

During Property at  
50 Jackson St. I am willing  
to have Mr. & Mrs. Rowland  
build a light refreshment  
stand on his property.

Wm. Albert T. Keenan

April 7, 1929

An administrator of the  
Henry C. Cook estate representing  
the Henry C. Cook house burning  
property at 340 Auburn Street  
and land adjoining I have  
no objection for Mr. Dougard  
to build a building for  
light refreshments to be served  
providing there is no beer  
sold on draft.

Mrs. Marguerite C. Cook

DATE: April 15, 1949

HEARING ON APPEAL UNDER THE ZONING ORDINANCE OF MITCHELL AND LORA P. DOUYARD  
AT 377 Auburn Street

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

<u>Board of Appeals</u>	<u>VOTE</u>		<u>Municipal Officers</u>
	Yes	No	
Mr. Getchell	(x)	( )	
Mr. O'Brien	(x)	( )	
Mr. Holbrook	(x)	( )	
Mr. Colley	(x)	( )	
Mr. Lake	(x)	( )	
	( )	( )	
	( )	( )	
Condition set forth on (appeal)	( )	( )	

Record of hearing:

Mrs. Fay representing appellants  
15 letters from neighbors consenting.

Mr. Leroy Shaw objects if this a means of promoting sales of beer  
Mr. Congdon, 62 Jackson Street  
condition of no sales or consumption of malt beverages from this building  
Mrs. Buckley - no beer

City of Portland, Maine  
Board of Appeals

—ZONING—

Decision

Public hearing was held on the 15th day of April, 19 49 ,  
on petition of Mitchell and Lore P. Douyard owner of property at  
377 Auburn Street, seeking to be permitted an exception to the regulations of  
the Zoning Ordinance relating to this property.

Permission to erect a roadside stand for the sale of light refreshments on  
the above premises has been denied by the Building Inspector because the  
property is located in a Residence A Zone, in which Section 11-A of the  
Zoning Ordinance prohibits the erection of any building and the use of the  
premises for the foregoing purposes.

The board finds that an exception is necessary in this case to grant reasonable  
use of property and can be granted without substantially departing from the intent  
and purpose of the Zoning Ordinance, provided that there shall be no sale of malt  
beverages for consumption on said premises.

It is, therefore, determined that exception to the Zoning Ordinance may be permitted  
in this specific case, provided that there shall be no sale of malt beverages for consumption  
on said pre-  
mises.

*John W. Glibel*  
William H. Brown  
B. Wm. Holbrook  
Edward J. Colley

*John W. Glibel*

Board of Appeals

City of Portland, Maine  
Board of Appeals

—ZONING—

*Sustained  
Conditionally  
4/15/49 4/9/28*

March 21, 19 49

To the Board of Appeals:

Mitchell and Lora P. Douyard  
Your appellant, , who is the owner of  
property at 377 Auburn Street , 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 17, Paragraph E of the Zoning Ordinance,

Permission to erect a roadside stand for the sale of light refreshments  
on the above premises has been denied by the Building Inspector because  
the property is located in a Residence A Zone, in which Section 11-A  
of the Zoning Ordinance prohibits the erection of any building and the  
use of the premises for the foregoing purposes.

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

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

*Mitchell Douyard*  
Appellant

*By Marguerite R. Fay*



APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class
Portland, Maine, March 28, 1949

PERMIT ISSUED
MAY 11 1949
CITY of PORTLAND

SPECTOR OF BUILDINGS, PORTLAND, MAINE
The undersigned hereby applies for a permit to erect... the following building...
Location 379-383 Auburn Street, corner of Jackson St. Within Fire Limits? no Dist. No.
Owner's name and address Mitchell Douyard, 375 Auburn Street Telephone 2-5660
Lessee's name and address
Contractor's name and address Telephone
Architect Specifications Plans No. of sheets Telephone
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 \$

General Description of New Work

To construct 1-story wooden frame building about 12' x 20' for refreshment stand.
It is not planned for the public to enter the building and no food is to be sold for consumption within the building. Sale of malt beverages for consumption in the building or on the premises is not contemplated.
It is planned to make this building about 12' above the ground to the eaves, to cover the outside walls with wooden clapboards and trim to be painted.
Pitch-gable roof, 6" rise.

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

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

Details of New Work

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

Miscellaneous

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

INSPECTION COPY

Signature of owner

Mitchell Douyard



6" diameter upright. In this one story building you can use 2x4 or doubled 2x4 corner posts, if desired, but window and door openings must have doubled 2x4 headers over them with short "jack" studs under each end of each header and the plate at the top of the studs on which the rafters will get support must be no less than doubled 2x4 also.

There is nothing wrong structurally with placing the concrete piers as close together as 4' from center to center, but this is pretty close, and it is still going to be very difficult to make the building "prospanned". If the piers are to be placed so close together, it would not cost a great deal more to use a continuous pier which would make the raftering easier.

April 22, 1949

Mr. Mitchell Boyard



379-383 Auburn Street,  
Corner of Jackson Street-1

April 22, 1949

Mr. Mitchell Douyard  
375 Auburn Street  
Portland, Maine

Subject: Application for building permit to cover construction of refreshment stand at 379-383 Auburn Street, corner of Jackson Street

Dear Sir:

You were in the office this morning about this proposition and said that the Health Department advised you to make an arrangement sketch of the layout showing location of toilet room and vestibule between it and the balance of the building, also location of sinks etc.

Since this work will involve partitions under the building permit, it seems best to hold this application for the building permit until you have prepared the sketch plan and consulted the Health Department about it, whereupon you can bring it up and file it with the application for the permit which should put us in position to issue the building permit for the complete job.

Very truly yours,

WMB/B

Inspector of Buildings

CC: Mr. William B. Sambrook  
Chief Inspector  
Health Department

Mrs. Marguerite R. Fay  
206 Middle Street

P. S. There are discrepancies as to footing and foundation in your application for the permit. Concrete piers are indicated as being 8" in least dimension at the top and 8" at the bottom, the minimum dimension at the bottom is 10", and the piers are required to extend at least 6" above the finished grade of the ground and to have the woodwork bearing upon them anchored to the piers by metal dowels or otherwise.

This arrangement will leave a space between the bottom of the sill end of the finished grade of the ground, at least 6". The Health Department will be concerned about this space and how you propose to prevent rats from entering the building.

The framing lumber has merely been indicated as secondhand without indication as to the species or as to whether or not the lumber would be dressed or full size. 2x8 floor joists will not work out strong enough, if the joists are any other than full size—2" x 8"—not dressed down, and of course no less than 1x3 cross bridging will be needed at the center of each joist span.

You have indicated that the concrete piers will be 4' from center to center. If piers are to be used, I recommend that you consider a rearrangement of the foundations and first floor framing, perhaps using a center girder under the center of the floor and using piers at a greater spacing under the outside walls. If this were done, the floor joists would be 2x6 because their spans would only be 6', and you would probably have a "stiffer" building. It is assumed that the 4x6 sills will be set with the

DI 49/644-Amdt. #3-I

September 15, 1950.

Mr. Mitchell J. Douyard  
379 Auburn Street  
Portland, Maine

Dear Mr. Douyard:

We are unable to issue amendment #3 to permit 49/644 covering enclosure of the front platform of the refreshment stand on your property at 379 Auburn Street because the enclosure would constitute an increase in volume to an existing non-conforming use, which is forbidden by Section 11A of the Zoning Ordinance. You will recall that the permit for the stand was issuable last year only after it had been approved by the Board of Appeals. Since the proposed enclosure of the front platform was not indicated in the work covered by that appeal, we have no authority to issue a permit for its construction unless further authorization from the Board of Appeals is secured.

Very truly yours,

Warren McDonald  
Inspector of Buildings

AJS/S



# APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 3

Portland, Maine, September 13, 1950

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 6376 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 379 Auburn Street Within Fire Limits? no Dist. No. \_\_\_\_\_  
 Owner's name and address Mitchell Doward, 375 Auburn Street Telephone \_\_\_\_\_  
 Lessee's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
 Contractor's name and address owner Telephone \_\_\_\_\_  
 Architect \_\_\_\_\_ Plans filed no. \_\_\_\_\_ No. of sheets \_\_\_\_\_  
 Proposed use of building Refreshment Stand No. families \_\_\_\_\_  
 Last use \_\_\_\_\_ " " \_\_\_\_\_ No. families \_\_\_\_\_  
 Increased cost of work 150. Additional fee 25.

### Description of Proposed Work

To close in permanently existing front platform 4' x 20' using 2x4 studs, 16" on centers and covered with novelty siding.

*Denied*

### Details of New Work

Is any plumbing involved in this work? \_\_\_\_\_ Is any electrical work involved in this work? \_\_\_\_\_  
 Height average grade to top of plate \_\_\_\_\_ Height average grade to highest point of roof \_\_\_\_\_  
 Size, front \_\_\_\_\_ depth \_\_\_\_\_ No. stories \_\_\_\_\_ solid or filled land? \_\_\_\_\_ earth or rock? \_\_\_\_\_  
 Material of foundation \_\_\_\_\_ Thickness, top \_\_\_\_\_ bottom \_\_\_\_\_ cellar \_\_\_\_\_  
 Material of underpinning \_\_\_\_\_ Height \_\_\_\_\_ Thickness \_\_\_\_\_  
 Kind of roof \_\_\_\_\_ Rise per foot \_\_\_\_\_ Roof covering \_\_\_\_\_  
 No. of chimneys \_\_\_\_\_ Material of chimneys \_\_\_\_\_ of lining \_\_\_\_\_  
 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: \_\_\_\_\_

Signature of Owner Mitchell Doward

Approved: \_\_\_\_\_  
Inspector of Buildings

INSPECTION COPY



APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 1
Portland, Maine, September 17, 1949

PERMIT ISSUED
SEP 19 1949
CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 49/641 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 379 Auburn Street Within Fire Limits? no Dist. No.
Owner's name and address Mitchell Douzard, 375 Auburn St. Telephone
Lessee's name and address Telephone
Contractor's name and address owner Telephone
Architect Plans filed no No. of sheets
Proposed use of building Refreshment stand No. families
Last use No. families
Increased cost of work Additional fee \$25

Description of Proposed Work

To use concrete block foundation

Permit issued with Memo

Details of New Work

Is any plumbing involved in this work? Is any electrical work involved in this work?
Height average grade to top of plate Height average grade to highest point of roof
Size, front depth No. stories solid or filled land? earth or rock?
Material of foundation concrete block at least 4' below grade Thickness, top 8" bottom 8" cellar 12"
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:

Permit Issued with Memo

Signature of Owner Mitchell Douzard

Approved: 9/19/49 W. J. [Signature]
Inspector of Buildings

INSPECTION COPY

I own property at 65 Jackson St.  
and have no objection to Mr. Hayward  
putting up a lunch stand.

William E. Fielding

We are the owners of  
property at 392 Anderson  
St. and we have no  
objection to Mr. Poyard  
building a light reflector  
stand.

Mrs J. E. Willey

Mr J. E. Willey



We are the owners of  
property at 408 Auburn  
St. and have no objection  
what-so-ever to Mr.  
Blouyard building a light  
refreshment stand,

Mr. & Mrs. Kenneth C. Russell

To Whom It May Concern:

I have no objection  
to roadside stand at  
377 Auburn St.

William F Cook



April 9, 1849

We are the owners of the  
property at 368 Auburn St  
& we do not object to  
The Board of building a  
light refreshment stand  
across the street

H. M. Meserve  
Annie F. Meserve

APR 19 1899

Apr 9th 49

To Whom It May Concern,  
As property owner of  
357 Auburn St. I have  
no objections to Mr Langford  
building a light refreshment  
stand.

Mrs Florence Kidder  
(Mrs John Strickwater)

April 9'49

To Whom It May Concern -

I own property at  
386 Auburn Street in  
Portland, and I have  
no objection to a  
light refreshment stand  
in the neighborhood.

Rena Edwards Dolley.

We are the owners  
of property at 321 and  
337 Auburn St and  
have no objection to a  
high placement Street  
at 377 Auburn St.  
Fred R. Girdle

I am a property owner at  
42 Jackson St. I have no  
objection to the erection of a small  
refreshment stand at 377 Auburn St  
Margaret J Whitten

April 11 - 59

I as property owner at corner  
of Jackson + Auburn 597 Auburn #  
have no objection of having a  
lunch stand at the site

Clayton A Comerhan

Apr. 12, 1949  
As a property owner at  
29 Jackson St. I have no  
objection to the erection of a  
light refreshment stand at  
277 Auburn St. by W. Raymond  
819 Raymond H. Roussin & D. R. Roussin

April 14, 1949

This is to state that, as a  
property owner on Jackson St.,  
I have no objection to the  
erection of a roadside stand  
for the sale of light refreshments  
at 377 Auburn St.

Laurence H. Sellers  
6 E Jackson St.



Portland, Maine. April 6th, 1949

To Mitchell J. and Lora T. Douyard,  
Cor. Jackson and Auburn St.  
Portland, Me.

This is to certify that-as owner of property within 500 feet of your location, we do not object to your putting up a small refreshment stand, to be within 10 feet of your present store.

Very truly yours,

SuburbanHomes, Inc.,

By *Frank W. Wheelock*  
Treas.

CITY OF PORTLAND, MAINE  
BOARD OF APPEALS

April 11, 1949

Mr. and Mrs. Mitchell Douyard  
375 Auburn Street  
Portland, Maine

Dear Mr. and Mrs. Douyard:

The Board of Appeals will hold a public hearing  
in the Council Chamber, City Hall, Portland, Maine on  
Friday, April 15, 1949 at 10:30 A. M. to hear your request  
for exception to the Zoning Ordinance relating to the  
premises at 377 Auburn Street.

Please be present or be represented at this  
hearing.

Very truly yours,

Robert L. Getchell

Chairman

X

cc: Mrs. Marguerite R. Fay  
125 Neal Street  
Portland, Maine

CITY OF PORTLAND, MAINE

BOARD OF APPEALS

April 5, 1949

TO WHOM IT MAY CONCERN:

The Board of Appeals will hold a public hearing in the Council Chamber, City Hall, Portland, Maine on Friday, April 15, 1949 at 10:30 a. m. to hear the appeal of Mitchell and Lora P. Douyard requesting exception to the Zoning Ordinance to permit erection of roadside stand for the sale of light refreshments at 377 Auburn Street.

This permit has been denied by the Building Inspector because the property is located in a Residence A Zone, in which Section 11-A of the Zoning Ordinance prohibits the erection of any building and the use of the premises for such purpose.

This appeal is taken under Section 17E 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, 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

Robert L. Wetchell

Chairman

We, the undersigned, owners of property in the vicinity of a proposed  
do, hereby, give our written consents to this proposed use

Signature of Owner or Authorized Agent.  
Printed signature not accepted.

LOCATION OF PROPERTY  
Street and Number

Approval of Mitchell Slouyard at 379-383 Auburn Street

Auburn Street - 331 to 421 ✓  
- - - 336 to 426 ✓

Jackson Street - 31 to 79 ✓  
- - - 30 to 84 ✓

Kenneth Street - Culver ✓

Clayton Street - Assessor's Lot Nos. 382-A-7+8 ✓  
- - - 382-B-15+16 ✓

40 Copies

**Memorandum from Department of Building Inspection, Portland, Maine**

September 26, 1947

375 Auburn Street - Installation of 1-310 gallon fuel oil tank for Lora P. Donyard by  
Ballard Oil & Equipment Co., Installers

Gentlemen:

Before tank and piping is covered from view, installer is required to notify this department of readiness for inspection and refrain from covering the tank up until approved.

This tank of 310 gallons capacity is required to be of steel or wrought iron no less in thickness than No. 14 gauge; is required to be galvanized if the metal is less than No. 7 gauge; and before installation is required to be protected against corrosion, even though galvanized, by two preliminary coats of red lead and heavy coat of hot asphalt.

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

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

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

CC: Lora P. Donyard,  
375 Auburn Street

(Signed) Warren McDonald  
Inspector of Buildings



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, 9/25/47

02580 SEP 27 1947 395-013

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

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

Location 375 Auburn St Use of Building Dwelling No. Stories New Building Existing Name and address of owner of appliance John P. Domyan 375 Auburn St Installer's name and address Ballard Equip Co 135 Margum Way Telephone 2-1991

General Description of Work

To install one fully automatic oil burner in existing gravity hot air boiler

IF HEATER, OR POWER BOILER

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

IF OIL BURNER

Permit Issued with Memo

Name and type of burner Ballard L.R. 3 Labeled by underwriter's laboratories? Yes Will operator be always in attendance? No Does oil supply line feed from top or bottom of tank? Top Type of floor beneath burner Cement Number and capacity of tanks 2 255 gal Location of oil storage Burned in ground 1 370 gal If two 275-gallon tanks, will three-way valve be provided? Will all tanks be more than five feet from any flame? yes How many tanks fire proofed? Total capacity of any existing storage tanks for furnace burners

IF COOKING APPLIANCE

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

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

Tank will be in ground two feet away from building and covered by one foot of soil

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

APPROVED:

OK 9-26-47 [Signature]

Permit Issued with Memo

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

INSPECTION COPY

Signature of Installer

Ballard Equip Co Et Backe



Inquiry 377 Auburn Street.

July 2, 1947

Mr. Joseph Crono  
375 Auburn Street  
Portland, Maine

Subject: Inquiry as to building addition to store  
at 377 Auburn Street and also constructing cellar  
under store which has none now as affected by  
the Zoning Ordinance

Dear Sir:

Record of your inquiry of July 1 as to the above subject shows that you asked whether or not an addition to the present store or a separate building for storage of bottles etc. could be built. Our clerk told you that it could not because either the addition or the separate building would mean an increase in volume of buildings used for store use or incident thereto which is not an allowable use in the Residence A Zone where the property is located--the Zoning Ordinance not permitting the increase in size of any use which would not be allowed to be newly established.

You also asked if a cellar could be provided under the building which has none at present, presumably for the same purpose--storage--and other incidental uses to the store. The Zoning Ordinance also would not allow the cellar for the same reasons as above--that the cellar would mean an increase in the cubical volume of the building given over to a use which is not now allowed to be newly established.

Thus the store is allowed to continue as it is because it was an established use when the Zoning Ordinance was adopted.

Very truly yours,

Inspector of Buildings

WMO/S

INQUIRY BLANK

ZONE "RA"

FIRE DIST. 20

CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

Verbal  
By Telephone

Date July 1, 1947

LOCATION 377 Auburn St. OWNER Mrs. M. J. Douyard

MADE BY Joseph C. Crema TEL. 3-5708

ADDRESS \_\_\_\_\_

PRESENT USE OF BUILDING Store

CLASS OF CONSTRUCTION 3rd NO. OF STORIES 1

REMARKS: Bedg has poor foundation.

INQUIRY: Could an addition or separate bldg for storage of bottles, etc., be built on store?  
Could basement be provided under this bldg?

ANSWER: 1. No. Would be increase in volume of non-conforming use.

2. Did not think so but would have your answer.

See letter 7/2/47

DATE OF REPLY 7/2/47 REPLY BY P.K.





(RA) RESIDENCE ZONE - A

# APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class

Portland, Maine, July 23, 1946

To the INSPECTOR OF BUILDINGS, PORTLAND, ME.

The undersigned hereby applies for a permit to erect alter ~~repair~~ 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 377 Auburn Street Within Fire Limits? no Dist. No. \_\_\_\_\_  
 Owner's name and address Joseph Cemonese, 14 Oxford Street Telephone \_\_\_\_\_  
 Lessee's name and address \_\_\_\_\_ Telephone \_\_\_\_\_  
 Contractor's name and address not let Telephone \_\_\_\_\_  
 Architect \_\_\_\_\_ Specifications \_\_\_\_\_ Plans no No. of sheets \_\_\_\_\_  
 Proposed use of building Store No. families \_\_\_\_\_  
 Last use \_\_\_\_\_ No. families \_\_\_\_\_  
 Material frame No. stories 1 Heat \_\_\_\_\_ Style of roof \_\_\_\_\_ Roofing \_\_\_\_\_  
 Other buildings on same lot \_\_\_\_\_  
 Estimated cost \$ 15. Fee \$ .50  
 Health Notices to Health Officer and thus  General Description of New Work

To partition off 3'x7' toilet room in store - 2x4 studs, 16" O.C., sheetrock both sides.

### CERTIFICATE OF OCCUPANCY REQUIREMENT IS WAIVED

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

### Details of New Work

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

### If a Garage

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

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

APPROVED:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Miscellaneous

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

INSPECTION COPY

Signature of owner Joseph Cemonese

C-46-86-I

ES  
ATH  
ESS  
RMT  
PH  
CJS  
HL

July 10, 1946

Mr. Joseph Gromonese  
14 Oxford Street  
Portland 3, Maine

Subject: Store at 579-383 Auburn Street, corner  
of Jackson Street, converted to living quar-  
ters contrary to Building Code.

Dear Sir:

An inspector from this office finds that this building built for a store under permit from this department has been converted to a dwelling house, probably around 1940 or later, without securing the required building permit or certificate of occupancy to cover the new use.

Since 1926 it has not been lawful for a building to be changed from one class of use to another without first securing a building permit from this department and after the building had been made to comply with requirements of the Building Code for safety and fire prevention--the certificate of occupancy covering the new use.

It is necessary that you make arrangements without delay to place the building in compliance with the Building Code.

When the building was built it was located in a Local Business Zone under the Zoning Ordinance where the store was an allowable use; but in April of this year, due to amendments of the Zoning Ordinance, this property came into a Residence C Zone where the store use could not be established. However, since the building had rights of a store, the Zoning Ordinance allows it to continue as such, but will not allow any additions to the store or any substantial change of class of use other than a use allowable in the Residence C Zone where it now is--for instance, it could be converted to a dwelling house.

If you should prefer to lawfully convert the building to a dwelling house instead of continuing it as a store, that could be done if you apply for a building permit for that change, indicate present arrangement and compliance with Building Code requirements for a dwelling house whereupon the building permit would be issued, the improvements could be made, and after they were made the certificate of occupancy covering the dwelling house use would be issued.

Very truly yours,

Inspector of Buildings

WMD/L



CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

Complaint No. 46188

INSPECTION COPY

COMPLAINT

Location 379-383 Auburn Street, corner of Jackson Date received July 9, 1946

Owner's name and address Joseph Cremonese, 14 Oxford Street Use of Building \_\_\_\_\_ Telephone \_\_\_\_\_

Tenant's name and address \_\_\_\_\_ Telephone \_\_\_\_\_

Complainant's name and address W McD Telephone \_\_\_\_\_

Description: Present owner complains that former store has been converted to dwelling without permit or certificate of occupancy.

Vertical lines for additional text or notes.

INQUIRY BLANK

ZONE RA

FIRE DIST. \_\_\_\_\_

CITY OF PORTLAND, MAINE  
DEPARTMENT OF BUILDING INSPECTION

Verbal  
By Telephone

BP. 26/563.  
43/253.

Date 6/1/46

LOCATION 379-383 Auburn OWNER Mrs. Thora Taylor

MADE BY Victor B. Simonese TEL. \_\_\_\_\_

ADDRESS 235 Auburn

PRESENT USE OF BUILDING Probably unlawful dwelling

CLASS OF CONSTRUCTION 3rd. NO. OF STORIES 1

REMARKS: Owner proposes to purchase  
small bldg built in 1926 as str. - To  
use again for store

INQUIRY: Can this small ~~dwelling~~ bldg.  
being temporarily used as dwelling  
be changed back and used as store

ANSWER: Apparently store is now the  
lawful use, the dwelling house  
was being kept started without  
permit according to our records.  
Therefore the store having been there in  
1938 could be continued but not  
enlarged.

DATE OF REPLY 6/1/46

REPLY BY WMD