

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:**

GLADYS P GARCIA & BENJAMIN CROCKER  
NAME

**BUSINESS NAME**

13 CARROLL STREET  
ADDRESS  
PORTLAND, MAINE 04102

207-761-7975 / 207-332-9049  
TELEPHONE #

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

R-6  
CURRENT ZONING DESIGNATION

**EXISTING USE OF PROPERTY:**

RESIDENTIAL  
two family

**SUBJECT PROPERTY INFO:**

13 CARROLL STREET  
PROPERTY ADDRESS  
PORTLAND, ME. 04102  
62-B-000

**CHART/BLOCK/LOT (CBL)**

**PROPERTY OWNER INFO (if Different):**

**NAME**

**ADDRESS**

**Variance from Section 14:**

14-473(c)(2) & 14-139(c)(4)(c)

**RECEIVED**

DEC 17 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.

Charles P. Davis  
SIGNATURE OF APPLICANT

11/13/12  
DATE

Department of Planning & Urban Development

Marge Schmuckal  
Zoning Administrator

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Director Planning & Urban Development

**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?

*Elderly, frail woman who needs to use a wheel chair to go to doctor appointments, etc.*

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

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

**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.

November 13, 2012  
Department of Planning and Urban Development  
Zoning Board of Appeals  
Portland, Maine

Dear Members of the Board of Appeals:

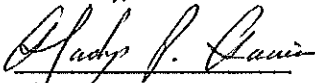
We are writing you this letter to request permission to complete a project at our home at 13 Carroll street in Portland.

This project involves building a handicap ramp for wheel chair access. My mother is a frail elderly woman who lives with us. I am my mother's care taker.

Consideration has been given to harmony and aesthetics when selecting the location for the ramp. It is adjacent to our house leading out to the driveway. There is urgency to our request as my mother is no longer able to ambulate: for her safety a ramp is required.

We would like to thank you for the opportunity to communicate with you about our request and we hope that the information and documentation included in this packet is useful to you.

Sincerely,



Gladys P. Garcia  
13 Carroll Street  
Portland, Maine 04102  
207-332-9049  
207-450-8627  
207-761-7975



Benjamin Crocker

City of Portland  
Residential Building Permits  
Portland, Maine

Dr. Gladys Garcia  
Dr. Benjamin Crocker  
13 Carroll Street  
Portland, Maine 04103

Lance Yule  
Contractor - Master Carpenter  
Box 3929  
Portland, Maine 04104  
207 650-2267

This project is a handicap ramp for the eldest family member whom has recently become wheel chair assisted.

This ramp is temporary, without benefit of a specific duration time point. The ramp will be removed at some point in time, and the stairs will be placed back.

This ramp meets all city codes and is ADA compliant.

This property has a first floor that is about four feet above ground level. Accordingly the ramp has an overall length of 48 feet – with placement of this ramp being alongside the building – running down from the back of the building to the front. The back door will be used for entry and exit.

The materials for this ramp are of a higher quality than other home owners would consider, or existing ramps we see around town are generally constructed of. This ramp design addresses the surrounding properties visual and compatability concerns. The owners of this property have requested this higher quality design.

This family member, for whom this handicap ramp is being built for, needs scheduled hospital care. She is presently being carried down rather steep granite front stairs for each appointment. This is a dangerous situation each time. There is urgency to completing this project.

Thank you

1717 IAN CARROLL ST.  
PORTLAND MAINE

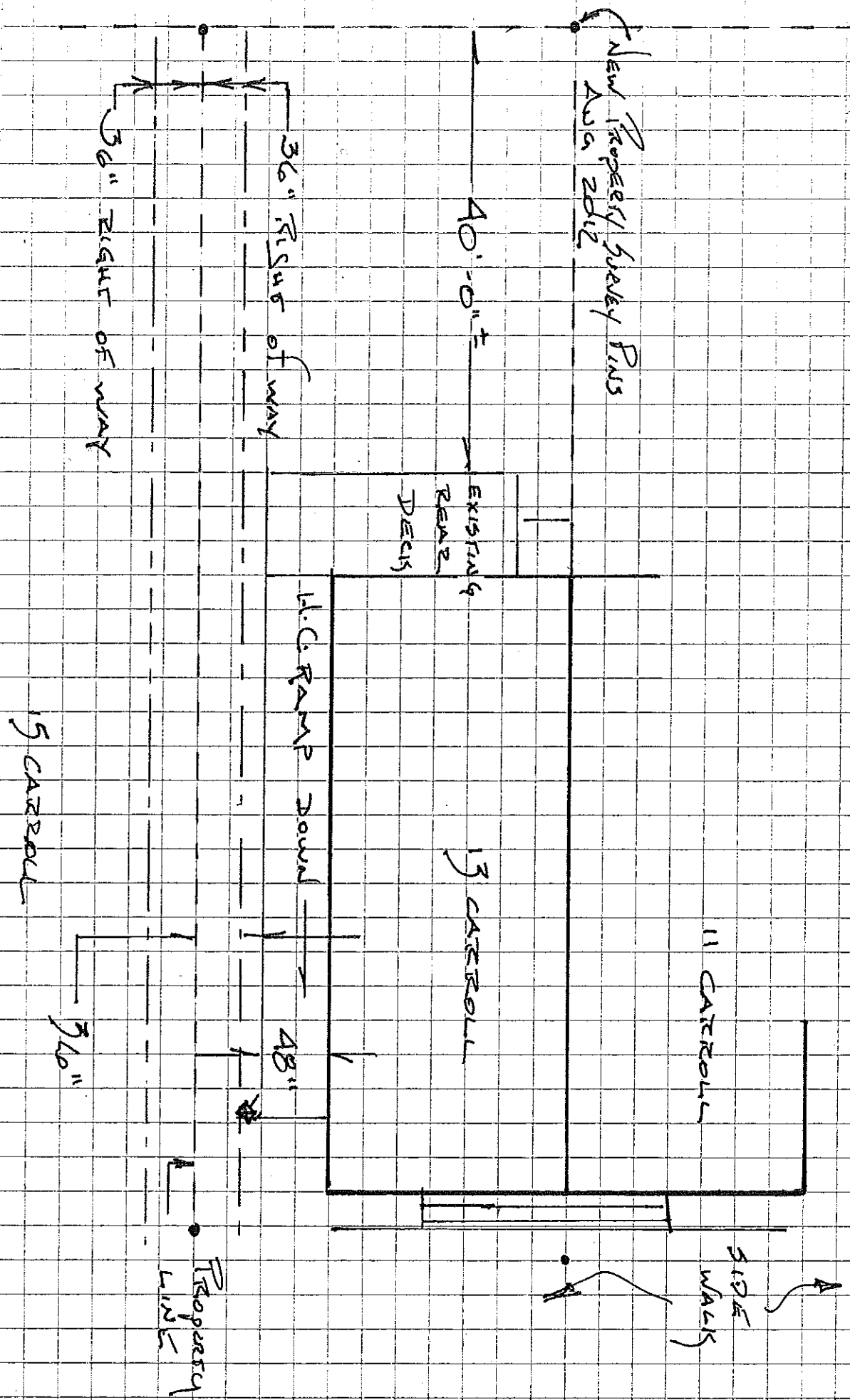
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NOV - 2 2012

Dept. of Building Inspections  
City of Portland Maine

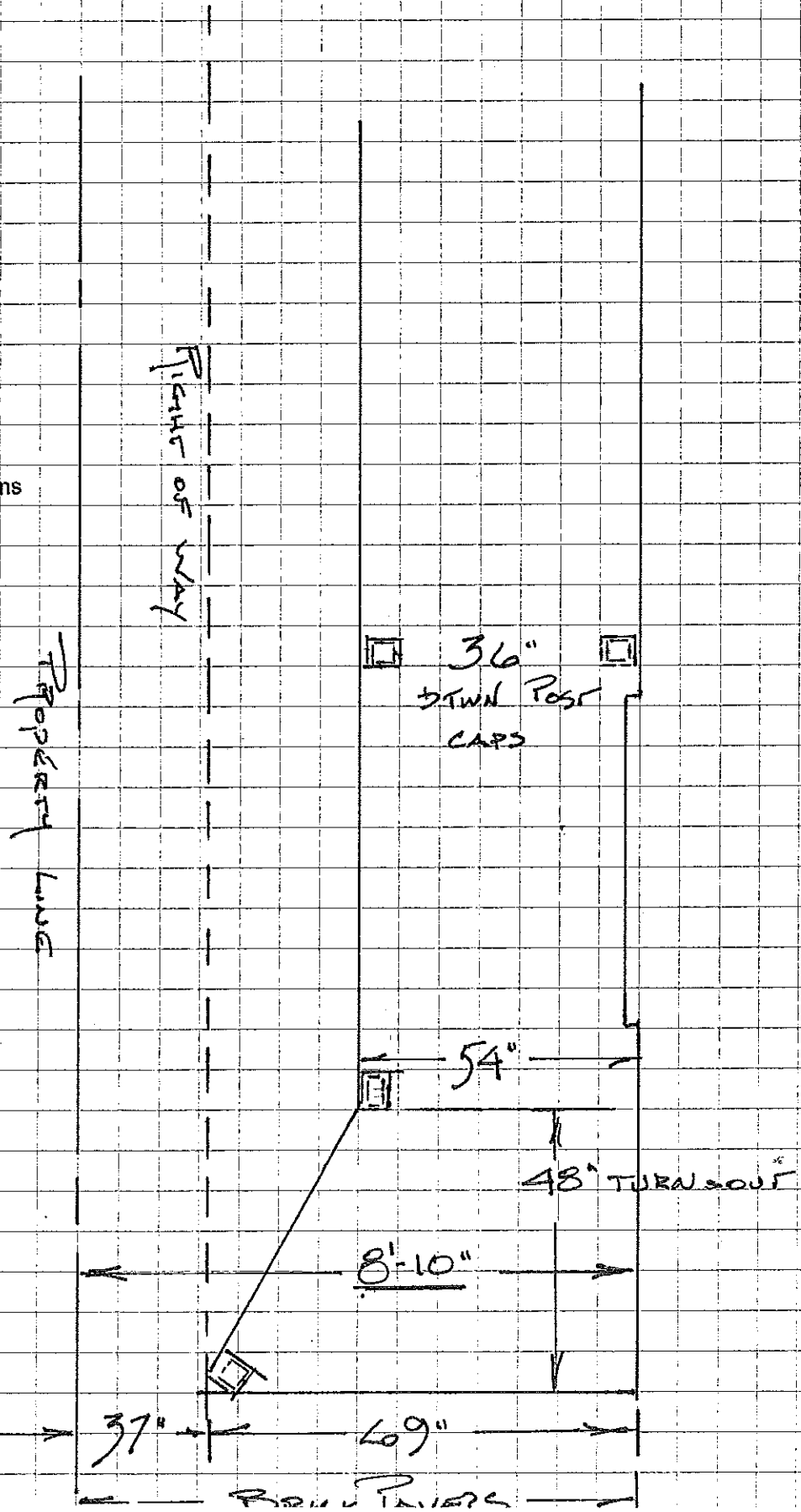
NOT TO  
SCALE  
C.M.

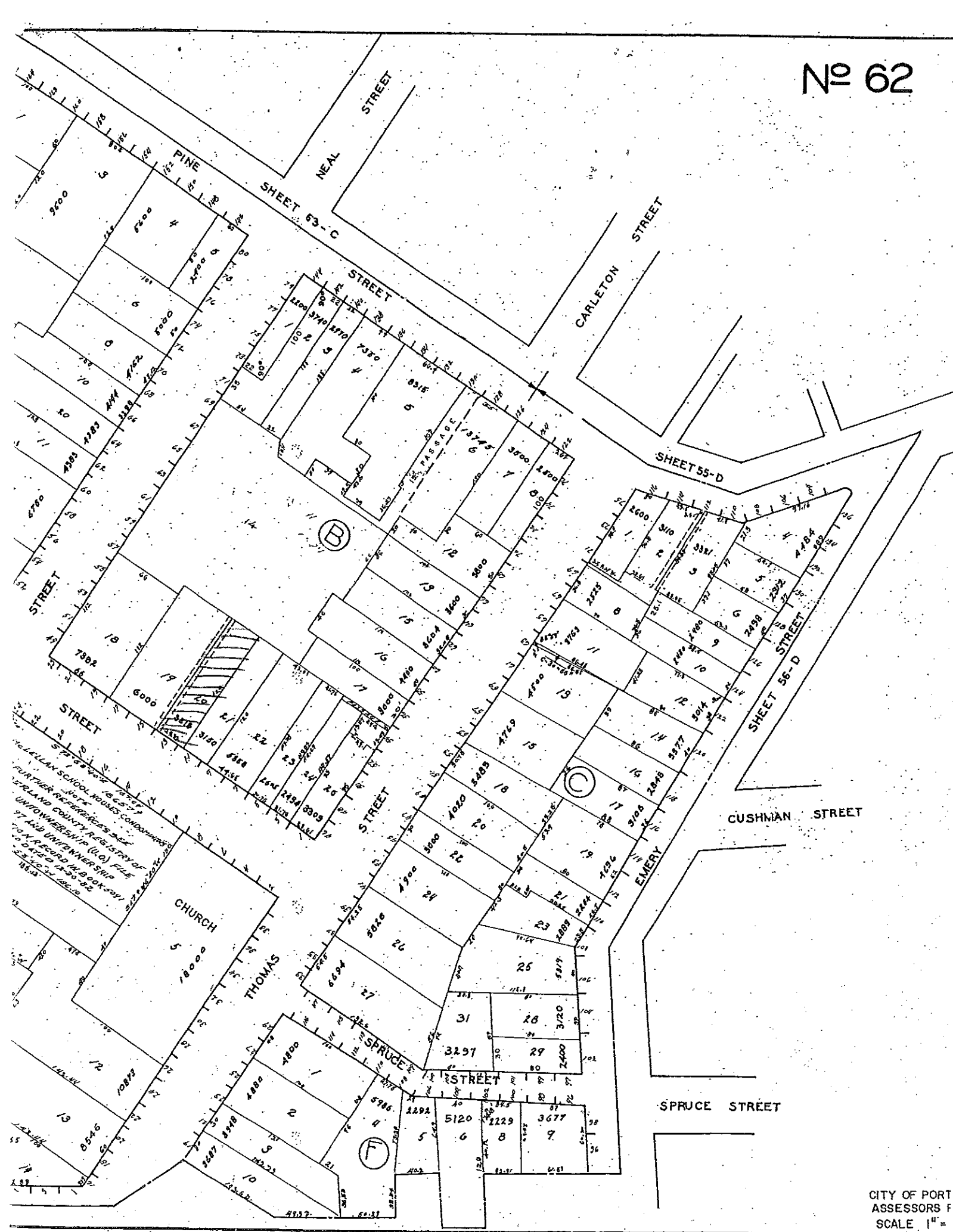
New Property Survey Pins  
Also 2412

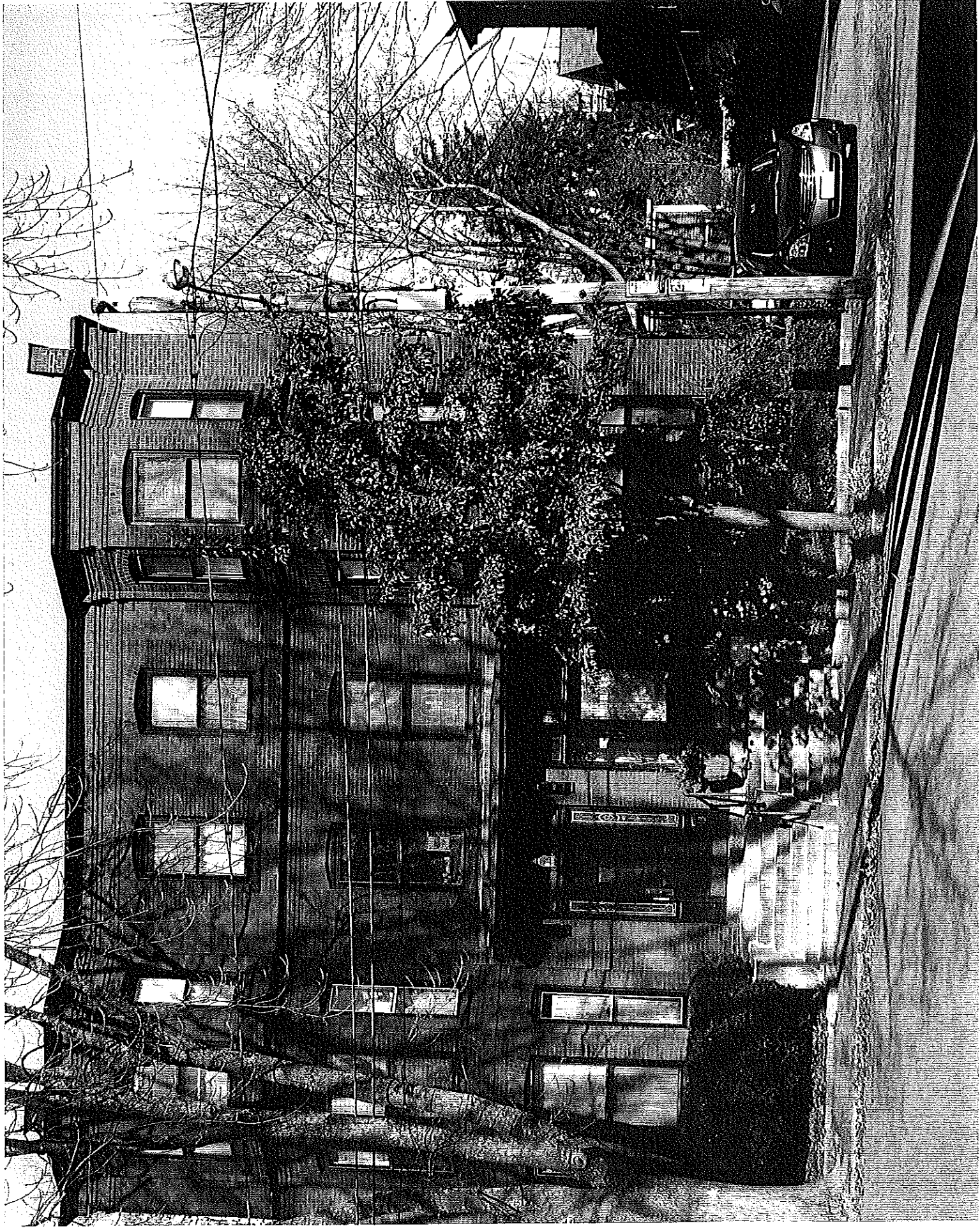


Floor Plan  
H.C. Ramp Detail

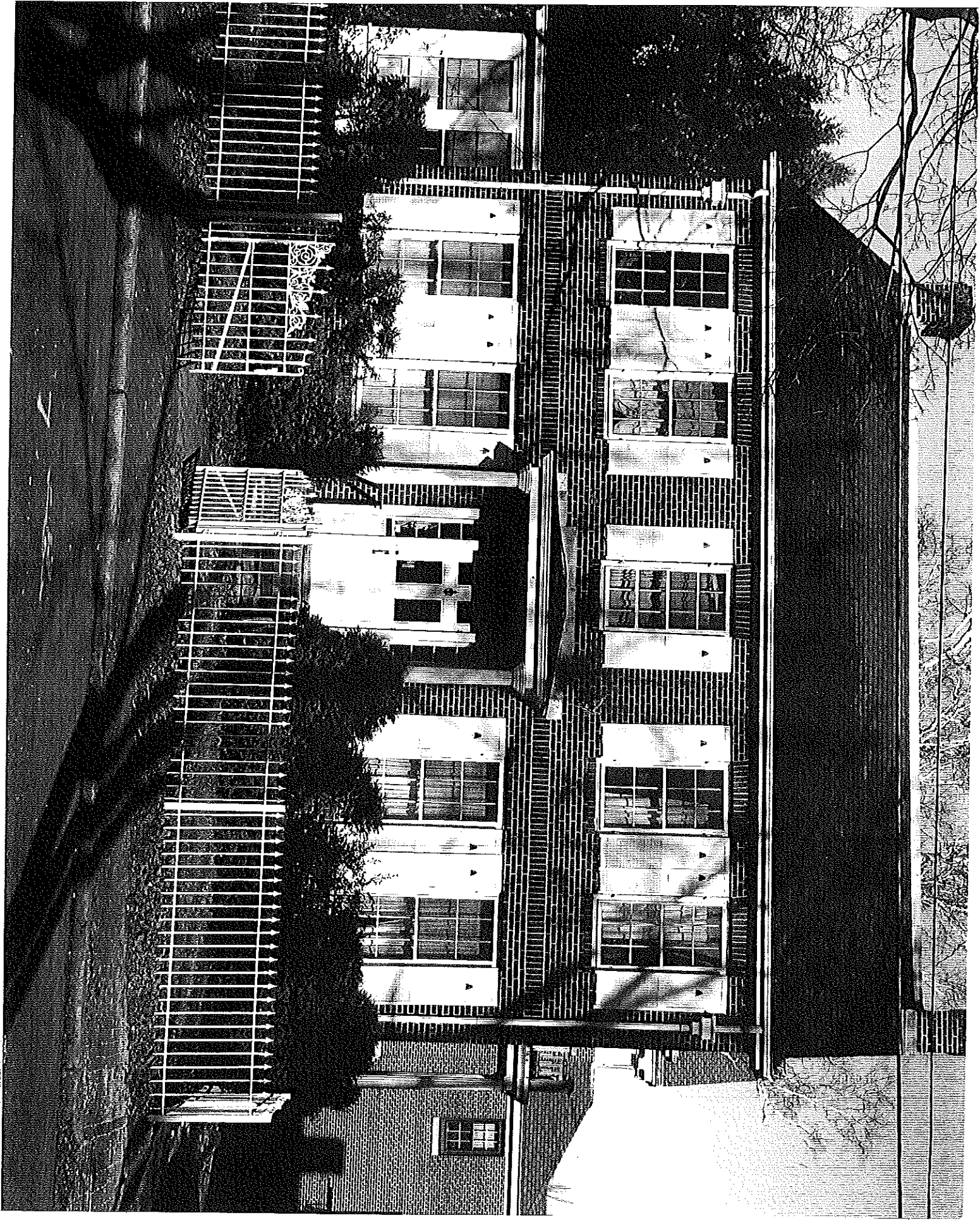
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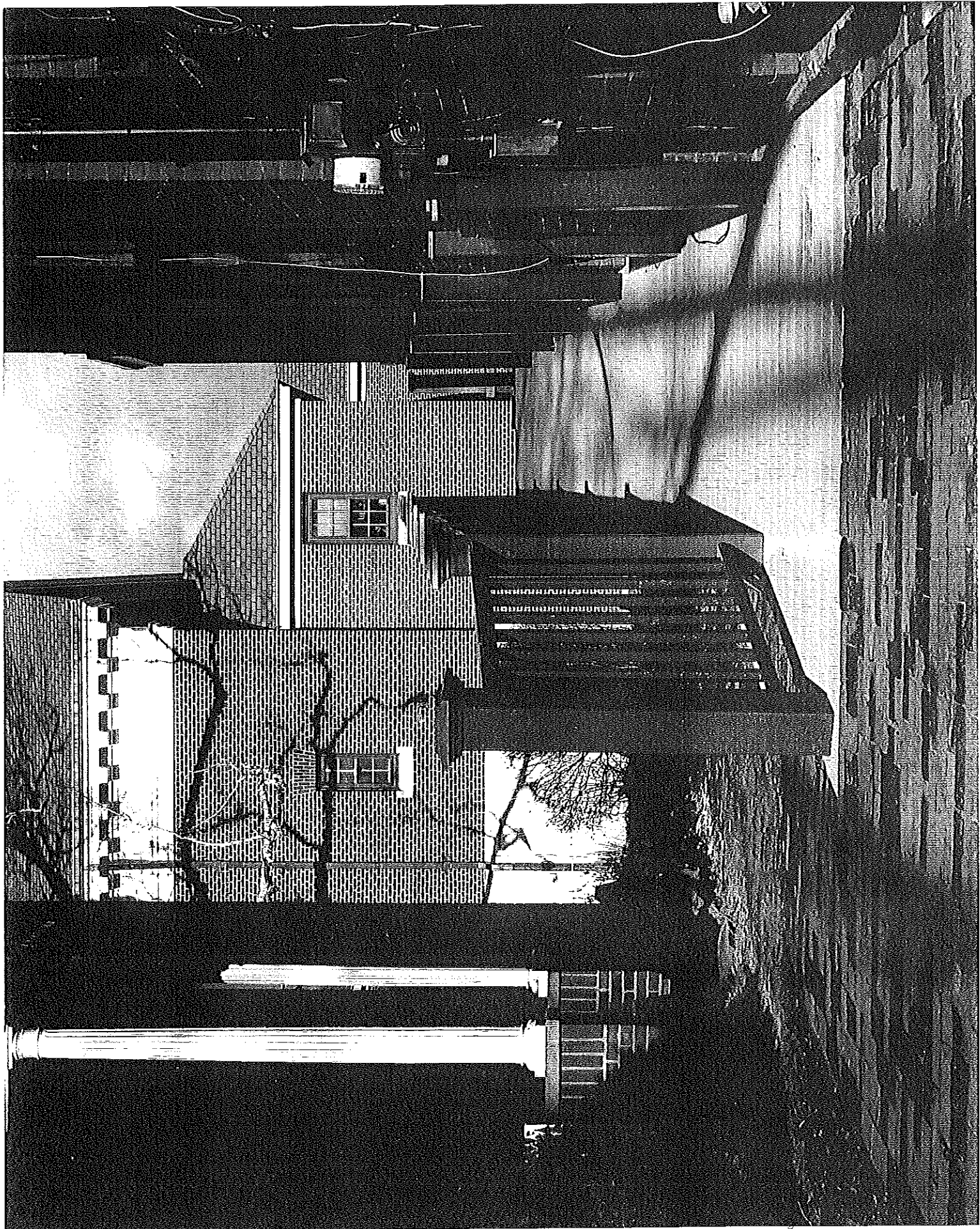












21902

WARRANTY DEED  
(Statutory Short Form)  
JOINT TENANCY

and \*Gladys Garcia *W.D.*

We, VAN B. AFES and PHILLIP J. INCARNATO, of Portland, County of Cumberland, and State of Maine, for consideration paid, grant to BENJAMIN CROCKER, \* of 94 Neal Street, Portland, County of Cumberland, and State of Maine, WITH WARRANTY COVENANTS\*\* the following described real estate in Portland, County of Cumberland, and State of Maine:  
as joint tenants *W.D.*

See Exhibit A attached hereto and made a part hereof.

Also hereby conveying all rights, easements, privileges, and appurtenances, belonging to the premises hereinabove described.

WITNESS our hands and seals this 29<sup>th</sup> day of April, 1996.

*[Signature]*  
Witness

*Van B. Afes*  
Van B. Afes

*40 Seal*  
Witness

*Phillip J. Incarnato*  
Phillip J. Incarnato

STATE OF MAINE  
Cumberland, ss.

April 29, 1996

Then personally appeared the above-named Van B. Afes and Phillip J. Incarnato and acknowledged the foregoing instrument to be their free act and deed.

Before me,

*[Signature]*  
Notary Public/Attorney at Law

Printed Name: *Fred Ovarre*  
*NY Comm Ex A! 5.16.2000*

MAINE REAL ESTATE TAX PAD

## EXHIBIT A

A certain lot or parcel of land with the buildings thereon, located in Portland, County of Cumberland and State of Maine, on Carroll Street and bounded and described as follows:

BEGINNING at a point on the Northerly side of Carroll Street distant Eastwardly by said Carroll Street fifty feet (50) from the Southeasterly corner formerly owned by C.T. Barbour, thence running eastwardly by said Carroll Street twenty-nine and thirty-two hundredths feet (29.32), more or less, to a point opposite the center of the partition wall between the brick dwelling house standing on the premises under description and the one standing on the premises next eastwardly therefrom, which said point is the most Westerly corner of land conveyed to Samuel Boothby by the Portland Savings Bank by deed dated October 11, 1901, and from these two points extending Northwardly between said Boothby land on the East side and land conveyed by James A. Romito to Marguerite F. Burnett and another by deed dated October 30, 1923, and recorded in Cumberland County Registry of Deeds, Book 1153, Page 70, on the West a distance of one hundred twenty feet (120) together with a right of way three feet (3) in width along the Easterly side of said Burnett land and extending the full depth of said lots or one hundred twenty feet (120). Said right of way constitutes a right of way six feet (6) wide for the common use of the owners of said respective lots, their heirs, successors and assigns. Said premises are numbered thirteen (13) on said Carroll Street according to plans of said City of Portland.

This conveyance is made subject to a right of way three feet (3) wide along the Westerly side of the land hereby conveyed and extending the full depth of one hundred twenty feet (120). See deed of James A. Romito to Marguerite F. Burnett et al., dated October 30, 1923, and recorded in said Registry of Deeds, Book 1153, Page 70.

Being the same premises conveyed to the Grantors herein by Warranty Deed of Vincent M. Carbone dated August 13, 1993 and recorded in the said Registry of Deeds in Book 10888, Page 148.

RECEIVED  
RECORDED REGISTRY OF DEEDS

96 APR 30 PM 12:59

CUMBERLAND COUNTY

John B. O'Brien

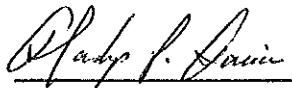
November 13, 2012

City of Portland  
Department of Planning and Urban Development  
Zoning Board of Appeals  
Portland, Maine

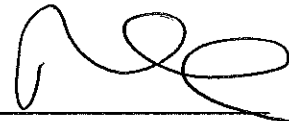
Dear Members of the Board:

The purpose of this letter is to give authorization to Mr. Lance Yule a Master Carpenter/Contractor to help us with the permit application process for a handicap ramp project at our home at 13 Carroll street in Portland.

Sincerely,



Gladys P. Garcia  
13 Carroll Street  
Portland, Maine 04102  
207-332-9049  
207-450-8627  
207-761-7975



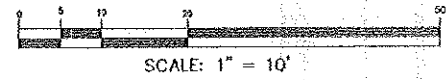
Benjamin Crocker

STANDARD BOUNDARY SURVEY  
**LAND OF  
 GLADYS GARCIA AND BENJAMIN CROCKER  
 13 CARROLL STREET, PORTLAND, MAINE**

MADE FOR  
**GLADYS GARCIA**  
 13 CARROLL ST. PORTLAND, MAINE 04102

COMPILED BY  
**MAIN-LAND DEVELOPMENT CONSULTANTS, INC.**  
 P.O. BOX Q - LIVERMORE FALLS, MAINE 04254

DATE OF SURVEY: AUGUST 22, 2012  
 DATE OF PLAN: AUGUST 24, 2012  
 JOB NO.: 12-140  
 FILE NO.: 1962



**NOTES**

1. ALL BEARINGS ARE REFERENCED TO MAGNETIC NORTH 1980 TAKEN FROM PLAN OF "ARLELLAH SCHOOL HOUSE'S CORNER MARKS", RECORDED IN PLAN VOL. 79, PAGE 1 CUMBERLAND COUNTY REGISTRY OF DEEDS.
2. ALL BOOK AND PAGES REFER TO THE CUMBERLAND COUNTY REGISTRY OF DEEDS.
3. ALL REBARS SET ARE 5/8" IN DIAMETER AND CAPPED, "PLS 1271"

NOW OR FORMERLY OF  
 FIRST CHURCH OF CHRIST SCIENTIST OF PORTLAND  
 BOOK 821, PAGE 160

CHAIN-LINK FENCE  
 CHAIN-LINK FENCE  
 CHAIN-LINK FENCE

CAPPED REBAR SET  
 3/4" GALVANIZED PIPE  
 FOUND 1.04' OFF LINE

LAND OF  
 GLADYS GARCIA &  
 BENJAMIN CROCKER  
 BOOK 12477, PAGE 150

BOARD FENCE

0.55'

18" HORSE CHESTNUT,  
 BOUNDARY PASSES  
 THROUGH CENTER

WOOD DECK

BOARD FENCE

NOW OR FORMERLY OF  
 OUIDA L. WILKINS  
 BOOK 2484, PAGE 474

WESTERN EDGE OF 3' WIDE RIGHT-OF-WAY  
 APPURTENANT TO SURVEYED PARCEL.  
 REFER TO BOOK 1153, PAGE 70.

N17°06'20"E  
 120.00'

HOUSE

NOW OR FORMERLY OF  
 ISABEL SMILES  
 BOOK 15859, PAGE 310

EASTERN EDGE OF 3' WIDE RIGHT-OF-WAY  
 APPURTENANT TO LAND OF OUIDA WILKINS

CAPPED REBAR SET  
 BENEATH FOURTH  
 BRICK FROM STEPS

BRICK WALL  
 OF HOUSE

GRANITE STEPS,  
 & LANDING

REBAR FOUND JUST BELOW GRADE 0.09'  
 NORTH OF COMPUTED RIGHT-OF WAY

CAPPED REBAR SET FLUSH  
 N 64°30'55"E, 0.28' FROM  
 TOP OF BENT PIPE FOUND

OVERHEAD UTILITIES

GRANITE CURB

**CARROLL STREET**

GRANITE CURB

NEAL STREET

THOMAS STREET

DRILL HOLE IN PORTLAND PUBLIC WORKS  
 DEPARTMENT GRANITE MONUMENT

CAPPED REBAR FOUND  
 SET IN BRICK SIDEWALK

*Barry M. Allen*  
 BARRY M. ALLEN MAINE PROFESSIONAL LAND SURVEYOR #1271