

Department of Planning & Urban Development

Marge Schmuckal
Zoning Administrator

Jeff Levine
Director Planning & Urban Development



CITY OF PORTLAND
ZONING BOARD OF APPEALS

Disability Variance Appeal Application

APPLICANT INFORMATION:

Joseph Piergrossi JR / Trevor Coyne
NAME

BUSINESS NAME

125 Morning Street #6
ADDRESS
Portland ME 04101

207-653-8109 / 207-653-2567
TELEPHONE #

Owners
APPLICANT'S RIGHT, TITLE OR INTEREST
(eg; owner, purchaser, etc)

R6
CURRENT ZONING DESIGNATION

SUBJECT PROPERTY INFO:

125 Morning Street
PROPERTY ADDRESS

014 No 18001
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER INFO (If Different):

Same
NAME

ADDRESS

Variance from Section 14: 473(c)(2)

Disability Variance

EXISTING USE OF PROPERTY:

Residential 6 Unit apartment
Building - owner occupied

RECEIVED

DEC 28 2012

Dept. of Building Inspections
City of Portland Maine

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for an appeal as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

[Signature]
SIGNATURE OF APPLICANT

12/27/12
DATE

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Disability Variance Appeal Application

WARNING!!

This application contains health care information and is CONFIDENTIAL, pursuant to 22 M.R.S.A., § 402(3) (Freedom of Access Law).

THE MEDICAL INFORMATION CONTAINED HEREIN MAY NOT BE DISCLOSED TO ANY PERSON WITHOUT THE WRITTEN CONSENT OF THE PATIENT

The Board of Appeals is authorized to grant disability variances by 30-A M.R.S.A., §4-A and Port Municipal Code § 14-473 (c)(2)

1. What is the nature of the disability which supports the request for a variance?

Joe's Father has spinal stenosis and is wheelchair bound and cannot access our unit to visit or live with us if that becomes necessary. Trevor's parents also cannot visit due to the amount of stairs to climb.

2. Does the disability constitute a physical or mental handicap as defined by 5 M.R.S.A., §4553?

YES NO

3. Does the person with the disability reside in the dwelling?

YES NO

Currently no, but that could change in the future to keep my dad out of a long term care facility.

4. Is the variance which is requested, restricted solely to the installation of equipment, or the construction of structures* necessary for access to or egress from the dwelling by the person with the disability?

YES NO

Installation of elevator and construction of shaft to access unit #6 - owners unit.

Conditions

The Board may impose conditions on the variance, including limiting the term of the variance to the duration of the disability or the time that the person with the disability lives in the dwelling.

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**The phrase "structure necessary for access to or egress from the dwelling" includes railing, wall or roof systems necessary for the safety or effectiveness of the structure.*

DISABILITY VARIANCES

Under state and local law, disability variances may be granted from local zoning requirements in order to make a residential dwelling accessible to a person with a disability who lives in, or uses the dwelling on a regular basis. These disability variances are not subject to the strict requirements of other variances, but they can only be granted by the Zoning Board of Appeals. The Board may impose conditions on the variances, including limiting the variance to the time that the person with the disability lives in the dwelling. An example of the need for a disability variance would be to build a wheelchair ramp within a required front, rear or side setback area in order to make the dwelling accessible.

The Board meets regularly, normally twice a month. A person with a disability who needs to install exterior equipment or construct structures necessary for accessibility to and from their residence should contact the Zoning Administrator at 207-874-8695 OR 207-874-8703 for a determination as to whether a disability variance is required. If a disability variance is required, the Zoning Administrator will provide the applicant with the necessary paperwork and forms for such variance, and information concerning the next available meeting of the Board. In the case of an emergency situation (eg. A person with a disability who will be released from a hospital the next day) the Zoning Administrator will review a permit application and may grant a temporary permit for the equipment or structure, subject to final approval of the Board. The applicant must file the application for such approval with the Board within a reasonable time of the grant of the temporary permit.

Normal application fees and the costs of advertising required under the City's Zoning Ordinance apply to all such applications. Consideration will be given to waiver of these fees, partially or totally, upon request of the applicant. The applicant will need to submit sufficient financial information to the City to permit the City to determine whether the fees and costs are a financial hardship for the applicant and should be waived.

December 27, 2012

City of Portland
Zoning Board of Appeals
385 Congress Street
Portland, Maine 04101

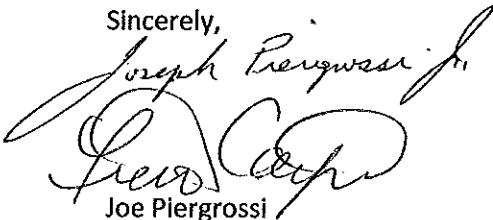
Dear Sir/Madam:

I am requesting a disability variance pursuant to 30-A M.R.S.A., section 4-A and Port Municipal Code section 14-473 ©(2) for lot coverage and side set back to install an elevator to our unit #6 at 125 Morning Street, Portland, Maine. The purpose of the elevator is to provide access to my father who is unable to walk and is confined to a wheelchair. My dad who is 92 cannot currently access our unit to visit or live with us if that becomes necessary in the future. Our unit is located on the 3rd and 4th floor rear of the building.

Trevor Coyne's parents are also elderly and have difficulty visiting us due to the amount of stairs they have to climb. Installing this elevator to our unit would greatly help towards my dad's accessibility to my unit as well as Trevor's parent's ability to visit us.

Thank you for your consideration in this matter.

Sincerely,

The image shows two handwritten signatures in black ink. The first signature is for Joe Piergrossi and the second is for Trevor Coyne. Both signatures are written in a cursive, flowing style.

Joe Piergrossi
Trevor Coyne
125 Morning Street #6
Portland, Maine 04101

THIS IS NOT A BOUNDARY SURVEY

INSPECTION OF PREMISES

I HEREBY CERTIFY TO Douglas Title Co.
Norway Savings Bank and its Title Insurer

The monumentation is ~~not~~ in harmony with current deed description.

The building setbacks are ~~not~~ in conformity with town zoning requirements. "Grandfathered"

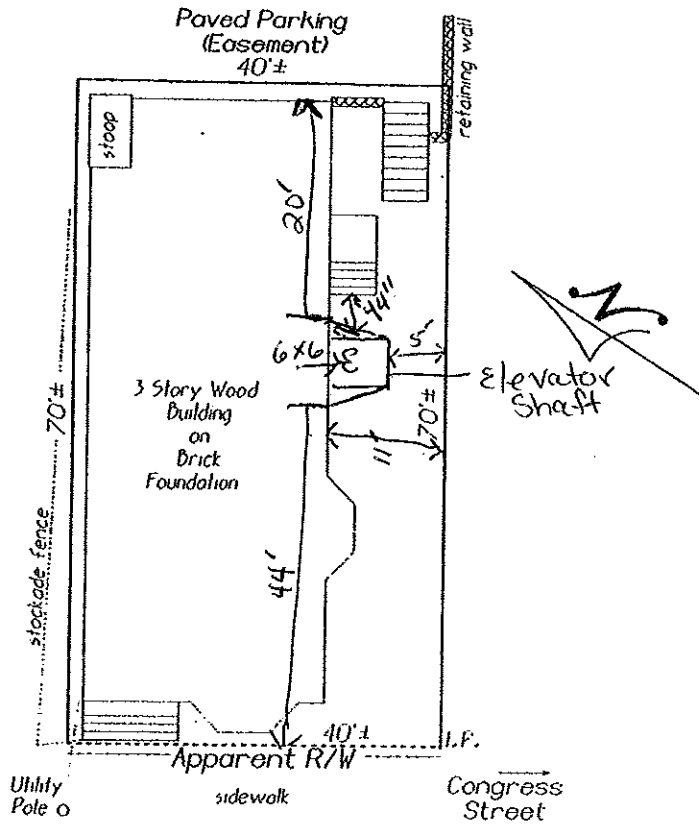
The dwelling does not appear to fall within the special flood hazard zone as delineated by the Federal Emergency Management Agency.

The land does not appear to fall within the special flood hazard zone as indicated on community-panel # 230051 0014 B

125 Morning Street
Portland, Maine

Job Number: 409-15
Inspection Date: 07-02-10
Scale: 1" = 20'

BUYER: Trevor Coyne &
Joseph Piergrossi, Jr.
SELLER: Louis G. Fournier



Morning Street
(bituminous)

THIS PROPERTY IS SUBJECT TO ALL RIGHTS AND EASEMENTS OF RECORD. THOSE THAT ARE EVIDENT ARE SHOWN. THIS PLAN MIGHT NOT REVEAL CONFLICTS WITH ABUTTING DEEDS.

Bruce R. Bowman
INCORPORATED
184 John Small Road
Chebeague Island, Maine 04017
Phone: (207) 846-1663
Fax: (207) 846-1664



PLAN BOOK _____ PAGE _____ LOT _____
DEED BOOK 23892 PAGE 65 COUNTY Cumberland

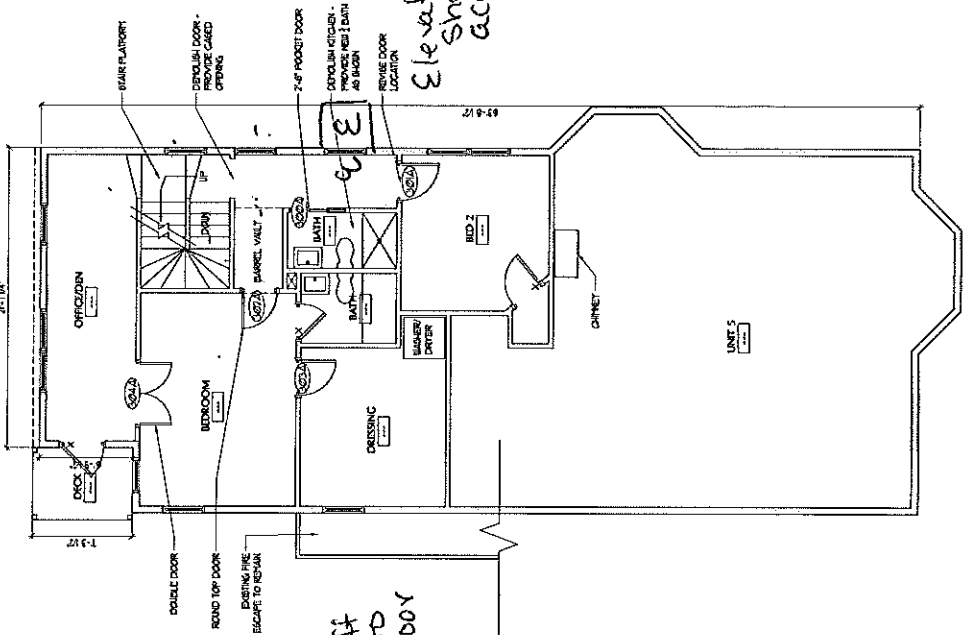
THIS PLAN IS NOT FOR RECORDING Drawn by: [Signature]

PORE GUY ARCHITECTURE
 65 NEWBURY STREET
 PORTLAND, ME 04101
 Tel.: 207.761.9000
 info@portguyarch.com

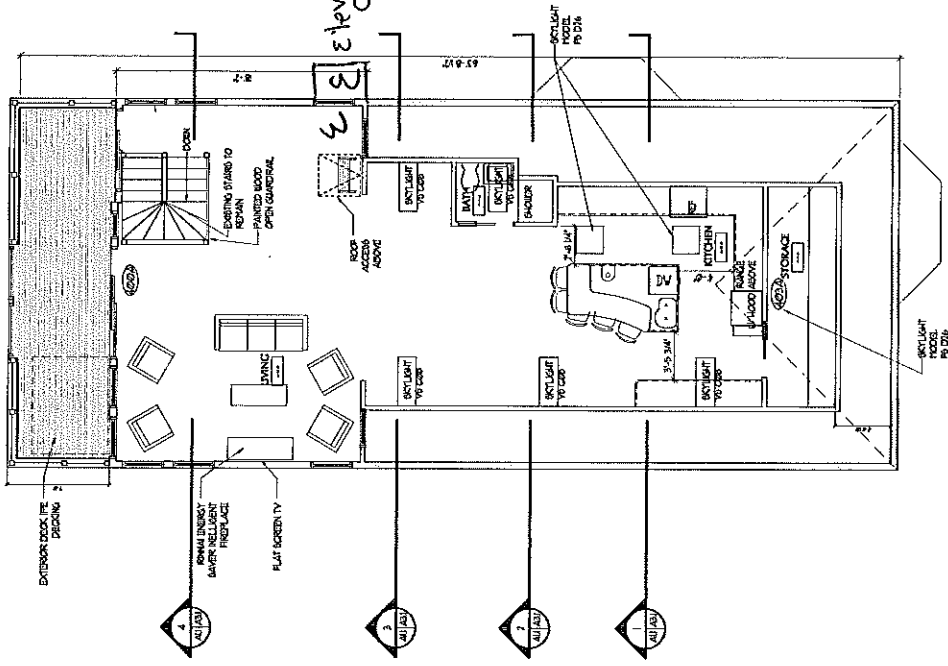
**Piergrass/Coyne
 RESIDENCE**
 125 MORNING STREET
 PORTLAND, MAINE

NO.	DATE	DESCRIPTION
1	01/11/10	REVISED

UNIT 6
**RESIDENCE
 ADDITION**
 Drawing Scale: 3/4" = 1'-0"
 UNIT 6
**RESIDENCE
 ADDITION**
 A12



1 UNIT 6 FIRST FLOOR
 SCALE: 1/4" = 1'-0"



2 UNIT 6 SECOND FLOOR
 SCALE: 1/4" = 1'-0"





WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **LOUIS G. FOURNIER, JR.** of Portland, Maine, for consideration paid, grant to **TREVOR L. COYNE** and **JOSEPH P. PIERGROSSI, JR.**, individuals with a mailing address of P.O. Box 10427, Portland, Maine 04104, as joint tenants, with **WARRANTY COVENANTS**, the land in Portland, County of Cumberland and State of Maine, bounded and described as follows:

A certain lot or parcel of land with the buildings thereon, situated on the easterly side of Morning Street, in the City of Portland, County of Cumberland and State of Maine, bounded and described as follows:

Beginning at a stake on said easterly side of Morning Street at the northerly corner of land formerly owned by the heirs of Henry Deering, said stake being distant one hundred sixty-two and five-tenths (162.5) feet from Congress Street; thence northerly by said easterly side of Morning Street forty and forty-four hundredths (40.44) feet to an iron stake; thence easterly at right angles to said Morning Street seventy and forty-one hundredths (70.41) feet to land formerly owned by Moses Gould; thence southerly by said Gould land and land now or formerly owned by A.G. Peterson forty and forty-four hundredths (40.44) feet to land of said Deering heirs; thence westerly by land of said Deering heirs seventy and twenty-seven hundredths (70.27) feet to the point of beginning.

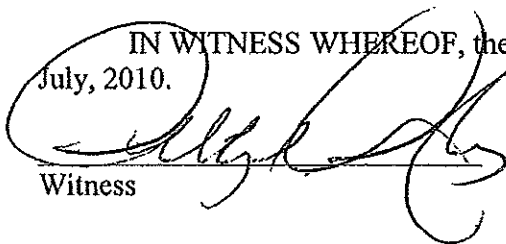
Reference is made to a Restated Easement between Morning Eastern Promenade, LLC and Louis G. Fournier, Jr. to be recorded herewith.

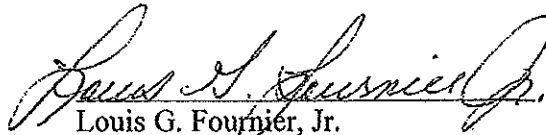
Reference is also made to Boundary Survey on Morning St., Turner Sts and Eastern Promenade, Portland Maine Made for Morning Eastern Promenade, LLC to be recorded herewith.

Being the same premises conveyed to the Grantor herein by Conservator's Deed from Laurence S. Allen, Jr., Conservator for Lulu F. Nichols (a/k/a Lou F. Nichols) dated April 24, 2006 and recorded in the Cumberland County Registry of Deeds in Book 23892, Page 65. Reference is made to an Abstract of Divorce Judgment Regarding Real Estate between Taya L. Arnold, Plaintiff v. Louis G. Fournier, Jr., Defendant, Ninth District Court, Docket No.FM-08-244 granting this property to Louis G. Fournier Jr., the Grantor herein. The Abstract is dated January 19, 2010 and recorded in the Cumberland County Registry of Deeds in Book 27537, Page 211.

IN WITNESS WHEREOF, the said Louis G. Fournier, Jr. has set his hand this 29th day of July, 2010.

Witness



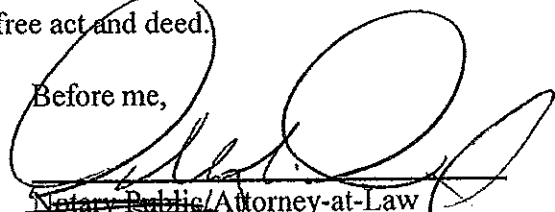

Louis G. Fournier, Jr.

STATE OF MAINE
COUNTY OF CUMBERLAND

July 29, 2010

Then personally appeared before me the above named Louis G. Fournier, Jr., and acknowledged the foregoing instrument to be his free act and deed.

Before me,



~~Notary Public/Attorney-at-Law~~

Donnelly S. Donatas
Printed name of person taking
acknowledgment



Joe Piergrossi <joseph.piergrossi jr@gmail.com>

disability variance

1 message

Mark Perlin <maperlin@yahoo.com>
To: Joe Piergrossi <joepier@maine.rr.com>

Thu, Dec 27, 2012 at 10:12 PM

ESTHER ALBERT REALTY LLC**119 Morning Street
Portland, Maine 04101****225 East 36th Street - Apt. 5N****New York, NY 10016****Telephone # 646-265-4029
Fax # 888-527-0403
maperlin@yahoo.com**

December 27, 2012

City of Portland
Zoning Board of Appeals
385 Congress Street
Portland, Maine 04101

Re: Disability variance request for 125 Morning Street, #6, Portland, ME 04101

Dear Sir/Madam:

We are writing regarding the request by Mr. Joe Piergrossi and Mr. Trevor Coyne for a disability variance for the above referenced property.

We are the owners of the property next door to 125 Morning Street at 119 Morning Street - a 28 unit residential apartment building.

We have no objections to the variance being granted. We believe there is adequate space for the installation of the elevator and do not feel this installation will have any negative impact on our property or on anyones property in the surrounding area.

We believe the request, based on the medical related issues of Mr. Piergrossi's father and Mr. Coyne's parents, is a valid reason for the variance to be approved.

We support this request and we ask that you grant it.

If you have any questions or want to discuss this further please feel free to contact me directly at 646-265-4029 or by email at maperlin@yahoo.com.

Thank you for your consideration.

Sincerely,

/s/ Mark Perlin

Mark Perlin
Vice President
Esther Albert Realty LLC

Mark Perlin
225 East 36th Street
New York, NY 10016
maperlin@yahoo.com
(H)212-686-4855
(C)646-265-4029
(F)888-527-0403