

49-51 BERRY AVENUE

STAMP
1957

City of Portland, Maine
Board of Appeals
—ZONING—

*Sustained
5/13/55*

May 6, 1955, 19

55/38

To the Board of Appeals:
Your appellant, Philman Coolbroth, who is the owner of property at 49 Elmwood Street of the City of Portland to permit an exception to the regulations of the Zoning Ordinance relating to this property, as provided by Section 18, Paragraph E of said Zoning Ordinance.

Building permit to authorize construction of a one-story enclosed porch, about 8 feet by 12 feet, on the building at 49 Elmwood Street is not issuable under the Zoning Ordinance because the wall of the porch would be only 12 feet from the street line of Oakwood Avenue (a platted but undeveloped street) instead of the 15 feet stipulated by Section 16J of the Ordinance as applied to the Residence C Zone where the property is located.

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.

Loraine L. Coolbroth
Appellant

After public hearing held on the 13th day of May, 1955, the Board of Appeals finds that an exception is necessary in this case to grant reasonable use of property and can be granted without substantially departing from the intent and purpose of the Zoning Ordinance.

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

William A. Brown
Harry J. Correy
Robert A. Lane
Arthur D. Wigglesworth
John W. Lake
BOARD OF APPEALS

HEARING ON APPEAL UNDER THE Zoning Ordinance OF Philman Coolbroth
AT 49 Elmwood Street

DATE: May 13, 1955

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

Board of Appeals

VOTE

Municipal Officers

	Yes	No
William H. O'Erion	(X)	()
John W. Lake	(X)	()
Harry K. Torrey	(X)	()
Ruth D. Walch	(X)	()
Carleton G. Lane	(X)	()

Record of Hearing:

NO OPPOSITION

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

May 9, 1955

Mr. Philman Coolbroth
49 Elmwood Street
Portland, Maine

Dear Mr. Coolbroth:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, May 13, 1955, at 10:30 a. m. to hear your appeal under the Zoning Ordinance.

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

BOARD OF APPEALS
Edward T. Colley
Chairman

K

CITY OF PORTLAND, MAINE
BOARD OF APPEALS

May 10, 1955

Mr. Clifford Anderson
c/o C. A. Tracy
Gray Road
Gorham, Maine

Dear Mr. Anderson:

The Board of Appeals will hold a public hearing in the Council Chamber at City Hall, Portland, Maine, on Friday, May 13, 1955, at 10:30 a. m. to hear the appeal of Philman Coolbroth requesting an exception to the Zoning Ordinance to authorize construction of a one-story enclosed porch, about 8 feet by 12 feet, on the building at 49 Elmwood Street.

This permit is presently not issuable under the Zoning Ordinance because the wall of the porch would be only 12 feet from the street line of Oakwood Avenue (a platted but undeveloped street) instead of the 15 feet stipulated by Section 16J of the Ordinance as applied to the Residence C Zone where the property is located.

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

BOARD OF APPEALS

Edward T. Colley

Chairman



APPLICATION FOR AMENDMENT TO PERMIT

Amendment No. 1
Portland, Maine, May 6, 1955

PERMIT ISSUED
MAY 17 1955
CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for amendment to Permit No. 55/590 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 49 Elmwood Ave. (Berry Ave.) Within Fire Limits? NO Dist. No.
Owner's name and address Philman Coolbroth, 49 Elmwood Ave. Telephone
Lesse's name and address Telephone
Contractor's name and address G. L. Nichols, W. Scarborough Telephone
Architect Plans filed no No. of sheets
Proposed use of building dwelling house No. families 1
Last use No. families
Increased cost of work Additional fee

Description of Proposed Work

To enclose new 1-story piazza 8' x 12' on left hand side of building.

Appeal sustained 5/13/55

Amendment to be issued to G. L. Nichols

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: O.K. - 5/17/55 - ajs

Signature of Owner by: Philman Coolbroth

Approved: 5/17/55 mnd Inspector of Buildings



(RC) RESIDENCE ZONE - C
APPLICATION FOR PERMIT

Class of Building or Type of Structure Third Class
Portland, Maine, April 25, 1955

PERMIT ISSUED

00590
MAY 3 1955

CITY OF PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE:
The undersigned hereby applies for a permit to erect alter repair or demolish the following building structure as per attached
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 49 Elmwood Ave. Within Fire Limits? no Dist. No. _____
Owner's name and address Philman Coolbroth, 49 Elmwood Ave. Telephone _____
Lessee's name and address _____ Telephone _____
Contractor's name and address G. L. Nichols, W. Scarborough Telephone 20346
Architect _____ Telephone _____
Proposed use of building dwelling house Specifications _____ Plans yes No. of sheets 1
Lst use _____ " " _____ No. families 1
Material wood No. stories 1 Heat _____ Style of roof _____ No. families _____
Other buildings on same lot _____ Roofing _____
Estimated cost \$ 500. Fee \$ 2.00

General Description of New Work

To remove existing platform and
To construct 1-story open piazza 8' x 12' on left hand side of building.

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** G. D. Nichols
Plate 4x6 - 8' span
CERTIFICATE OF DEPARTMENT
REQUIREMENT IS WAIVED

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 10' Height average grade to highest point of roof 12'
Size, front _____ depth _____ No. stories _____ solid or filled land? _____ earth or rock? _____
Material of foundation concrete piers at least 4' below grade _____ Thickness, top 15" bottom _____ cellar _____
Material of underpinning _____ Height _____ Thickness _____
Kind of roof pitch-gable 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 4x4 Sills 4x6 Girt or ledger board? _____ Size _____
Girders _____ Size _____ Columns under girders _____ Size _____
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 2x6
On centers: 1st floor 16", 2nd _____, 3rd _____, roof 16"
Maximum span: 1st floor 12', 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 ojs

Miscellaneous
Will work require disturbing of any tree on a public street? no
Will there be in charge of the above work? _____

BP 49 Elmwood Ave.

PH: Pls. give the following appeal clause to Pat or Jane first thing this morning and tell them that contractor will be up early to take appeal out for owner to sign:

49 Elmwood Ave. --- Owner Philman Coulbreth

Building permit is not presently issuable to authorize construction of a one-story enclosed porch attached to this dwelling house because the new porch is proposed only 12 feet from the street line of Oakwood Ave. (a platted but undeveloped street) instead of the 15 feet required by Section 16J

Building permit is not presently issuable under the Zoning Ordinance to authorize construction of a one-story enclosed porch about 8 feet by 12 feet, because the wall of the porch would be 12 feet from the street line of Oakwood Ave. (a platted but undeveloped street) instead of the 15 feet stipulated by Section 16J of the ordinance as applied to the Residence C Zone where the property is located.

Gov: Mr. Nichols will be in about 9 this morning to file application for amendment to enclose this porch. After he has filed it, pls. ask him to go to Corpo. office and get the appeal for owner to sign.

✓ Es3: I slipped on this job and didn't have the location checked before issuance of permit for the open porch. Mr. Nichols has built the platform, but has not installed the piers. He has agreed to stop work without a written order, because the owner now wants a porch which can be enclosed at least in the winter, and an appeal in to be filed, as above.

This owner is quite temperamental. Pls. go out there today or Monday and see if you can check location, noting how much work has been done. If you cannot check location for any reason, pls. let me know rather than notifying them.

wmed.

5/6/55

4x6 outline sills
2x6 floor timbers
8' span sills on
2x3 nates
1 1/2' to side line

AP - 49 Elmwood Avenue

April 28, 1955

Contractor - ^o L. Nichols
W. Scarborough, Maine

Owner - ^c Philman Coolbroth
49 Elmwood Ave.

Building permit for construction of a one story open porch on left hand side of dwelling at the above location is issued herewith subject to the following conditions:

1. Because the edge of the porch is to be only about 12 feet from the line of Oakwood Street (proposed), it is not permissible to enclose the sides of the structure in any way, since the minimum required setback from Oakwood Street for the wall of a building is 15 feet, as specified by Section 16-J of the Zoning Ordinance.
2. The 2x6 floor timbers either are to be set on top of the sills or notched over 2x3 nailing strips spiked to the sides of the sills.
3. The 2x6 floor timbers on a span of 12 feet must be spaced no more than 12 inches on centers in order to figure out.

Very truly yours,

Warren McDonald
Inspector of Buildings

AJS/H



FILL IN AND SIGN WITH INK

APPLICATION FOR PERMIT FOR HEATING, COOKING OR POWER EQUIPMENT

Portland, Maine, 6/22/53

PERMIT ISSUED
01009
JUN 27 1953

CITY OF PORTLAND

N-ESS

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 51 Elmwood Ave Use of Building Dwelling No. Stories 1 1/2 New Building Existing
Name and address of owner of appliance Minat Corp
Installer's name and address Pallotta Oil Co Telephone 42671

General Description of Work

To install Oil Burner in new Forced Hot Water Boiler

IF HEATER, OR POWER BOILER

Location of appliance Basement 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 Delco Labeled by underwriter's laboratories?
Will operator be always in attendance? No Does oil supply line feed from top or bottom of tank? Bottom
Type of floor beneath burner Concrete
Location of oil storage Basement Number and capacity of tanks 1-275
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 None

IF COOKING APPLIANCE

Location of appliance _____ Any burnable material in floor surface or beneath? _____
If so, how protected? _____ Kind of fuel? _____
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? _____ Forced or gravity? _____
If gas fired, how vented? _____ Rated maximum demand per hour _____

MISCELLANEOUS EQUIPMENT OR SPECIAL INFORMATION

1 1/4" Vent

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

APPROVED:

O.K. E & S 6/22/53

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

INSPECTION COPY

Signature of Installer

Pallotta Oil Co
S. Pallotto



(RC) RESIDENCE ZONE - C
APPLICATION FOR PERMIT

PERMIT ISSUED
 00310
 MAR 10 1953

Class of Building or Type of Structure Third Class
 Portland, Maine, March 7, 1953

CITY of PORTLAND

To the INSPECTOR OF BUILDINGS, PORTLAND, MAINE

The undersigned hereby applies for a permit to erect ~~alter, repair, or demolish~~ the following building ~~structure~~ ^{as shown on the plans} 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 47-51 Elmwood St. Ave. (Berry Ave.) Within Fire Limits? no Dist. No. _____
 Owner's name and address The Minat Corp., 220 Cumberland Ave. Telephone 4-8013
 Lessee's name and address _____ Telephone _____
 Contractor's name and address owners Telephone _____
 Architect _____ Specifications _____ Plans yes No. of sheets 5
 Proposed use of building dwelling house No. families 1
 Last use _____ No. families _____
 Material _____ No. stories _____ Heat _____ Style of roof _____ Roofing _____
 Other buildings on same lot _____
 Estimated cost \$ 7,500. Fee \$ 8.00

General Description of New Work

To construct $1\frac{1}{2}$ -story frame dwelling house 24' x 40'.

Permit Issued with Letter

Warning & Important notice sent
 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? yes Is any electrical work involved in this work? yes
 Is connection to be made to public sewer? yes If not, what is proposed for sewer? _____
 Height average grade to top of plate 9' Height average grade to highest point of roof 15'
 Size, front 40' depth 24' No. stories 1\frac{1}{2} solid or filled land? ? earth or rock? ?
 Material of foundation concrete at least 4' below grade Thickness, top 10" bottom 12" cellar yes
 Material of underpinning " to sill Height _____ Thickness _____
 Kind of roof pitch-gable Rise per foot 6" Roof covering Asphalt Class C Und Lab
 No. of chimneys 1 Material of chimneys brick of lining tile Kind of heat forced air fuel oil
 Framing lumber—Kind hemlock Dressed or full size? dressed
 Corner posts 4x6 Sills box Girt or ledger board? _____ Size _____
 Girders yes Size 6x8 Columns under girders lally Size 3\frac{1}{2}" Max. on centers 7' 8"
 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 2x8, 3rd _____, roof 2x8
 On centers: 1st floor 16", 2nd 24", 3rd _____, roof 24"
 Maximum span: 1st floor 12', 2nd 12', 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

The Minat Corp.

APPROVED:
 with letter by AJL

Signature of owner by: Arthur Cape

INSPECTION COPY

NOTES

3/2/53 - Location O.K. E.S.S.
2/5 - From check made
E.S.S.

1/6/53 - Let A.T. to close in subject
to the following - provincial studs
where needed in gable ends.
E.S.S.

5/4/53 - Tax permit against
studding on view of boarding
on gable ends. Vertical
siding against top paper
E.S.S.

5/7/53 - Letter M
6/2/53 - Gable ends O.K.
E.S.S.

8/4/53 - Hole to be
worked in line
during Tom work
so it would be
done of it.
Certificate to
be issued. E.S.S.

~~...~~

4/5 - 4/11
4/11 - 4/11
Permit No. 53/310
Location 4251
Owner
Date of permit 3/10/53
Notif. closing-in 4/6/53
Inspn. closing-in 4/7/53
Final Inspn. 5/7/53
Final Notif. 5/7/53
Cert. of Occupancy issued 8/10/53

...

(COPY)



CITY OF PORTLAND, MAINE
Department of Building Inspection

Certificate of Occupancy

Issued to The Minat Corp.

LOCATION 47-53 Greenwood Ave.

Date of Issue August 10, 1953

This is to certify that the building, premises, or part thereof, at the above location, built ~~altered~~ ~~changed~~ under Building Permit No. 53/310, has had final inspection, has been found to conform substantially to requirements of Zoning Ordinance and Building Code of the City, and is hereby approved for occup^{ancy} or use, limited or otherwise, as indicated below.

ENTIRE PORTION OF BUILDING OR PREMISES

Limiting Conditions:

APPROVED OCCUPANCY
One-family Dwelling House

This certificate supersedes certificate issued

Approved: *Errol Smith*
(Date) 8/10/53
Inspector

W. W. ...
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 in loose leaf form.

16-34 Kingswood Ave.

11-35
12-31
12-31

May 7, 1953

WCB 5/19/53

Registered Mail - Return Receipt

Mr. Mitchell Coyle, President
Minnat Corp.
221 Cumberland Ave.

Dear Mr. Coyle:-

Since our discussion of the proposition of finishing exterior walls of dwellings on the outside, using merely 15 pound felt across the face of the studs or up-rights and outside of the felt vertical one inch (nominal thickness) tongue and grooved sheathing exposed on the outside, I have examined the houses, at the locations listed above, and have settled it in my mind that the construction work is in violation of Sect. 312c3.14 of the Building Code.

At our conference the settlement of the problem was left in an inconclusive manner because you desired to procure written statements from whatever people, experienced in building construction and maintenance, ^{you can find} to support your view that this type of construction does comply with the Building Code. In connection with other features of dwellings, certain matters, notably the rooms finished on the second floor of a Calob St. house, without a permit, have been left in the same inconclusive fashion upon your promise to care for them and have corrections made. In the case of the Calob St. house, the matter of the finished rooms and the "T" girders has never been brought up since, and as far as I know, nothing has been done to correct the situation over these many months. For this reason it becomes necessary to proceed with more precision in this exterior wall case.

Therefore, this letter is notice that the above four houses, being built under your direction, are in violation of the Building Code in that the wood sheathing on the outside of the walls, backed-up by only 15 pound felt, is neither undoubtedly weather resistive and of such a character as to be permanently durable for outside exposure, nor is the sheathing covered with material that is weather resistive and permanently durable for outside exposure.

As authorized and directed by Sect. 109 of the Building Code, copy enclosed, you are hereby required to have these violations made good before May 15th, 1953.

This date is far enough away to give you ample time to exercise your appeal rights under the Building Code - Sect. 115. Such an appeal would be what is called a reversal appeal in that you would be seeking a decision from the Board of Municipal Officers to the effect that the construction you have used is in compliance with the Building Code.

The date given above for compliance with this order is far enough away so that, if you move without delay, the matter can come to hearing on May 15th before which time you should be able to produce whatever evidence you may find to support your case.

Very truly yours,

Warren Feltonald
Inspector of Buildings

WCB/U
Enclosure: Copy of Sect. 109 of Building Code

STATEMENT ACCOMPANYING APPLICATION FOR BUILDING PERMIT

for dwelling Date 3/7/53
at 47-51 Elmwood Ave.

1. In whose name is the title of the property now recorded? The Minat Corp.
2. Are the boundaries of the property in the vicinity of the proposed work shown clearly on the ground, and how? stakes
3. Is the outline of the proposed work now staked out upon the ground? no
If not, will you notify the Inspection Office when the work is staked out and before any of the work is commenced? yes
4. What is to be maximum projection or overhang of eaves or drip? _____
5. Do you assume full responsibility for the correctness of the location plan or statement of location filed with this application, and does it show the complete outline of the proposed work on the ground, including bay windows, porches and other projections? yes
6. Do you assume full responsibility for the correctness of all statements in the application concerning the sizes, design and use of the proposed building? yes
7. Do you understand that in case changes are proposed in the location of the work or in any of the details specified in the application that a revised plan and application must be submitted to this office before the changes are made? yes

Arthur Lopez

CF 47-51 Elmwood Ave., I

March 10, 1953

The Minat Corp.
220 Cumberland Ave.
Portland, Maine

Gentlemen:

Building permit for construction of a single family dwelling 24' x 40' on the lot at 47-51 Elmwood Ave. is issued herewith based on the plans filed with the application for permit, but subject to the following conditions:

1. Size of pipe columns for support of entrance platform is not shown. Care is to be taken to make sure that columns used for this purpose have an outside diameter of not less than 3 inches.
2. We understand that there are to be supports between the different sections of the picture window in the front wall of the living room. On this basis a 4x6 header will be adequate for the opening.
3. The spacing of the ceiling timbers at 24 inches on center is allowable only on the basis that there is to be no stairway to the attic, access to be provided by means of a scuttle at least 2x3 at some suitable location in the ceiling, and that the attic space is not to be floored over.

Very truly yours,

Warren McDonald
Inspector of Buildings