Height Thickness
Kind of roof Rise per foot Roof covering
No. of chimneys Material of chimneys Of lining
Framing lumber—Kind Dressed or full size?
Corner posts Sills 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

Approved: J.E.M. w/memo

Signature of Owner: Lawrence R. Boyle

Approved: Albert J. Sears Inspector of Buildings

INSPECTION COPY CS. 105

AP-887 Brighton Avenue

July 12, 1962

Boyle & Hows
912 Riverside Street

cc to: Donut Shoppe & Coffee Bar
887 Brighton Avenue

Gentlemen:

Permit for alterations to front of building at the above named location is issued herewith as indicated in application for permit and shown on plan filed therewith. It should be understood that this permit does not cover construction of proposed addition on rear or canopy on front of building. Authorization for this latter work cannot be given unless first approved by the Board of Zoning Appeals. If appeal is to be filed, it should be done without delay.

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:ra

BI BUSINESS ZONE



APPLICATION FOR PERMIT

PERMIT ISSUED

00779
JUL 12 1962

Class of Building or Type of Structure Third Class
Portland, Maine, July 11, 1962

CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE Supersedes application 7/3/62

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 887 Freighton Ave. Within Fire Limits? _____ Dist. No. _____
 Owner's name and address Donut Shoppe & Coffee Bar, 887 Brighton Ave. Telephone _____
 Lessee's name and address _____ Telephone _____
 Contractor's name and address Boyle & Rowe, 912 Riverside St. Telephone 2-7375
 Architect _____ Specifications _____ Plans yes No. of sheets 1
 Proposed use of building Donut shop No. families _____
 Last use _____ No. families _____
 Material frame No. stories 1 Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ 1800. Fee \$ 6.00

General Description of New Work

04 7/3/62

To make alterations to front of building including interior alterations, as per plan

Permit Issued with Letter

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** contractor

Details of New Work

Is any plumbing involved in this work? no Is any electrical work involved in this work? no
 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 _____ earth or rock? _____
 Material of foundation _____ Thickness, top _____ cellar _____
 Kind of roof _____ Rise per foot _____ Roof _____
 No. of chimneys _____ Material of chimneys _____ of brick _____ 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? _____

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

APPROVED: _____

Donut Shoppe & Coffee Bar
Boyle & Rowe

Signature of owner By: Lawrence R. Boyle

CS 301

NOTES

87-4210-62 Glass in OP

8-13-62 Footings & rear wall going in
New sills & floor joists going under
a joining section OP

8-20-62 OK to Close in rear addition OP

9-20-62 Completed To change by
amendment canopy to plastic? OP

See permit 62/1464

[Large handwritten mark, possibly a stylized 'X' or '7']

Permit No. 62/1464
Location 9770 Brighton Ave.
Owner Saml. Hopkins
Date of permit 7/12/62
Notif. closing-i
Inspn. closing-in
Final Notif.
Final Inspn.
Cert. of Occupancy issued
Staking Out Notice
Form Check Notice

9-27-62
9-25
9-27
9-27
Hold.

May change canopy to alum. OP

[Handwritten mark, possibly a checkmark]



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

00089

Portland, Maine, January 31, 1962

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 887 Brighton Ave. Use of Building restaurant No Stories 1 New Building
 Name and address of owner of appliance Tony's, 887 Brighton Ave. Existing "
 Installer's name and address J. A. Servais, 887 Brighton Ave. Telephone

General Description of Work

To install electric grille (Hotpoint table top grille) and gas-fired Pitco Table top fri-o-lator LP gas

IF HEATER, OR POWER BOILER

Location of appliance Any burnable material in floor surface or beneath?
 If so, how protected? Kind of fuel?
 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 Other connections to same flue
 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?

IF OIL BURNER

Name and type of burner Labeled by underwriters' laboratories?
 Will operator be always in attendance? Does oil supply line feed from top or bottom of tank?
 Type of floor beneath burner Size of vent pipe
 Location of oil storage Number and capacity of tanks
 Low water shut off Make No.
 Will all tanks be more than five feet from any flame? How many tanks enclosed?
 Total capacity of any existing storage tanks for furnace burners

IF COOKING APPLIANCE

Location of appliance 1st floor Any burnable material in floor surface or beneath? no
 If so, how protected? Height of Legs, if any 32" - setting on steel
 Skirting at bottom of appliance? no Distance to combustible material from top of appliance? none - counter
 From front of appliance 4' From sides and back 3' From top of smoke pipe existing hood
 Size of chimney flue Other connections to same flue wall
 Is hood to be provided? existing If so, how vented? thru outside Forced or gravity?
 If gas fired, how vented? Rated maximum demand per hour 30,000 BTU

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

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

APPROVED:

J.A. 1-31-62 [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

Tony's

[Signature]

CS 300

Signature of Installer By:

INSPECTION COPY

PH

AP-887 Brighton Avenue

Jan. 12, 1940

Richard S. Foss & Son
8 Pepperell Square
Saco, Maine

Gentlemen:

Permit for installation of hood and mechanical ventilation for cooking equipment to be installed at the above named location is issued herewith subject to conditions listed below. If you do not understand them or unable or unwilling to comply with them, no work is to be started and permit is to be returned to this office for adjustment. Conditions under which permit is issued are as follows:

1. Hood is to be constructed of 20 gauge and duct of 18 gauge galvanized steel. OK
2. No part of hood or duct is to be closer than 18 inches to combustible material unless a shield of 28 gauge sheet metal spaced out one inch on incombustible spacers is provided, in which case a clearance of 9 inches may be maintained. OK
3. Where duct passes through wood frame wall of building it is to be centered in a sheet metal thimble at least 12 inches greater in diameter than the duct. Space between thimble and duct may be filled with mineral wool if desired. OK
4. The duct is to extend outside the building and upwards to such a height above the level of roof as to allow the discharge of flames without setting fire to the building. A clearance of at least 12 inches is to be kept between the duct and the outside of the wall or eaves unless a sheet metal shield spaced out one inch on incombustible spacers is provided, in which case a clearance of not less than 4 inches may be provided. OK
5. The hood is to be large enough to cover at least the outline of the appliances which it serves. OK
2122

Very truly yours,

Albert J. Sears
Building Inspection Director

AJS:m

RECEIVED

JAN 9 1962

DEPT. OF BLDG. INSP.
CITY OF PORTLAND

RICHARD S. FOSS & SON

HEATING & AIR CONDITIONING

8 PEPPERELL SQUARE
SACO, MAINE

Jan 8, 1962

Albert J. Soars Building Inspector Director
City of Portland

Ref. Out + Hood 885-889 Brighton Ave

Dear Sirs

Please be advised that I will be happy to comply with your Building Code, and will construct duct of 28 gauge steel as required. Since I would prefer to install this within 9 inches of the ceiling, I will install a 28 ga shield above it spaced out with noncombustible spacers not less than 1 inch from ceiling. Where the duct passes through the wall I will use the same principle, and shield, combustible material with 28 ga, 1" air space, and 6" clearance.

I had hoped to construct the hood of 20 ga galvanized steel reinforced at the opening with 1 1/2" x 1 1/2" x 3/16" angle iron.

I trust these methods will meet with your approval, and assure you of my willingness to comply to the Code.

Yours truly,

Richard S. Foss

AP-215-219 Brighton Avenue

Jan. 5, 1962

Richard S. Foss & Son
8 Fitzgerald Square
Saco, Maine

cc to: Jean Sharpe, 10 Sunset Lane
cc to: J. L. Servino, 14 Sunset St.
Saco, Maine

Comments:

The client with application for permit for installation of hood and ventilation in connection with existing armatures at the above named location does not indicate compliance with Building Code requirements for such an installation. We are informed that this hood is to cover a flycatcher and grinder as well as an oven. Under such circumstances the vent from the hood is required to be constructed of not less than 18 gauge steel instead of the 24 gauge metal indicated. Information is also needed as to kind of metal of which hood is to be constructed.

All parts of the hood and duct are required to be kept not less than 18 inches from combustible material at the sides or above them, unless such combustible material is protected by a shield of not less than 28 gauge sheet metal spaced out by inscombustible spacers not less than one inch from such material. With such a shield a stream clearance of 6 inches can be obtained. Information is also needed as to the construction where duct is to pass through eave or wall if there is any combustible material in that portion of the wall through which the duct passes.

Permit for installation of hood and duct serving it cannot be issued until information indicating compliance with these requirements has been furnished.

Very truly yours,

Albert E. Smith
Building Inspection Director

AS:cm



APPLICATION FOR PERMIT

Class of Building or Type of Structure Installation
Portland, Maine, January 2, 1962

00034
CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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

Location 885-889 Brighton Ave. Within Fire Limits? _____ Dist. No. _____
Owner's name and address J.A. Bervais, 14 Summer St., Saco Maine Telephone _____
Lessee's name and address Jean Sharpe, 10 Sunset Lane Telephone _____
Contractor's name and address Richard S. Foss, 8 Pepperell Square Saco Maine Telephone _____
Architect _____ Specifications _____ Plans yes No. of sheets 1
Proposed use of building Coffee Shop No. families _____
Last use _____ " " _____ No. families _____
Material frame No. stories 1 Heat _____ Style of roof _____ Roofing _____
Other buildings on same lot _____
Estimated cost \$ _____ Fee \$ 5.00

General Description of New Work

cooking equipment

To install hood and ventilation for "stoves" as per plan.

Permit Issued with Letter

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** contractor

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 center _____
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 _____
Or centers: 1st floor _____, 2nd _____, 3rd _____, roof _____
Maximum span: 1st floor _____, 2nd _____, 3rd _____, roof _____
If one story building with masonry walls, thickness of walls? _____ height? _____

If a Garage

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

APPROVED:

with letter by [signature]

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
Richard S Foss

CS 301

INSPECTION COPY

Signature of owner _____

by: _____

7m



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, August 17, 1960

PERMIT ISSUED

AUG 18 1960

CITY OF PORTLAND

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 887 Brighton Ave. Use of Building Doughnut shop No. Stories 1 New Building Existing "
Name and address of owner of appliance Doughnut Shoppe, 887 Brighton Ave.
Installer's name and address Portland Gas Light Co., 5 Temple St. Telephone

General Description of Work

To install gas-fired Hitco fri-o-lator (Model 24-4) and gas-fired Budgett bake oven (Model 981)

IF HEATER, OR POWER BOILER

Location of appliance Any burnable material in floor surface or beneath?
If so, how protected? Kind of fuel?
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 Other connections to same flue
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?

IF OIL BURNER

Name and type of burner Labelled by underwriters' laboratories?
Will operator be always in attendance? Does oil supply line feed from top or bottom of tank?
Type of floor beneath burner Size of vent pipe
Location of oil storage Number and capacity of tanks
Low water shut off Make No.
Will all tanks be more than five feet from any flame? How many tanks enclosed?
Total capacity of any existing storage tanks for furnace burners

IF COOKING APPLIANCE

Location of appliance 1st floor Any burnable material in floor surface or beneath? yes
If so, how protected? Height of Legs, if any 26 1/2" for oven 17" for fri-o-lator
Skirting at bottom of appliance? no Distance to combustible material from top of appliance? 4"
From front of appliance 4" From sides and back back 19" side 4" From top of smokepipe
Size of chimney flue Other connections to same flue
Is hood to be provided? yes If so, how vented? thru wall Forced or gravity?
If gas fired, how vented? to exterior logs Rated maximum demand per hour Fri: 64,200 Oven 50,000

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Hood permit issued to W.H. Demmons Co.

Amount of fee enclosed? 2.50 (\$2.00 for one heater, etc., 50 cents additional for each additional heater, etc., in same building at same time.)

APPROVED:

O.K. 8-17-60 [Signature]

Will there be in charge of the above work a person competent that the State and City requirements pertaining to observed? YES Portland Gas Light Co

CITY MAINE PRINTING CO.

INSPECTION COPY

Signature of Installer By: [Signature]



APPLICATION FOR PERMIT

Class of Building or Type of Structure _____ Installation _____
Portland, Maine, August 12, 1960

PERMIT ISSUED

AUG 15 1960

CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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

Location 887 Essex Brighton Ave. Within Fire Limits? _____ Dist. No. _____
 Owner's name and address The Doughnut Bhoppe, 887 Brighton Ave. Telephone _____
 Lessee's name and address _____ Telephone _____
 Contractor's name and address W. H. Demmons, 244 Commercial St. Telephone 4C-107
 Architect _____ Specifications _____ Plans yes No. of sheets 1
 Proposed use of building Retail shop No. families _____
 Last use _____ " _____ No. families _____
 Material _____ No. stories 1 Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ _____ Fee \$ 2.00

General Description of New Work

To install hood and ventilation for fri-o-lator as per plan

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** W. H. Demmons

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 sewerage? _____
 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 _____
 Size Girder _____ Columns under girders _____ Size _____ Max. on centers _____
 Kind and thickness of outside sheathing of exterior walls? _____
 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:
C.N. 8/15/60 - C.J.

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

Signature of owner W. H. Demmons

INSPECTION COPY

Granted 4/28/60

60/42

DATE: April 28, 1960

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF GEORGE MAHONEY

AT 885-889 Brighton Avenue

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

BOARD OF APPEALS

VOTE

	Yes	No
Franklin G. Hinckley	(X)	()
Ralph L. Young	(X)	()
Harry N. Schwartz	()	()

Record of Hearing:

~~XXXXXXXXXXXX~~

Gagnon owner of adjoining shopping center & Palanza, tenant there, through Mark Barrett, attorney, opposed.
Letter in file.

Portland Me.
April 27, 1960

Dear Sir:

We are very much against rezoning
of the George Mahoney building at
Brighton Ave, West St. Mason Corner.

We are now having to look at a
very unsatisfactory kept service station
and rezoning the property would
bring us dirt and odor right
at our front door.

cooking and serving doughnuts is
a detriment to us, and we
don't need, or want one here
we understand there never was
to be one.

we are sure better use can
be made of that property.
over

Exp: Machinery has had other offers

Please help us by saying no.

Sincerely

Stanley B Royles
Marie A Royles

11 Kent St.
Portland Me.

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

April 13, 1960

VARIANCE APPEAL

George Mahoney & Dorothy I. Mahoney of property at 385-889 Brighton Avenue
under the provisions of Section 24 of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals for a variance from the provisions of said Ordinance to permit:
Changing use of building at this location from a retail grocery store to a shop for the manufacturing of doughnuts for sale at retail on the premises, also to permit the installation of a coffee bar at which coffee and doughnuts would be served for consumption on the premises; This permit is presently not issuable because such a use would be in the nature of a refreshment stand which would not be allowable under Section 8-A-3 of the Ordinance applying to the B-1 Business Zone in which the property is located.

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

George Mahoney
Dorothy I. Mahoney
APPELLANT

DECISION

After public hearing held April 28, 1960, the Board of Appeals finds that all of the above conditions do exist with respect to this property and that a variance should be granted in this case.

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

Frank M. Whalley
John L. Long
Richard B. Blum
BOARD OF APPEALS

ALBERT J. SEARS
INSPECTOR OF BUILDINGS

CITY OF PORTLAND, MAINE
Department of Building Inspection

April 21, 1960

Geo Mahoney
W. Wolcott

Mr. George Mahoney
11 Belmont Street
Portland, Maine

AP-885-889 Brighton Avenue

April 7, 1960

Dear Mr. Mahoney:
Mr. J. A. Servais
14 Summer Street
Saco, Maine

cc to: Corporation Counsel

Dear Mr. Servais:

Although no mention is made of it in your application for a permit to change use of building at the above named location from a retail grocery store to a shop for the manufacturing of doughnuts for sale at retail on the premises, I recall that you were considering installation of a "coffee bar" at which coffee and doughnuts would be served for consumption on the premises. As explained to you, such a use would be in the nature of a refreshment stand which would not be allowable under Section 8-A-8 of the Zoning Ordinance applying to the B-1 Business Zone in which the property is located.

If such a use is to be carried on in the building, I am unable to issue a permit for the change of use unless it is authorized by the Board of Appeals. In such a case, if you wish to exercise your appeal rights, you should go to the office of the Corporation Counsel in Room 208, City Hall, where appeals are filed and where a copy of this letter is being sent. If you do not plan such a use in the building, I shall be able to issue the permit upon receipt of word from you that such is your intention.

Very truly yours,

Albert J. Sears
Inspector of Buildings

AJS/18

C →
O
P
Y

April 25, 1960

Mr. George Mahoney
11 Wolcott Street
Portland, Maine

Dear Mr. Mahoney:

April 28

cc: Mr. J. A. Carvais
14 Sumner Street
Saco, Maine

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

April 18, 1960

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Thursday, April 28, 1960, at 4:00 p.m. to hear the appeal of George Mahoney requesting an exception to the Zoning Ordinance to permit changing use of the building at 885-889 Brighton Avenue from a retail grocery store to a shop for the manufacturing of doughnuts for sale at retail on the premises, and also to permit the installation of a coffee bar at which coffee and doughnuts would be served for consumption on the premises.

This permit is presently not issuable because such a use would be in the nature of a refreshment stand which would not be allowable under Section 8-A-8 of the Ordinance applying to the B-1 Business Zone in which the property is located.

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

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

BOARD OF APPEALS

Franklin G. Hinckley

Chairman



APPLICATION FOR PERMIT

Class of Building or Type of Structure
Portland, Maine,

Third Class
March 30 1960

PERMIT ISSUED
MAY 28 1960
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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

Location 85-889 Brighton Ave. Within Fire Limits? no Dist. No. _____

Owner's name and address George & Dorothy Mahoney, 113 Washington St., Portland, Me. Telephone _____

Lessee's name and address J.A. Servais, 14 Summer St., Saco, Maine. Telephone _____

Contractor's name and address not let Telephone _____

Architect _____ Specifications _____ Plans no No. of sheets _____

Proposed use of building Doughnut Shop with "COTTAGE BAR" No. families _____

Last use General grocery Store No. families _____

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

Other buildings on same lot _____

Estimated cost \$ 470. Fee \$ 1.00
2.00 pd.

General Description of New Work

To change use from general grocery store to a retail ("doughnut shop") with (1) alteration) to relocate existing non-bearing partition between work room and display counter.
2x3 studs, 16" O.C., sheetrock

Sustained 4/28/60

Permit Issued with Letter

Sent to Health Dept 5/3/60

It is understood that this permit does not include installation of heating apparatus which is to be taken out separately by and in the name of the heating contractor. PERMIT TO BE ISSUED TO owner lessee at above address

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 _____

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

Kind and thickness of outside sheathing of exterior walls? _____

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

J.A. Servais

by: _____

APPROVED:
with letter by A. J. [Signature]

Signature of owner

INSPECTION COPY

71

NOTES

6-2-60 Wall partitions
going in OK to
close *DP*

6-21-60 Waiting for
equipment *DP*

7-13-60 Some work
equipment delivered *DP*

8-24-60 All
Completed *DP*

X

8-26-60
8-26-60
8-26-60
8-26-60

Permit No. 601
 Location RT-1119 North Ave.
 Owner J. A. Anderson
 Date of permit 8/26/60
 Notif. closing-in
 Inspn. closing-in
 Final Notif.
 Final Inspn. 8-24-60 *DP*
 Cert. of Occupancy issued 8/25/60
 Staking Out Notice
 Form Check Notice

(COPY)



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

LOCATION 837 Brighton Ave.

Issued to **George & Dorothy Mahoney**
Dr. J.A. Servais

Date of Issue **August 25, 1960**

This is to certify that the building, premises, or part thereof, at the above location, built—altered—changed as to use under Building Permit No. **60/593**, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinances and Building Code of the City, and is hereby approved for occupancy or use, limited or otherwise, as indicated below.

PORTION OF BUILDING OR PREMISES

Entire

APPROVED OCCUPANCY

**Retail Doughnut Shop with
Coffee Bar**

Limiting Conditions
**Not more than 20 people (including employees)
to be in building at any one time.**

This certificate supersedes
certificate issued

Approved:

Nelson F. Cartwright
.....
(Date) Inspector

Albert J. Sears
.....
Inspector of Buildings

Notice: This certificate identifies lawful use of building or premises, and ought to be transferred from owner to owner when property changes hands. Copy will be furnished to owner or lessee for one dollar.

AP-885-889 Brighton Avenue

May 25, 1960

Dr. J. A. Servais
60 Alfred Street
Biddeford, Maine

Dear Dr. Servais:

Building permit for alterations to building at the above named location to change its use from a retail grocery store to a shop for the manufacture and sale of doughnuts with a "coffee Bar" for the sale of coffee and doughnuts for consumption on the premises is issued herewith based on plan filed with application for permit, but subject to the following conditions:

1. The major portion of products manufactured is to be sold at retail on the premises.
2. Permit is issued on the basis that there is never to be more than 20 people including employees in building at any one time. If more than this number were to be accommodated, adjustment of means of egress and locking devices on exit doors would be necessary.
3. A partition with door is to be provided between work room and rear storage area and both this door and door to toilet room are to be provided with self-closing devices.
4. Separate permits issuable only to the installers are required for installation of cooking equipment, incinerator, and systems of mechanical ventilation. OK
5. If platform outside relocated front entrance door is to be connected to the foundation wall of building, its foundation is required to extend at least four feet below grade.
6. Your attention has previously been called to Zoning Ordinance requirements limiting the total area of signs allowable on the premises to three square feet for each foot of street frontage of the lot up to a maximum of two hundred square feet. Only signs flat against the wall of the building are allowable and it is not permissible to advertise goods by trade name. Detached signs, projecting signs and roof signs are not allowable. ?
7. Since no information has been furnished to indicate otherwise, it is assumed that off-street parking facilities are not to be extended to any part of the premises not previously so used, and permit is issued on this basis.
8. Notification is to be given this department for inspection before any covering is applied to new partition work.
9. A certificate of occupancy for the new use of the building is required from this department before business operations are started.

AJS/jg

Albert J. Sears, Inspector of Buildings

AP-885-889 Brighton Ave.

May 23, 1960

Dr. J. A. Servais
60 Alfred Street, Biddeford

cc to: Mr. E. W. Fenderson
26 Nevada Avenue

Dear Dr. Servais:

Examination of plan filed with application for change of use with alterations of building at the above named location discloses questions as to compliance with Building Code requirements as listed below. Before a permit can be issued it is necessary that the following information be furnished for checking and approval. Details in question are as follows:

- ✓ 1. It is necessary that an estimated cost of the proposed alterations be furnished and the permit fee adjusted accordingly.
- ✓ 2. A vestibule is required outside the entrance to toilet room with self-closing devices on both toilet room and vestibule doors.
- 70 3. Will there ever be more than 20 persons in building at any one time? If so, means of egress as shown on plan are not adequate to meet Code requirements.
4. Is the incinerator shown on plan existing or is it to be a new installation?

What is arrangement proposed for ventilation of hood of cooling equipment? Only a fan in the wall of the building will not be acceptable for this purpose. Ductwork extending through the roof or the wall and installed with required clearances from combustible material will be needed. connection with any mechanical ventilation

*To be applied
for by
Contractor*

Very truly yours,

Albert J. Sears
Inspector of Buildings

AJS:m

AP-885-839 Brighton Avenue

May 4, 1960

Dr. J. A. Servais
60 Alfred Street
Biddeford, Maine

Dear Dr. Servais:

I am in receipt of your letter of inquiry concerning application of City ordinances to your new undertaking at the above named location. Before a building permit can be issued, it is necessary that you file a layout plan of the establishment showing location of cooking equipment, coffee bar and stools, partition to be re-located, front and rear exits, etc. This will then be checked against Building Code requirements. Separate permits issuable only to the actual installers are required from this department for the installation of heating and cooking equipment and any systems of mechanical ventilation or refrigeration.

Under the Zoning Ordinance only signs attached flat against the wall of the building are allowable and total area of signs on the entire premises is limited to three square feet for every foot of street frontage up to a maximum of two hundred square feet. Signs advertising goods by brand name or trade name are not allowable. If off-street parking area is to be extended to any part of the premises which has not previously been used and equipped for such a purpose, a plot plan showing such new area will need to be furnished and checked against Zoning Ordinance requirements.

Sanitary requirements of the City Health Department will also need to be met and I suggest that you consult that department in this regard. It is also possible that operations to be conducted on the premises will require some sort of a license from the City. Since licenses are issued by the City Clerk, that department should be consulted as to what requirements as to licenses may be.

Very truly yours,

Albert J. Sears
Inspector of Buildings

AJS/jg

J. A. SERVAIS, D. O.
60 ALFRED STREET
BIDDEFORD, MAINE
TELEPHONE 4-4081 - 4-7322

4/29/60

Mr. Searg; Bldg. Inspector,
City Hall,
Portland, Maine:

Dear Sir:-

Needless to say, I am very happy and proud of the way the appeal board handled and decided on my new endeavor, namely, a doughnut business.

I realize that there are certain building codes and sanitary codes and perhaps others in this type business.

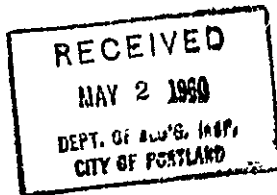
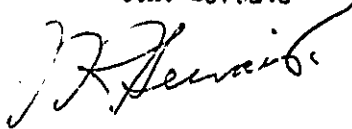
If this is your department business, I would appreciate your briefing me on the requirements so that I may comply with present laws, etc.

If perchance, this is in another department, will you kindly notify me or relay this letter.

Thank you kindly for your kind attention in this matter.

Yours very truly,

J.A. Servais



AP-885-889 Brighton Avenue

April 7, 1960

Mr. J. A. Servais
14 Summer Street
Saco, Maine

cc to: Corporation Counsel

Dear Mr. Servais:

Although no mention is made of it in your application for a permit to change use of building at the above named location from a retail grocery store to a shop for the manufacturing of doughnuts for sale at retail on the premises, I recall that you were considering installation of a "coffee bar" at which coffee and doughnuts would be served for consumption on the premises. As explained to you, such a use would be in the nature of a refreshment stand which would not be allowable under Section 8-A-8 of the Zoning Ordinance applying to the D-1 Business Zone in which the property is located.

If such a use is to be carried on in the building, I am unable to issue a permit for the change of use unless it is authorized by the Board of Appeals. In such a case, if you wish to exercise your appeal rights, you should go to the office of the Corporation Counsel in Room 208, City Hall, where appeals are filed and where a copy of this letter is being sent. If you do not plan such a use in the building, I shall be able to issue the permit upon receipt of word from you that such is your intention.

Very truly yours,

AJS/JG

Albert J. Sears
Inspector of Buildings

CITY OF PORTLAND, MAINE



DEPT. OF BUILDING INSPECTION

WARREN McDONALD
INSPECTOR
ALBERT J. SEARS
DEPUTY INSPECTOR

December 31, 1958

AP-885-887 Brighton Avenue

cc to: Corporation Counsel
cc to: Mr. J. W. Townsend
R.F.D. #2
Winthrop, Maine
cc to: Mr. C. H. Park Adams
18 Vera Street
West Hartford, Conn.

Mr. George Mahoney
11 Wolcott Street

Dear Mr. Mahoney:

We are unable to issue a permit for changing the use of the building at 885-887 Brighton Avenue from a retail grocery store to a store for the retailing and servicing of power motors, small garden machinery, power lawn mowers, and the like because the proposed use is not allowable under Section 8-A of the Zoning Ordinance applying to the B-1 Business Zone in which the property is located.

We understand that you would like to exercise your appeal rights concerning this discrepancy. Accordingly we are certifying the case to the Corporation Counsel, at whose office in Room 203, City Hall, appeals are filed. Even though the appeal should be sustained, it is likely before a permit can be issued that information as to protection of heating plant and as to any alterations to be made in the building will need to be furnished.

Very truly yours,

Albert J. Sears

Albert J. Sears
Deputy Inspector of Buildings

AJS/jg

Letter never called for - aye

11 Wolcot Street
Portland, Maine
December 31st, 1958

City of Portland
Corporation Council
Room 208
Portland, Maine

Gentlemen:-

I wish to apply for a certificate of occupancy for the concern interested in leasing my property located at 835-887 Brighton Avenue, Portland, Maine, formerly occupied by me as a grocery retail.

TO:

Mr. C. H. Park Adams
18 Vera Street
West Hartford, Conn.

and

Mr. J.W. Townsend
R.F.D. #2
Winthrop, Maine

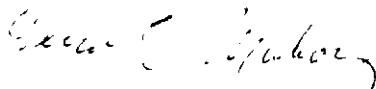
It is to be a retail establishment, retailing power motors, small garden machinery, power lawn mowers and the like.

I would appreciate a favorable decision in this matter at your next Council meeting. It all represents a sizeable investment on my part and find that a limited number of concerns can use this location, under the present zoning.

Thanking you,

Very truly yours,

4-3618



George F. Mahoney

gen/hlh

CITY OF PORTLAND, MAINE

Department of Building Inspection

December 31, 1958

AP-885-887 Brighton Avenue

cc to: Corporation Counsel
cc to: Mr. J. W. Townsend
R.F.D. #2
Winthrop, Maine
cc to: Mr. C. H. Park Adams
18 Vera Street
West Hartford, Conn.

Mr. George Mahoney/
11 Walcott Street

Dear Mr. Mahoney:

We are unable to issue a permit for changing the use of the building at 885-887 Brighton Avenue from a retail grocery store to a store for the retailing and servicing of power motors; small garden machinery, power lawn mowers, and the like because the proposed use is not allowable under Section 8-A of the Zoning Ordinance applying to the B-1 Business Zone in which the property is located.

We understand that you would like to exercise your appeal rights concerning this discrepancy. Accordingly we are certifying the case to the Corporation Counsel, at whose office in Room 208, City Hall, appeals are filed. Even though the appeal should be sustained, it is likely before a permit can be issued that information as to protection of heating plant and as to any alterations to be made in the building will need to be furnished.

Very truly yours,

Albert J. Sears
Deputy Inspector of Buildings

AJS/jg

CITY OF PORTLAND, MAINE

Department of Building Inspection

December 31, 1958

AP-885-887 Brighton Avenue

cc to: Corporation Counsel
cc to: Mr. J. W. Townsend
R.F.D. #2
Winthrop, Maine
cc to: Mr. G. H. Park Adams
18 Vera Street
West Hartford, Conn.

Mr. George Mahoney
11 Wolcott Street

Dear Mr. Mahoney:

We are unable to issue a permit for changing the use of the building at 885-887 Brighton Avenue from a retail grocery store to a store for the retailing and servicing of power motors, small garden machinery, power lawn mowers, and the like because the proposed use is not allowable under Section 8-A of the Zoning Ordinance applying to the B-1 Business Zone in which the property is located.

We understand that you would like to exercise your appeal rights concerning this discrepancy. Accordingly we are certifying the case to the Corporation Counsel, at whose office in Room 206, City Hall, appeals are filed. Even though the appeal should be sustained, it is likely before a permit can be issued that information as to protection of heating plant and as to any alterations to be made in the building will need to be furnished.

Very truly yours,

Albert J. Sears
Deputy Inspector of Buildings

AJS/jg

December 31, 1954

AP-885-887 Brighton Avenue

cc to: Corporation Counsel
cc to: Mr. J. W. Townsend
R.F.D. #2
Winthrop, Maine
cc to: Mr. C. H. Park Adams
18 Vera Street
West Hartford, Conn.

Mr. George Mahoney
11 Wolcott Street

Dear Mr. Mahoney:

We are unable to issue a permit for changing the use of the building at 885-887 Brighton Avenue from a retail grocery store to a store for the retailing and servicing of power motors, small garden machinery, power lawn mowers, and the like because the proposed use is not allowable under Section 8-A of the Zoning Ordinance applying to the B-1 Business Zone in which the property is located.

We understand that you would like to exercise your appeal rights concerning this discrepancy. Accordingly we are certifying the case to the Corporation Counsel, at whose office in Room 208, City Hall, appeals are filed. Even though the appeal should be sustained, it is likely before a permit can be issued that information as to protection of heating plant and as to any alterations to be made in the building will need to be furnished.

Very truly yours,

Albert J. Sears
Deputy Inspector of Buildings

AJS/JE