

9-31 BAILEY AVENUE

SHAW-WALKER  
8201-33

May 28, 1975

Mrs. Sloan  
9 Bailey Avenue

cc to: Corp. Counsel  
cc to: Al Fisher Co.  
318 Bailey Avenue

RE: 9-31 Bailey Avenue

Building permit to construct a one story 15' x 15' frame addition on the rear of the existing building at the above named location is not issuable under the Zoning Ordinance in the R-3 Residential Zone as this addition would constitute an increase in the existing nonconforming use (two family dwelling) unless authorized by the Board of Appeals under Section 602.17.B.

We understand that you would like to exercise your appeal rights in this matter. Accordingly, you or your authorized representative should come to this office in Room 113, City Hall to file the appeal on forms which are available here. A fee of \$15.00 for a nonconforming use appeal shall be paid at this office at the time the appeal is filed. If fee has been paid and appeal filed prior to this letter, then consider this letter as a matter of formality (Section 602.24.E.).

Very truly yours,

Malcolm G. Ward  
Plan Examiner

MGW:mes

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

A NONCONFORMING USE APPEAL

Findings of Fact

The applicant is Mrs. Lena Sloan and he is interested  
in the property located at 9-31 Bailey Avenue as owner.  
The owner of the property is same and his address is  
same as above. The property is located in a R-3  
Zone. The present use of the property is single family dwelling.

The applicant respectfully petitions the Board of Appeals for a variance  
from the provision of Section 602.17.B of the Ordinance to permit  
the construction of a one story 15' x 15' frame addition on the rear  
of the existing building at the above named location.

Further Findings of Fact

To be used as a sun porch to serve first floor. Adequate  
space on side & rear yards.

Appearances

The names and addresses of those appearing in support of the application  
are: Mrs. Lena Sloan, Dominic A. Pulsoni by letter

and the names and addresses of those appearing in opposition to the application are:

Exhibits

The documentary evidence presented to the Board, including, but not  
by way of limitation, plans, specification, photographs, etc. consisted of the  
following: photos, sanborn map, construction map

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

REASONS FOR DECISIONS

The parcel of land in question (~~is~~/is not) exceptional, compared to other lots or parcels subject to the same provision by reasons of its physical characteristics which may be described as follows: larger lot than zone requires

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_;

and also by reason of the following topographical features: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and they (do/do not) amount to more than a mere inconvenience to the owner.

The aforesaid physical conditions (~~strike out~~ inapplicable references).

- (a) existed at the time of the enactment of the provision for which a variance is sought; or
- (b) were created by natural forces; or
- (c) were a result of governmental action.

The carrying out of the strict letter of the provision from which a variance is sought (~~would~~/would not) deprive the applicant of the substantial use or enjoyment of the property in the manner commonly enjoyed by owners of other lots or parcels subject to the same provision, because of the following: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

The hardship (~~is~~/is not) merely the inability of the applicant to enjoy some special privilege or additional right not available to owners or occupants of other lots or parcels subject to the same provision, as evidenced by: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Property in the same zone or neighborhood (~~will~~/ will not) be adversely effected by the granting of the variance and the granting of the variance (~~will~~/will not) create conditions which would be detrimental to the public health or safety, because

\_\_\_\_\_  
\_\_\_\_\_

SPECIFIC RELIEF GRANTED

After a public hearing held on June 11, 1975, the Board of Appeals find that all of the conditions required by the Ordinance (~~do~~) exist with respect to this property and that a nonconforming use 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.

W. Earle Eskilson

Thomas J. Murphy

Gail D. Snow

Jacqueline Cohen

James F. O'Malley

CITY OF PORTLAND, MAINE  
Building & Inspection Services

June 16, 1975

Mrs. Lena Sloan  
9 Bailey Avenue

cc to: Al Fisher Co.  
318 Bailey Avenue

RE: 9-31 Bailey Avenue

Enclosed herewith is the decision of the Board of Appeals regarding your petition to construct a one story 15' x 15' frame addition on the rear of the existing building at the above named location. Please note that your appeal was granted.

Very truly yours,

A. Allan Soule  
Asst. Director of  
Building Inspections

enclosure

AAS:mes

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

All persons interested either for or against this nonconforming use appeal will be heard at a public hearing in Room 112, City Hall, Portland, Maine on Wednesday, June 11, 1975 at 3:00 p.m. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by Ordinance.

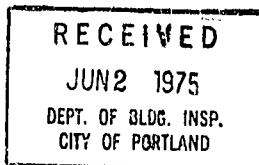
Mrs. Sloan, owner of property at 9-31 Bailey Avenue, under the provisions of Section 602.24 E of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit the construction of a one story 15' x 15' frame addition on the rear of the existing building at the above named location. This permit is not issuable under the Zoning Ordinance in the R-3 Residential Zone as this addition would constitute an increase in the existing nonconforming use (two family dwelling) unless authorized by the Board of Appeals under Section 602.17.B.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24 E(1) of the Zoning Ordinance have been met.

Thomas J. Murphy  
Secretary

*I vote for approval.*

*Dominic A. Tulone  
10 Seal Street  
Portland, ME*



*797-6415*

*04/23*

pl \$15.00  
mcs  
5-24-75

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

APPLICATION FOR A NONCONFORMING USE APPEAL

Mrs. Sloan, owner of property at 9-31 Bailey Avenue

under the provisions of Section 602.24 E of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit: the construction of a one story 15' x 15' frame addition on the rear of the existing building at the above named location. This permit is not issuable under the Zoning Ordinance in the R-3 Residential Zone as this addition would constitute an increase in the existing nonconforming use (two family dwelling) unless authorized by the Board of Appeals under Section 602.17.B.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24 E(1) of the Zoning Ordinance have been met. (See reverse side hereof for said conditions.)

Site Plan approval (is/is not) required by the Site Plan Ordinance. If site plan approval is required, a preliminary or final site plan is attached hereto as Exhibit A.

Mrs. Lena L. Sloan  
APPELLANT



PA#15.00  
JMS  
5-29-75

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

APPLICATION FOR A NONCONFORMING USE APPEAL

Mrs. Sloan, owner of property at 9-31 Bailey Avenue

under the provisions of Section 602.24 E of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit: the construction of a one story 15' x 15' frame addition on the rear of the existing building at the above named location. This permit is not issuable under the Zoning Ordinance in the R-3 Residential Zone as this addition would constitute an increase in the existing nonconforming use (two family dwelling) unless authorized by the Board of Appeals under Section 602.17.B.

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Site Plan approval (is/is not) required by the Site Plan Ordinance. If site plan approval is required, a preliminary or final site plan is attached hereto as Exhibit A.

*Mrs. Lena L. Sloan*  
APPELLANT

CITY OF PORTLAND, MAINE  
IN THE BOARD OF APPEALS

All persons interested either for or against this nonconforming use appeal will be heard at a public hearing in Room 112, City Hall, Portland, Maine on Wednesday, June 11, 1975 at 3:00 p.m. This notice of required public hearing has been sent to the owners of property within 500 feet of the property in question as required by Ordinance.

Mrs. Sloan, owner of property at 9-31 Bailey Avenue, under the provisions of Section 602.24 E of the Zoning Ordinance of the City of Portland, hereby respectfully petitions the Board of Appeals to permit the construction of a one story 15' x 15' frame addition on the rear of the existing building at the above named location. This permit is not issuable under the Zoning Ordinance in the R-3 Residential Zone as this addition would constitute an increase in the existing nonconforming use (two family dwelling) unless authorized by the Board of Appeals under Section 602.17.B.

LEGAL BASIS OF APPEAL: Such permit may be granted only if the Board of Appeals finds that the conditions imposed by Section 602.24 E(1) of the Zoning Ordinance have been met.

Thomas J. Murphy  
Secretary



APPLICATION FOR PERMIT

PERMIT ISSUED

B.O.C.A. USE GROUP
B.O.C.A. TYPE OF CONSTRUCTION

JUN 18 1975

ZONING LOCATION A-3 PORTLAND, MAINE, May 22, 1975 CITY of PORTLAND

To the DIRECTOR OF BUILDING & INSPECTION SERVICES, PORTLAND, MAINE

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

LOCATION 9 Bailey Ave Fire District #1 [ ], #2 [ ]
1. Owner's name and address Mrs Sloan, same Telephone
2. Lessee's name and address Telephone
3. Contractor's name and address Al Fisher, co, 318 Bailey Ave Telephone 797-2767
4. Architect Specifications Plans No. of sheets
Proposed use of building dwelling No. families
Last use No. families
Material No. stories Heat Style of roof Roofing
Other buildings on same lot
Estimated contractual cost \$ 1,800.00 Fee \$ 8.00 net

FIELD INSPECTOR—Mr. Reitze GENERAL DESCRIPTION
This application is for: @ 775-5451 to construct an 15' x 15' addition
Dwelling Ext. 234
Garage
Masonry Bldg.
Metal Bldg. Stamp of Special Conditions
Alterations
Demolitions Appeal sustained 6-11-75
Change of Use
Other

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

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

DETAILS OF NEW WORK

Is any plumbing involved in this work? no Is any electrical work involved in this work? x
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 12' Height average grade to highest point of roof
Size, front 15' depth 15' No. stories solid or filled land? earth or rock?
Material of foundation 8" Thickness, top 8" bottom 3" cellar
Kind of roof pitch Rise per foot 3/12 Roof covering asphalt shingle
No. of chimneys 0 Material of chimneys of lining Kind of heat fuel
Framing Lumber—Kind spruce Dressed or full size? dr Corner posts 3x4 Sills 2x6
Size Girder Columns under girders Size Max. on centers
Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.
Joists and rafters: 1st floor 2x8 2nd 3rd roof 2x8
On centers: 1st floor 16" 2nd 3rd roof 16"
Maximum span: 1st floor 2nd 3rd roof
If one story building with masonry walls, thickness of walls? height?

IF A GARAGE

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

APPROVALS BY: DATE MISCELLANEOUS
BUILDING INSPECTION—PLAN EXAMINER Will work require disturbing of any tree on a public street?
ZONING: APPLIED
BUILDING CODE: 0.15.2.1.6/18/75 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
Fire Dept.
Health Dept.
Others:

Signature of applicant Al Fisher Phone #
Type name of above 1 [ ] 2 [ ] 3 [x] 4 [ ]
Other and Address

FIELD INSPECTOR'S COPY

PERMIT TO INSTALL PLUMBING

12814  
PERMIT NUMBER

Date Issued: 5-21-63  
PORTLAND PLUMBING INSPECTOR

J. P. Welch

Address: 9 Bailey Avenue

Installation For: John T. Sloan

Owner of Bldg.: John T. Sloan

Owner's Address: 9 Bailey Avenue

Plumber's Name: John T. Sloan

Date: 5-21-63

APPROVED FIRST INSPECTION

Date: 5-22-63

By: *[Signature]*

APPROVED FINAL INSPECTION

Date: Not approved

By: J. P. Welch

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

NEW		REPL	PROPOSED INSTALLATIONS	NUMBER	FFE
			SINKS		
			LAVATOPIES		
			TOILETS		
			BATH TUBS		
			SHOWERS		
			DRAINS		
			HOT WATER TANKS		
			TANKLESS WATER HEATERS		
			GARBAGE GRINDERS		
			SEPTIC TANKS	1	\$ 2.00
			HOUSE SEWERS		
			ROOF LEADERS (Conn to house drain)		

TOTAL ▶ \$ 2.00

PORTLAND HEALTH DEPT. PLUMBING INSPECTION

over



# APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class

Portland, Maine, March 22, 1957

RECEIVED  
CITY OF PORTLAND  
APR 1 1957

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to alter, repair, reconstruct or install the following building structure and/or 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 specification:

Location 9 Bailey Ave. Within Fire Limits? no Dist. No. \_\_\_\_\_  
 Owner's name and address John T. Sloan, 9 Bailey Ave. Telephone 4-8392  
 Lessee's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
 Contractor's name and address Philip N. Sloan, 9 Bailey Ave. Telephone \_\_\_\_\_  
 Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans yes No. of sheets \_\_\_\_\_  
 Proposed use of building dwelling house No. families 2  
 Last use \_\_\_\_\_ " " \_\_\_\_\_ No. families 2  
 Material wood No. stories 2 1/2 Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_  
 Other buildings on same lot \_\_\_\_\_  
 Estimated cost \$700. Fee \$ 1.00

### General Description of New Work

To construct 2-story frame addition 20' x 8' on rear of building.  
To change window at each floor level to door.

Permit Issued with Letter 4/12/57

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 Philip N. Sloan**

### 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? yes  
 Height average grade to top of plate 19 1/2' Height average grade to highest point of roof 23'  
 Size, front \_\_\_\_\_ depth \_\_\_\_\_ No. stories at least 4 solid or filled land? solid earth or rock? partly  
 Material of foundation concrete wall Thickness, top 10" bottom 10" cellar no  
 Material of underpinning \_\_\_\_\_ to sill \_\_\_\_\_ Height \_\_\_\_\_ Thickness \_\_\_\_\_  
 Kind of roof shed Rise per foot 6" Roof covering Asphalt Class C Und Lab  
 No. of chimneys \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_ Kind of heat \_\_\_\_\_ fuel \_\_\_\_\_  
 Framing lumber—Kind hemlock Dressed or full size? dressed  
 Corner posts 4x6 Sills box 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 2x6, 2nd 2x6, 3rd \_\_\_\_\_, roof 2x6  
 On centers: 1st floor 16", 2nd 16", 3rd \_\_\_\_\_, roof 16"  
 Maximum span: 1st floor 8', 2nd 8', 3rd \_\_\_\_\_, roof 8'  
 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 AGS  
 \_\_\_\_\_  
 \_\_\_\_\_

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

John T. Sloan

Signature of owner by: Philip N. Sloan

COPY

*Secretary*

March 22, 1957

AP 9-31 Bailey Avenue

Mr. John T. Sloan  
9 Bailey Avenue

Copy to Corporation Counsel

Dear Mr. Sloan:-

As you are aware, we are unable to issue a permit for construction of a two story addition 8 feet by 20 feet in rear jog of two family dwelling at 9-31 Bailey Avenue because an increase in volume of this building, the use of which is non-conforming in the Residence A Zone where the property is located, is forbidden by Section 14A of the Zoning Ordinance.

We understand that you would like to exercise your appeal rights concerning this matter. Accordingly we are enclosing an outline of the appeal procedure and are certifying the case to the Corporation Counsel, who serves as clerk for the Board of Appeals. In order for the matter to come before the Board at the earliest opportunity, it is important that your appeal should be filed without delay.

Very truly yours,

Warren McDonald  
Inspector of Buildings

AJS/O  
Enclosure: Outline of appeal procedure

April 16, 1957

AP - 9 Bailey Avenue

Mr. Philip N. Sloan  
9 Bailey Avenue

Copy to Mr. John T. Sloan  
9 Bailey Avenue

Dear Mr. Sloan:-

The appeal under the Zoning Ordinance having been sustained, permit for construction of a two story addition 8 feet by 20 feet in rear jog of building at the above location is issued herewith subject to the following conditions:-

1. Permit is issued on the basis that after construction of the addition there will be no rooms in the existing building left without at least one window opening directly to the open air.
2. The bottom member of the box type sill is required to be bolted to the foundation wall at the corners at intervals of not over 6 feet elsewhere.
3. The corner post is required to be not less than 4x6 and to extend in one length from the top of the sill to the plate supporting rafters, with a lapped splice not less than 18 inches long allowed if a full length timber is not available.
4. Headers over double mullion windows are required to be not less than 4x6 or double 2x6 on edge. Headers over other windows are required to be not less than double 2x4. Double studs are required at each side of every opening with the headers resting on top of the inside studs.
5. Notification to this department for inspection is required before any lath or wall board is applied to walls, partitions or ceilings.

Very truly yours,

Albert J. Sears  
Deputy Inspector of Buildings

AJS/G

City of Portland, Maine  
Board of Appeals  
—ZONING—

*Sustained*  
*4/12/57*  
*57/27*

March 25, 1957, 19

To the Board of Appeals:

Your appellant, John T. Sloan, who is the owner of property at 9-31 Bailey 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.

Permit for construction of a two story addition 8 feet by 20 feet in the rear jog of the two family dwelling at 9-31 Bailey Avenue is not issuable under the Zoning Ordinance because an increase in volume of this building, the use of which is non-conforming in the Residence A Zone where the property is located, is forbidden by Section 14A of the Zoning 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 where necessary to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

*John T. Sloan*  
Appellant

After public hearing held on the 12th day of April, 1957, the Board of Appeals finds that an exception is necessary in this case to grant reasonable use of property where necessary to avoid confiscation and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

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

*[Signatures]*  
BOARD OF APPEALS



DATE: April 12, 1957

HEARING ON APPEAL UNDER THE Zoning Ordinance OF John T. Sloan  
AT 9-31 Bailey Avenue

Public hearing on the above appeal was held before the Board of Appeals

<u>BOARD OF APPEALS</u>	<u>VOTE</u>		<u>MUNICIPAL OFFICERS</u>
Perley J. Lessard	Yes	No	
Ira E. Ball	(X)	( )	
Sumner S. Clark	(X)	( )	
Harold E. Frank	(X)	( )	
Sumner T. Bernstein	(X)	( )	
	( )	( )	
	( )	( )	

Record of Hearing:

NO OPPOSITION

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

April 9, 1957

Mr. John T. Sloan  
9 Bailey Avenue  
Portland, Maine

Dear Mr. Sloan:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, April 12, 1957, at 10:30 a. m. to hear your appeal under the Zoning Ordinance at 9-31 Bailey Avenue.

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

BOARD OF APPEALS

Ben E. Wilson

Chairman

C

TRUSTEES  
WALTER M. SPEAR, PRESIDENT  
PAUL B. McLELLAN  
GEORGE H. MINOTT  
EDWARD S. BOULOS  
EDWARD C. JORDAN

Portland Water District  
16 Casco Street  
Portland, Maine

HERMAN BURGI, JR.  
TREAS. & GEN. MGR  
Telephone SP1uce 2-6552

April 3, 1957

Ben B. Wilson, Chairman  
Board of Appeals  
City Hall  
Portland, Maine

Dear Sir:

In reference to your notice of April 2, 1957,  
regarding the zoning appeal of John T. Sloan,  
9-31 Bailey Avenue, this is to advise that the Port-  
land Water District does not object to the proposed  
construction.

Very truly yours,

PORTLAND WATER DISTRICT

*Herman Burgi, Jr.*

Herman Burgi, Jr.  
Treasurer & General Manager

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

April 2, 1957

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, April 12, 1957, at 10:30 a. m. to hear the appeal of John T. Sloan requesting an exception to the Zoning Ordinance to authorize construction of a two-story addition, eight feet by twenty feet, in the rear jog of the two-family dwelling at 9-31 Bailey Avenue.

This permit is presently not issuable under the Zoning Ordinance because an increase in volume of this building, the use of which is non-conforming in the Residence A Zone where the property is located, is forbidden by Section 14A of the Zoning Ordinance.

This appeal is taken under Section 18E of the Zoning Ordinance which provides that the Board of Appeals, by unanimous vote of its members, may permit exceptions in specific cases so as to grant reasonable use of property where necessary to avoid confiscation and without substantially departing from the intent and purpose of the Zoning Ordinance, subject always to the rule that said Board shall give due consideration to promoting public health, safety, convenience and welfare, encouraging the most appropriate use of land and conserving property values, that it shall permit no building or use injurious, noxious, offensive, or detrimental to a neighborhood and that it shall prescribe appropriate conditions and safeguards in each case.

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

BOARD OF APPEALS

Ben B. Wilson

Chairman



# APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. #2  
November 17, 1965  
Portland, Maine, .....

PERMIT ISSUED

NOV 19 1965

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 64/332 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 9 Bailey Ave. Within Fire Limits? ..... Dist. No. ....  
 Owner's name and address John T & Philip H Sloan, 9 Bailey Ave. Telephone .....  
 Lessee's name and address ..... Telephone .....  
 Contractor's name and address owner Telephone 773-4503  
 Architect ..... Plans filed Yes No. of sheets .....  
 Proposed use of building Dwelling and Carport No. families .....  
 Last use ..... No. families .....  
 Increased cost of work 50.00 Additional fee 50

## Description of Proposed Work

To construct 5' x 4 1/2' roof over existing front platform and close-in. Approx. 25' to front lot line.

Front Yard 5'4"  
Side Yard 27' - Allen - 11/14/65

## Details of New Work

Is any plumbing involved in this work? ..... Is any electrical work involved in this work? .....  
 Height average grade to top of plate 11' Height average grade to highest point of roof 12'  
 Size, front 4 1/2' depth 5' No. stories 1 solid or filled land? ..... earth or rock? .....  
 Material of foundation existing Thickness, top ..... bottom ..... cellar .....  
 Material of underpinning ..... Height ..... Thickness .....  
 Kind of roof pitch Rise per foot 4" Roof covering Asphalt Class C Und Label  
 No. of chimneys ..... Material of chimneys ..... of lining .....  
 Framing lumber—Kind hemlock Dressed or full size? dressed  
 Corner posts 4x4 Sills existing 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 existing, 2nd ..... 3rd ..... roof 2x4  
 On centers: 1st floor ..... 2nd ..... 3rd ..... roof 16"  
 Maximum span: 1st floor ..... 2nd ..... 3rd ..... roof 5'

11/19/65 - Allen

Signature of Owner by: Philip H. Sloan

Approved: Gerald E. Mayberry  
Inspector of Buildings

N COPY

A.P.- 9 Bailey Ave.

Nov. 3, 1964

John & Philip M. Sloan  
9 Bailey Avenue

Gentlemen:

Amendment to permit to construct an attached carport 20'x20'  
is being issued subject to plan received and Building Code restrictions  
as follows:

1. We will need further structural information regarding the size of the header over the carport entrance.
2. Where the garage is attached to the enclosed porch, the wall, garage side, is required to be fireproofed with incombustible or fire-resistant covering. We will need to know what this covering will be.

Very truly yours,

Archie L. Seekins  
Deputy Building Inspection Director

ALS:m



# APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. #1  
November 2, 1964  
Portland, Maine

PERMIT ISSUED  
NOV 4 1964  
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 64/332 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 9 Bailey Ave. Within Fire Limits? Dist. No.  
Owner's name and address John T & Philip M Sloan, 9 Bailey Ave. Telephone  
Lessee's name and address Telephone  
Contractor's name and address owners Telephone  
Architect Plans filed Yes No. of sheets  
Proposed use of building Dwelling and carport No. families  
Last use No. families  
Increased cost of work 350.00 Additional fee 1.00

### Description of Proposed Work

To construct 2-car carport on rear of dwelling. 20' x 20'  
To change existing door leading into cellar to solid core door 1 3/4" thick.

### Details of New Work owners

Is any plumbing involved in this work? Is any electrical work involved in this work?  
Height average grade to top of plate 8' Height average grade to highest point of roof 8'  
Size, front 20' depth 20' No. stories 1 solid or filled land? solid earth or rock? earth  
Material of foundation concrete at least 4" below grade Thickness, top 10" bottom cellar  
Material of underpinning Height Thickness  
Kind of roof flat Rise per foot Roof covering Asphalt Class C Und Label  
No. of chimneys Material of chimneys of lining  
Framing lumber—Kind spruce Dressed or full size? dressed  
Corner posts 2-4x4 Sills 4x6 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 concrete, 2nd, 3rd, roof 3x7  
On centers: 1st floor, 2nd, 3rd, roof 12"  
Maximum span: 1st floor, 2nd, 3rd, roof 20'

Approved: *[Signature]*

Signature of Owner by: *John T & Philip M Sloan*

Approved: *Albert J. Sears*  
Inspector of Buildings

Memorandum from Department of Building Inspection, Portland, Maine

A.P. 9 Bailey Avenue

April 3, 1964

John T. & Philip H. Slean  
9 Bailey Avenue

Gentlemen:

Permit is being issued to construct a 2-story entrance porch  
10'x22' as per plans received with the application subject to  
the following:

Concrete foundation walls will need to  
extend at least 4 feet below grade which  
should take into account the proposed new  
cellar floor and open parking area levels.

Very truly yours,

Gerald E. Mayberry  
Deputy Building Inspection Director

GMH:m

68-27





# APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class

Portland, Maine, March 25, 1964

PERMIT ISSUED

APR 1 1964

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 9 Bailey Ave. Within Fire Limits? \_\_\_\_\_ Dist. No. \_\_\_\_\_  
 Owner's name and address John T. & Philip M. Sloan, 9 Bailey Ave. Telephone 973-4503  
 Lessee's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
 Contractor's name and address owners Telephone \_\_\_\_\_  
 Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans yes No. of sheets 2  
 Proposed use of building Dwelling and carport No. families 2  
 Last use \_\_\_\_\_ " \_\_\_\_\_ No. families 2  
 Material \_\_\_\_\_ No. stories \_\_\_\_\_ Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_  
 Other buildings on same lot \_\_\_\_\_  
 Estimated cost \$ 800 Fee \$ 5.00

### General Description of New Work

To demolish existing  $1\frac{1}{2}$  story frame shed and 1-car garage attached to dwelling  
 To construct 10'x22' glassed-in porch, and ~~2-car carport attached to rear of dwelling~~

Permit Issued with Memo

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

### 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 20' Height average grade to highest point of roof 24'  
 Size, front \_\_\_\_\_ depth \_\_\_\_\_ No. stories 1 1/2 solid or filled land? solid earth or rock? earth  
 Material of foundation ~~existing concrete~~ Thickness, top \_\_\_\_\_ bottom \_\_\_\_\_ cellar \_\_\_\_\_  
 Kind of roof shed-flat Rise per foot 4" Roof covering asphalt roofing Class C Und. Lab.  
 No. of chimneys \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_ Kind of heat \_\_\_\_\_ fuel \_\_\_\_\_  
 Framing Lumber—Kind hemlock Dressed or full size? dressed Corner posts 4x6 Sills 4x6 2x6 2x8  
 Size Girder \_\_\_\_\_ Columns under girders \_\_\_\_\_ Size \_\_\_\_\_ Max. on centers \_\_\_\_\_  
 Studs (outside walls and carrying partitions) 2x4-16" O. C. Bridging in every floor and flat roof span over 8 feet.  
 Joists and rafters: 1st floor 2x6, 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof porch, carport 2x6 2x8  
 On centers: 1st floor 16", 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof 16" 16"  
 Maximum span: 1st floor 10', 2nd \_\_\_\_\_, 3rd \_\_\_\_\_, roof 10' 9'  
 If one story building with masonry walls, thickness of walls? \_\_\_\_\_ height? 4x6 thru center

### If a Garage

No. cars now accommodated on same lot 1, to be accommodated 2 number commercial cars to be accommodated no  
 Will automobile repairing be done other than minor repairs to cars habitually stored in the proposed building? no

APPROVED:

*G. E. W. / memo*

### Miscellaneous

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

CS 101

INSPECTION COPY

Signature of owner

*Philip M. Sloan*

NOTES

6/11/64 - Form insp. made. E.S.D.

7/23/64 - Framed to roof. E.S.D.

8/7/64 - Left Cert. to close in with note - no money to do work until insp. approved. E.S.D.

12/28/64 - Fireproofing 1st floor down with 2 hrs. done & installed. E.S.D.

3/23/65 - Same E.S.D.

6/17/65 - Same E.S.D.

6/30/65 - Same E.S.D.

10/19/65 - Talked with Mrs. Sloan who says he will abide by letter of Nov. 3/64 as per fireproofing etc. E.S.D.

11/29/65 - Front porch enclosure framed up - closed in from outside. E.S.D.

3/22/66 - Same E.S.D.

Prop. Not Complete  
E.S.D.

Location A Barclay Ave.  
 Owner John T. & Alice M. Sloan  
 Date of permit 11/3/64  
 Notif. closing-in \_\_\_\_\_  
 Inspn. closing-in \_\_\_\_\_  
 Final Notif. \_\_\_\_\_  
 Final Inspn. \_\_\_\_\_  
 Cert. of Occupancy issued \_\_\_\_\_  
 Staking Out Notice \_\_\_\_\_  
 Form Check Notice \_\_\_\_\_

Permit No. 1194  
33  
 [Handwritten notes and scribbles]

Inspection Services  
Samuel P. Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

CITY OF PORTLAND

June 16, 1993

RE: 13 Bailey Avenue

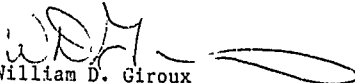
Ms. Carol Bailey  
M.R. Resources Coordinator  
Dept. Health & Mental Retardation  
169 Lancaster St.  
Portland, ME 04101

Dear Ms. Bailey:

This letter is to answer your inquiry on June 3rd regarding the use of the property at Bailey Avenue in Portland. Mr. Gray and I discussed your letter and he asked that I respond. It would appear that the type of use you briefly described would typically be allowed as a "handicapped family unit" and require a use permit. However, we feel this situation is unusual in that one of the two residents is a member of the family who owns the property. Because of this fact we feel no permit is required and that the proposed use is in compliance with the Land Use Ordinance of the City of Portland.

Please call if we may be of further assistance.

Sincerely,

  
William D. Giroux  
Zoning Administrator

/e1

cc: Joseph E. Gray, Jr., Director of Planning and Urban Development  
P. Samuel Hoffses, Chief of Inspection Services  
LT. Gaylen McDougall, Fire Prevention Bureau  
Kevin Carroll, Code Enforcement Officer

Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

**CITY OF PORTLAND**

February 14, 1995

Jay and Dawn McCue  
9 Bailey Avenue  
Portland, Maine 04103

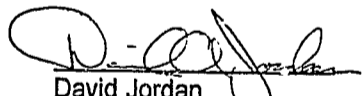
**RE: 9 Bailey Avenue  
CBL 332-J-43**

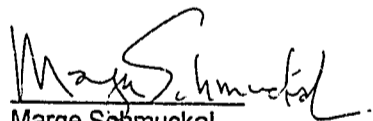
Dear Mr. & Mrs. McCue,

Due to recent observation at the above mentioned property and an inspection of a 2nd and 3rd floor apartment, I am requesting an inspection of all apartments at 9 Bailey Avenue which you are currently listed as owner. This seems to be an apparent Land Use Violation. Your property is located in an R-3 Zone which prohibits multi-family occupation as per is Land Use, Division 4 (R-3 Residential Zone) Section 14-89 which states "Uses that are not expressly enumerated herein as either permitted uses or conditional uses are prohibited."

Our records indicate that a 2-family occupation has been granted since March 22, 1957, a third would constitute a violation of the above Land Use Ordinance. If you have any records or permits that allows this condition, please call or present them to this office. Your prompt attention to this matter is greatly appreciated.

Sincerely,

  
David Jordan  
Code Enforcement Officer

  
Marge Schmuckal  
Zoning Administrator

Inspection Services  
P. Samuel Hoffses  
Chief



Planning and Urban Development  
Joseph E. Gray Jr.  
Director

CITY OF PORTLAND

February 15, 1995

MCCUE JAY & DAWN  
9 BAILEY AVE  
PORTLAND ME 04103

Re: 9 Bailey Ave  
CBL: 332- - J-043-001-01  
DU: 2

Dear Mr. & Mrs. McCue:


During a recent inspection of the property owned by you at the above referred address, it was noted that smoke detectors were missing/inoperable in some locations.


25 MRSA 2464 required that approved smoke detectors be installed in each apartment in the immediate vicinity of the bedrooms. When activated, the detector shall provide an alarm suitable to warn the occupants within the individual unit. Failure to comply with this statute may result in a fine of up to \$500 for each violation.

Re-inspection of your property will be made in 24 hours. Lack of compliance will result in referral of the matter for legal action.

Loss control is a responsibility of your management. Our observations are intended to assist you. Recommendations are a result of conditions observed at the time of our visits. They do not necessarily include every possible loss potential code violation, or exception to good practice.

Sincerely,

  
David Jordan  
Code Enforcement Officer

  
Marge Schmuckal  
Asst. Chief of Inspection Services