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City of Portland, Maine  
 Planning and Development Department  
 Zoning Board of Appeals  
 Disability Variance Appeal Application

**Applicant Information:**

Name Eduardo Layug  
 Business Name Alpha One Attn: Dwight Glick  
Candace Scripture  
 Address 127 Main Street  
South Portland, Me 04106  
 Telephone 207-767-2189 Fax 874-8936

**Subject Property Information:**

427 St John Street  
 Property Address  
066A F 20  
 Assessor's Reference (Chart-Block-Lot)  
 Property Owner (if different):  
 Name Eduardo Layug  
427 St. John St.  
 Address  
Portland ME 04103

**Applicant's Right, Title or Interest in Subject Property:**

Assigned representative: Independent  
 (e.g. owner/purchaser, etc.): Living Specialist

Current Zoning Designation: RFR-5

Telephone \_\_\_\_\_ Fax \_\_\_\_\_  
 Variance from Section 14 - 473(C)(2)  
14-120(1)(d)(3)

**Existing Use of Property:**

SINGLE FAMILY Residence

**RECEIVED**

SEP 20 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 a variance as above described and certifies that all information herein supplied by his/her is true and correct to the best of his/her knowledge and belief.

Candace Scripture  
 Signature of Applicant

9/20/2012  
 Date

Department of Planning & Urban Development

Marge Schmuckal  
Zoning Administrator

Jeff Levine  
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?

*Mr. Layug is disabled with high paraplegia from a gunshot wound. He has no sensation below his chest. Other medical conditions include diabetes, hypertension, chronic urinary tract infections and Atrial Fibrillation. He uses a motorized wheelchair for mobility.*

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.

## Department of Planning & Urban Development

Marge Schmuckal  
Zoning Administrator

Jeff Levine  
Director Planning & Urban Development

*\*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.



*Powering Independent Living*

127 Main Street  
South Portland, ME 04106  
800.640.7200 (v/tty)  
207.799.8346 (fax)

September 13, 2012

Gordon Smith, Chairman  
City of Portland  
Zoning Board of Appeals  
389 Congress Street, Room 315  
Portland, ME 04101

RE: Edward Layug, 427 St. John Street Disability Variance

Dear Mr. Smith and Members of the Board:

Please find attached 11 copies of the Disability Variance Appeals Application for the above address.

Alpha One has approved the installation of a Temporary Critical Access Ramp for Mr. Layug; the existing ramp has been determined to be too steep and shows signs of wear.

Because the replacement ramp does not meet the R-5 8 foot side yard set back requirement, we are asking for a Variance to accommodate the temporary structure.

Alpha One, a nonprofit agency, receives funds from various grant programs to help disabled persons maintain their independence. The City of Portland generously supports this mission for disabled Portland residents in need by including our Critical Access Program among others funded by Portland's Community Development Block Grant. We would appreciate any opportunity to wave additional fees in order to ensure that these grant funds are available to help others who need access to get safely in and out of their homes.

We appreciate your review and consideration for this project. Please call me at (207) 619-9239 or cell (207) 239-9810 if you have questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Dwight E. Glidden". The signature is fluid and cursive, written over a horizontal line.

Dwight E. Glidden  
Independent Living Assistant

ATTACHMENTS

September 10, 2012

Gordon Smith, Chairman  
City of Portland  
Zoning Board of Appeals  
389 Congress Street, Room 315  
Portland, Maine 04101

Dear Mr. Smith and members of the Board:

This letter is submitted in support of my "Disability Variance Appeal Application" and to request that you recognize Dwight E. Glidden as my representative at the hearing for the disability variance. He can be contacted at Alpha One, 127 Main Street, South Portland, Maine 04106; telephone (207) 619-9239 or cell (207) 239-9810.

Mr. Glidden has worked with me to acquire funding under Alpha One's "Critical Access Program" for installation of a new wheelchair ramp at my home located at 427 St. John Street, Portland, Maine. I am paralyzed and use a motorized wheelchair for mobility. The ramp is needed for me to enter and leave my home safely without using stairs.

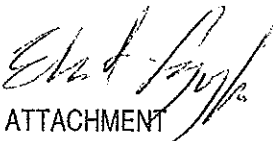
The back door of my home is the most practicable place to locate the ramp. The ramp that I have now was inspected by Mr. Glidden and found to be unsafe because it is too steep. I have been approved under the program for a new, longer ramp to be installed by Custom Float Services of Portland. Because the ramp is longer, it must be moved closer to the northern property line to maintain vehicular access to the garage. Approval of the disability variance will allow installation of the ramp near the paved driveway and facilitate transferring to parked vehicles. It will not adversely affect my neighbors.

Attached is a copy of the deed to my property.

I look forward to your decision and can be reached at (207) 773-3523 if you have additional questions or concerns.

Sincerely,

Eduardo S. Layug



ATTACHMENT



Powering Independent Living

## Critical Access Ramp Program Installation Form

Name: Eduardo S. LAYUG Date: 06/14/12  
 Address: 427 St. John Street Male   
 Portland, Maine 04102 Female   
 County: Cumberland  
 Phone: (207) 773-3523  
 E-mail: elayug1@maine.rr.com

Approximate Height To Threshold: 14 inches

Length Of Ramp Suggested: At least 14 feet of lineal slope

Proposed Configuration: SEE ATTACHED CONTINUATION SHEET

Components Suggested: SEE ATTACHED CONTINUATION SHEET

Description of Site & Conditions: Level ground to paved driveway

**Comments:** The best location for the ramp is at the back door. The door is 31 inches wide, reduced to 28 inches by the swing of the door. From the outside it pushes in from right to left. There is a storm door that from the outside pulls from right to left. It is 14 inches from the door threshold to the ground and the ramp should have at least 14 feet of lineal slope. To maintain access to the garage 30 feet away, the existing flower garden along the fence needs to be shortened, and the ramp needs to run over this area as close as possible to the fence and northern property line.

After removing the existing landing and ramp, a large landing should extend 12 ½ feet to the north corner of the house. From there the ramp turns east for 14 feet to a rubber mat that will end on the driveway.

Funding is from Portland. The home is not located on a floodplain and no tie downs are required.

ILS: Dwight E. Glidden, Independent Living Assistant

Date Submitted: August 13, 2012

"Critical Access Program Installation Form"

CONTINUATION SHEET PAGE 2

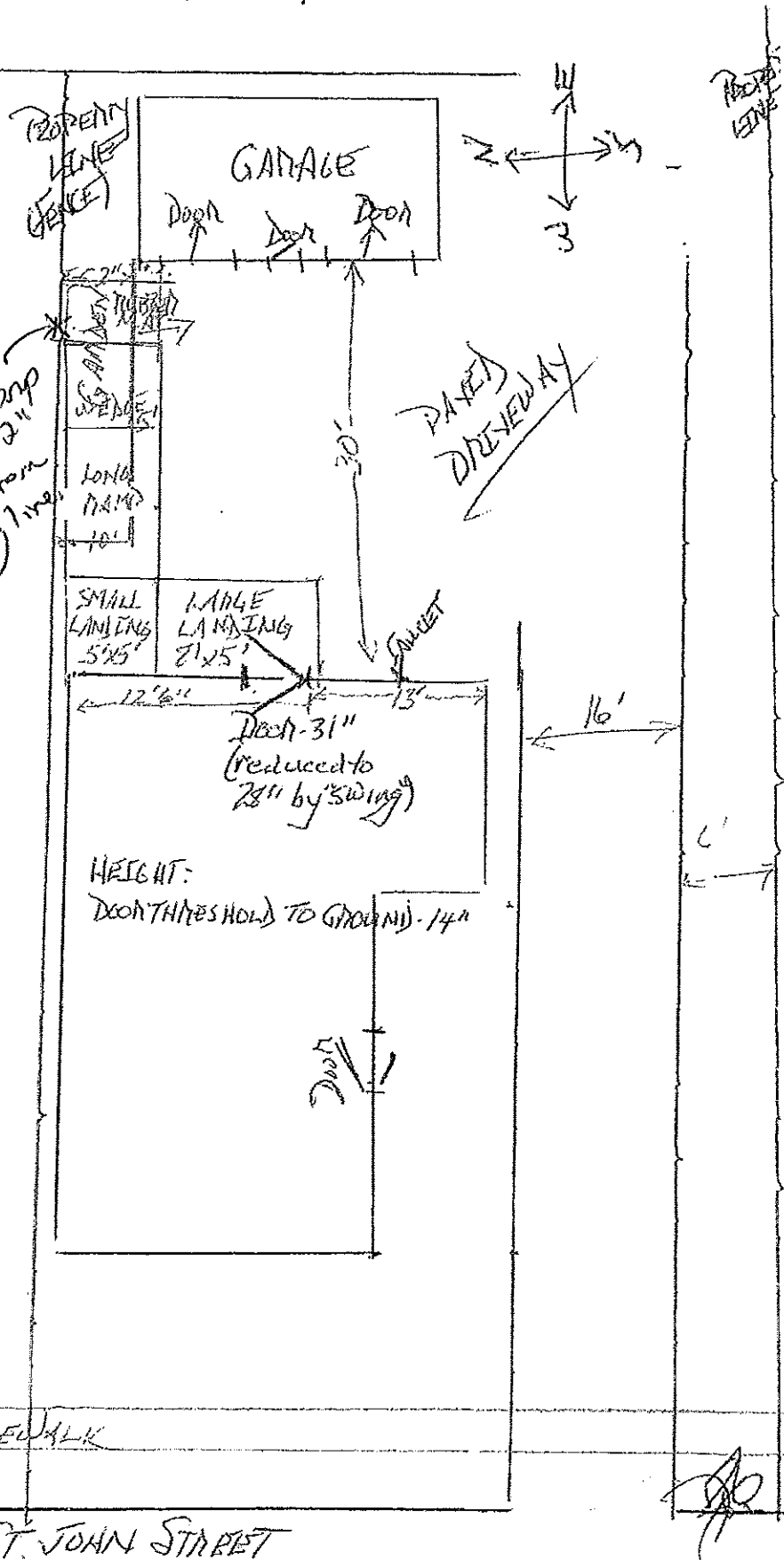
RE: Eduardo LAYUG, 427 St. John Street, Portland, Maine 04102

DATE: June 4, 2012

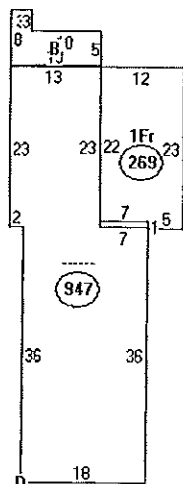
COMPONENTS SUGGESTED:

- LONG RAMPS - 10 FEET (1)
- SHORT RAMPS - 5 FEET (4)
- LARGE LANDINGS - 8 FEET X 5 FEET (1)
- SMALL LANDING - 5 FEET X 5 FEET (1)
- WEDGE - 5 FEET (1)

ALSO: 2 RAISER MAT (5' X 5')



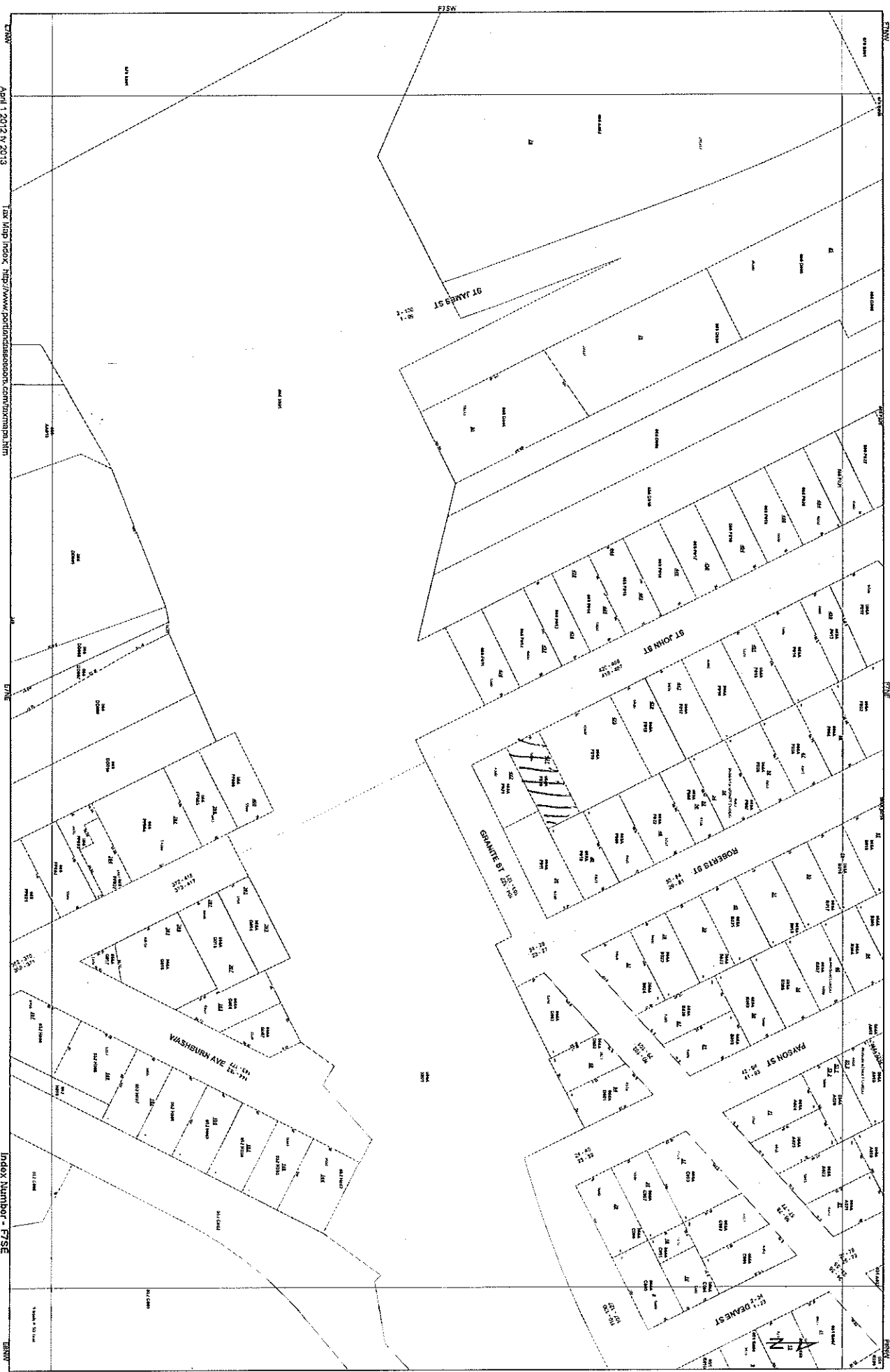
*[Handwritten signature]*



Descriptor/Area

- A:.....  
947 sqft
- B:W/D  
74 sqft
- C:1Fr  
269 sqft
- D:RG1  
475 sqft





April 1, 2012 to 2013

Tax Map Index <http://www.portlandassessor.com/taxmap.htm>

Index Number - F7SE

BRN



066 F014

066 F013

066 F012

066 F011

066A F019

066A F020

066A F021

066A F010

066A F011

GRANITE ST

103 - 121  
104 - 122

440

438

436

432

428

420

41

11600

427

423

40

4923

36

6395

S 55

S 5500

S 5

S 5

S 100

S 5

S 5800

S 24

S 98.5

S 24

S 5

S 170

S 5

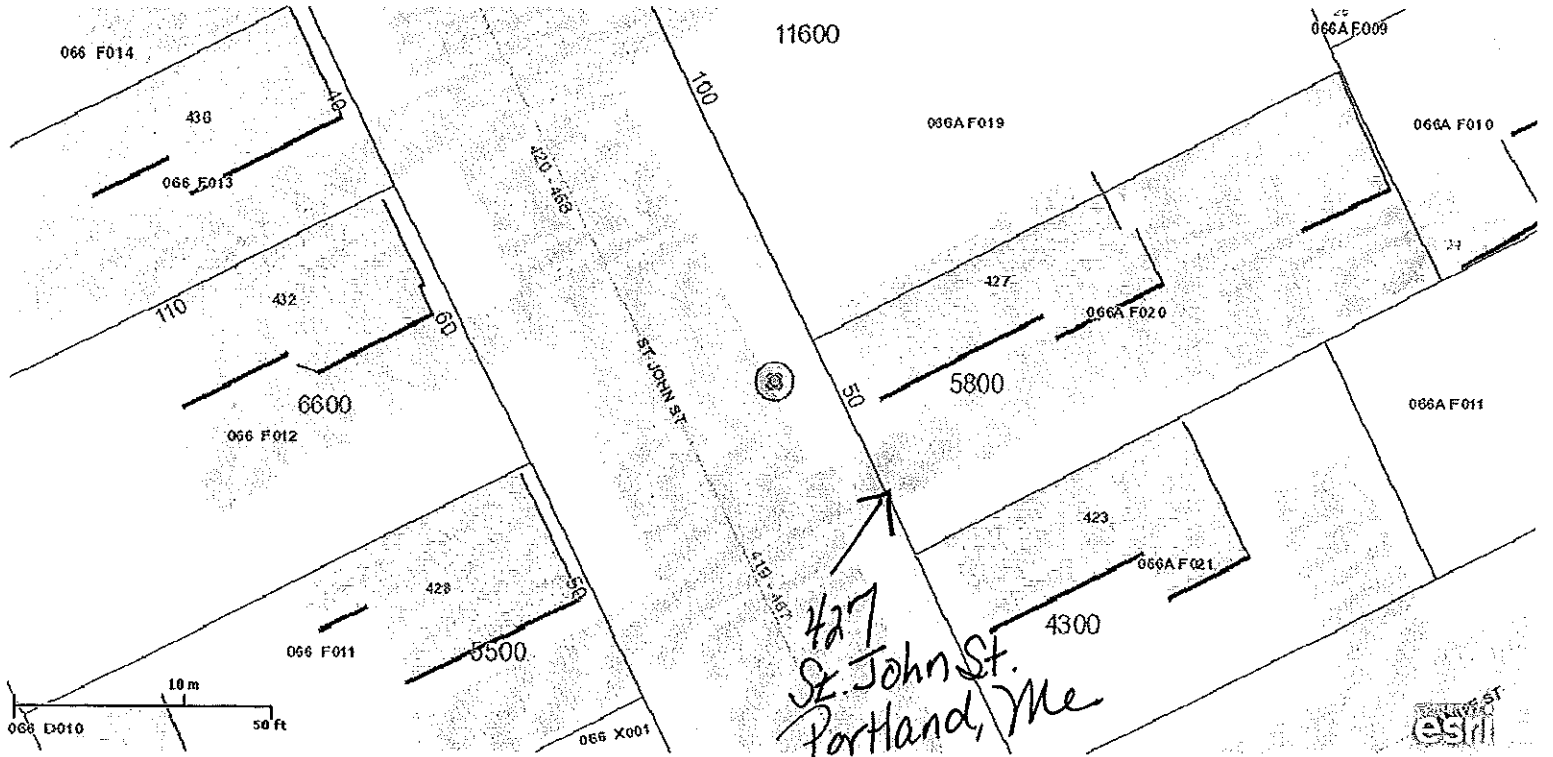
S 5

S 5

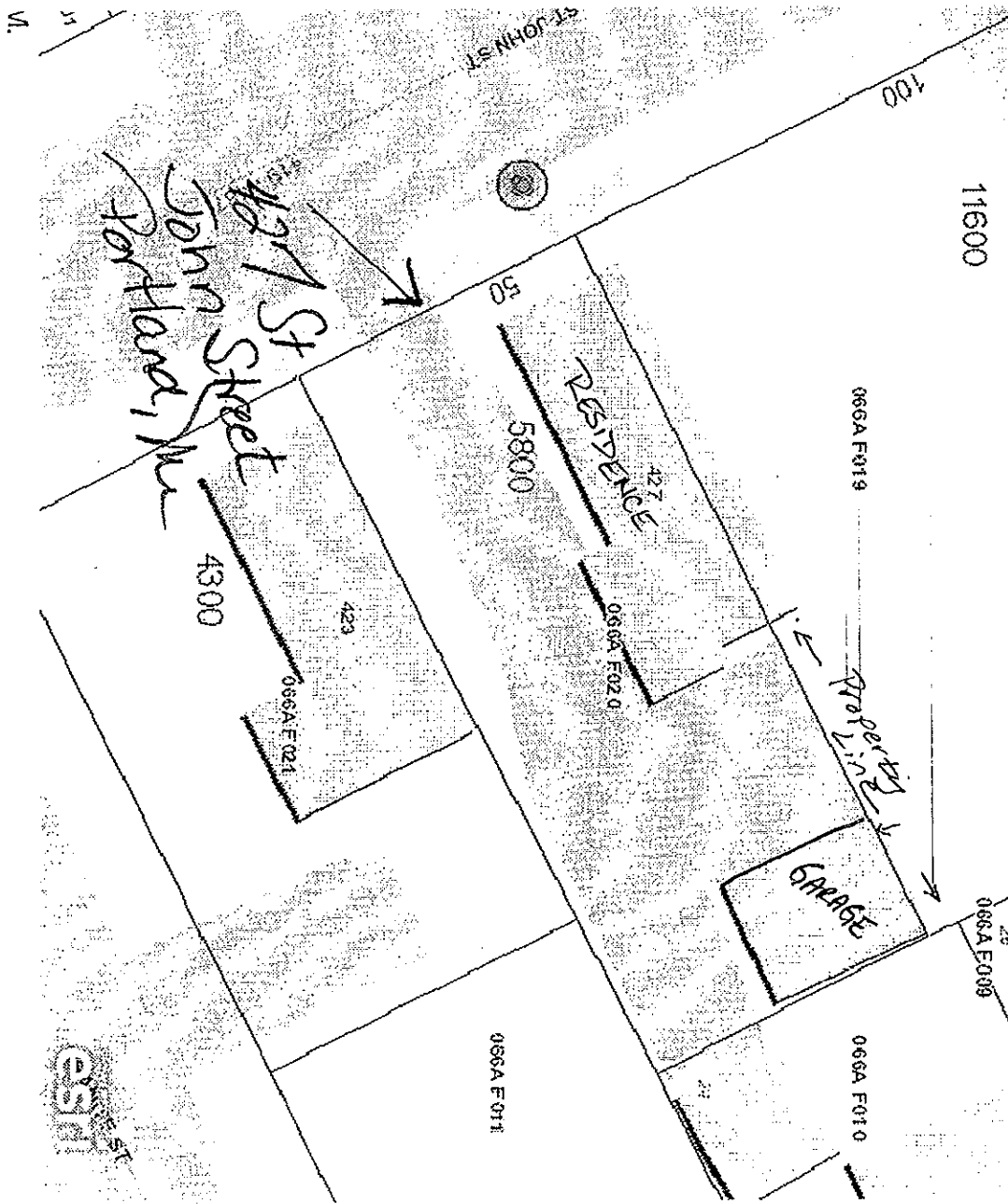
S 24

S 24

# My Map



Copyright 2011 Esri. All rights reserved. Tue Sep 4 2012 10:35:52 AM.



11600

066A F019

RESIDENCE

066A F020

GARAGE

066A F009

066A F010

066A F011

5800

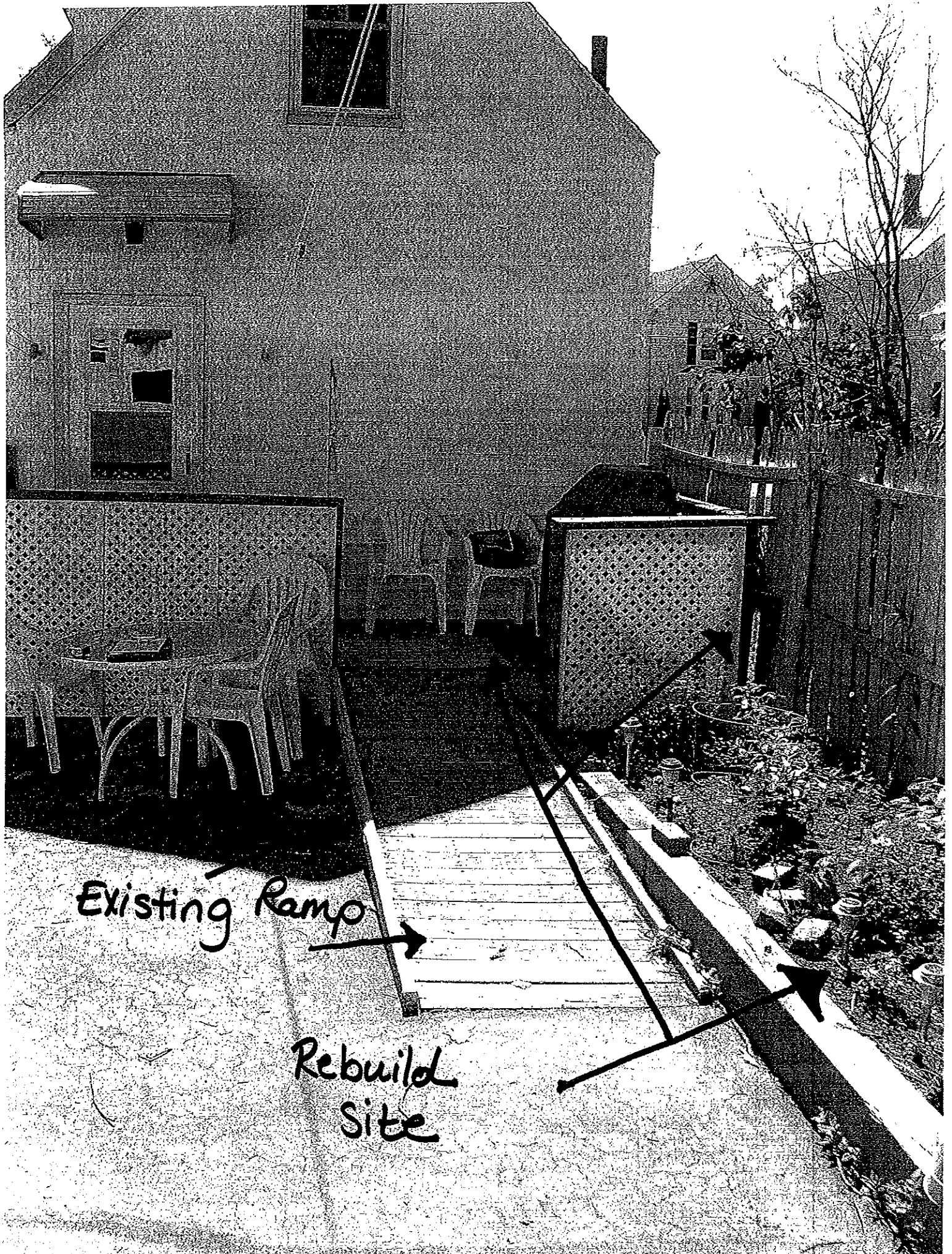
4300

429

066A F021

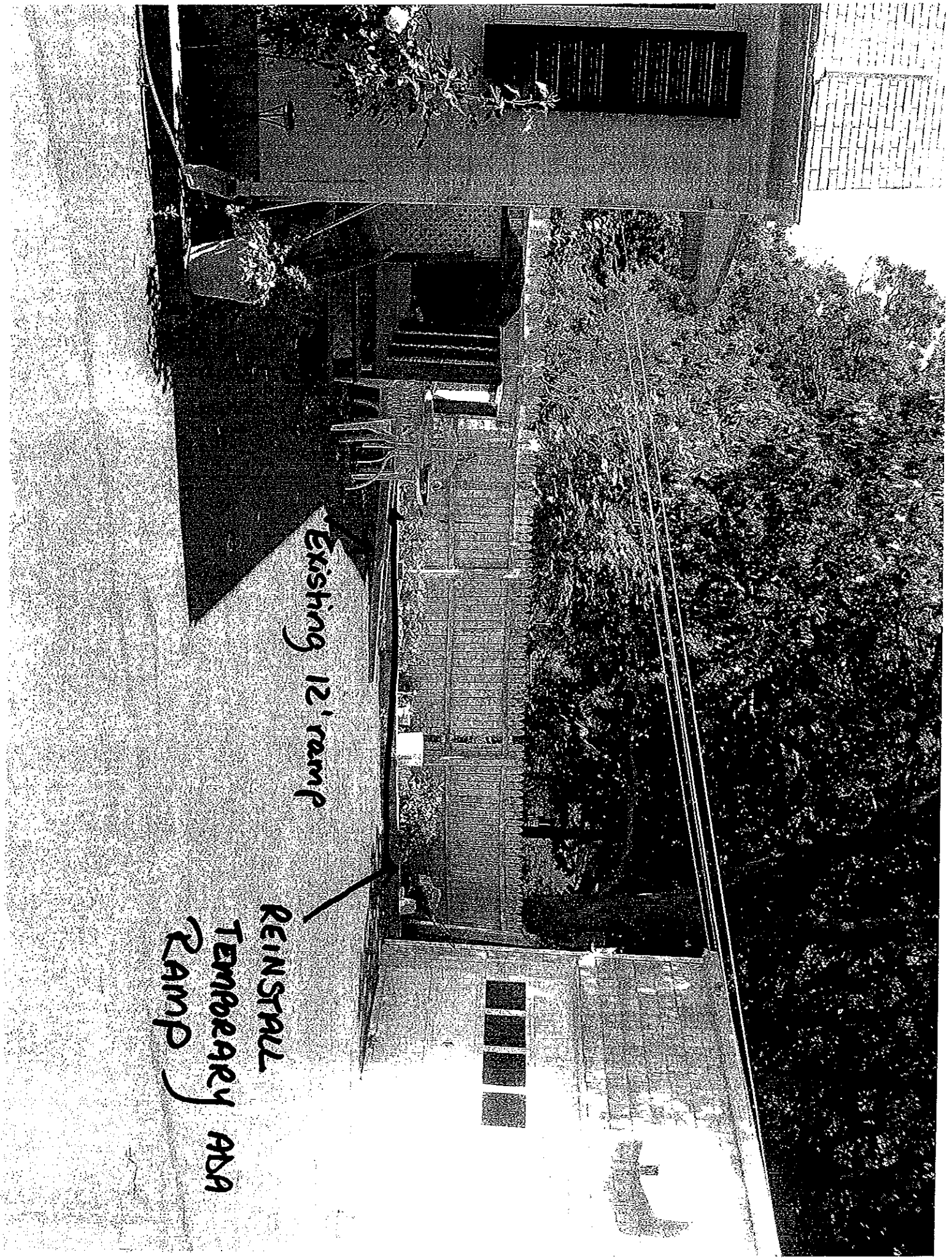
427 St  
John Street  
Portland Ave

EST



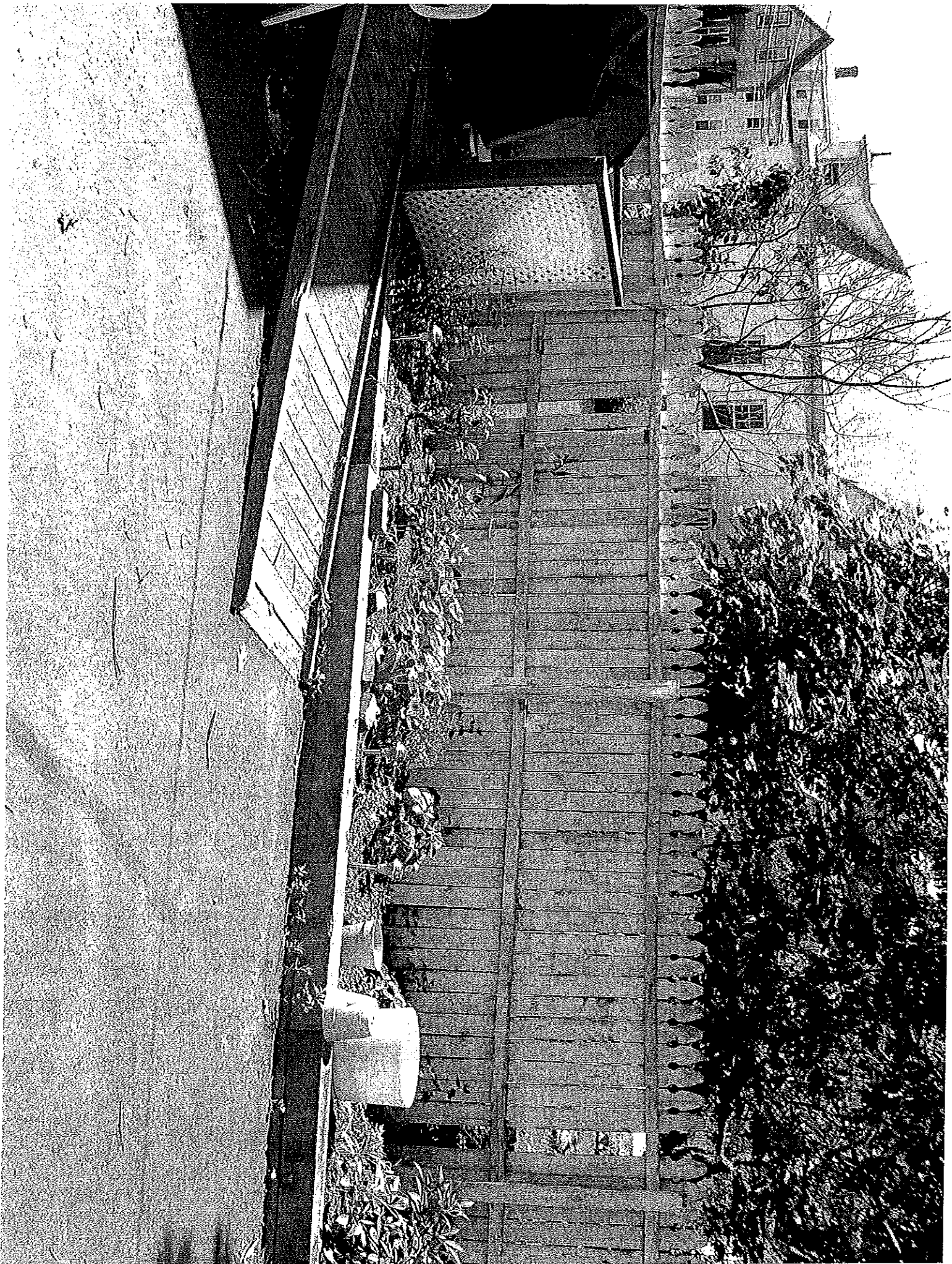
Existing Ramp

Rebuild Site



Existing 12' ramp

REINSTALL  
TEMPORARY ADA  
RAMP



056389

WARRANTY DEED
(Maine Statutory Short Form)

EDWARD S. LAYUG, formerly known as EDUARDO S. LAYUG AND DIONICIA S. LAYUG, of Portland, Maine, for valuable consideration, grant to EDWARD S. LAYUG, DIONICIA S. LAYUG and EDUARDO S. LAYUG, JR., as joint tenants, with a mailing address of 427 St. John Street, Portland, Maine 04102, with Warranty Covenants, the following described real property situated in Portland, Cumberland County, Maine:

A certain lot or parcel of land situated in said Portland on St. John Street, and being more particularly described on Exhibit A attached hereto and made a part hereof.

Meaning and intending to convey the same premises described in a deed from Eduardo S. Layug, Dionicia S. Layug and Rosalinda S. Layug to Eduardo S. Layug and Dionicia S. Layug dated March 2, 1978, and recorded in the Cumberland County Registry of Deeds in Book 4181, Page 334.

Witness our hands this 21st day of November, 1990.

[Signature]
Witness

[Signature]
Edward S. Layug

[Signature]
Witness

[Signature]
Dionicia S. Layug

STATE OF MAINE
CUMBERLAND, SS.

November 21, 1990

Personally appeared the above named Edward S. Layug and Dionicia S. Layug and acknowledged the foregoing instrument to be their free act and deed.

Before me,

[Signature]
Attorney at Law/Notary Public



Printed Name



## EXHIBIT A

ALL that certain lot, piece or parcel of land situate in the City of 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 St. John Street in the City of Portland, County of Cumberland and State of Maine, being a part of the Douglass Farm, so-called, and bounded and described as follows:

Beginning at the southwesterly corner of a lot of land formerly owned by Laureston Rumery; thence running southeasterly on the line of said St. John Street fifty (50) feet to land now or formerly owned by Jason Shaw and from these two points extending back northeasterly at right angles with said St. John Street keeping the width of fifty (50) feet, one hundred sixteen (116) feet more or less, to land now or formerly owned by the City of Portland.

RECEIVED  
RECORDED REGISTRY OF DEEDS

90 NOV 26 PM 3: 32

CUMBERLAND COUNTY



DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



# CITY OF PORTLAND

# BUILDING PERMIT

This is to certify that EDUARDO S JR LAYUG

Located At 427 ST JOHN ST

Job ID: 2012-08-4764-ALTR

CBL: 066A-F-020-001

has permission to Replace exist ramp w/ADA Ramp

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statues of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of the buildings and structures, and of the application on file in the department.

Notification of inspection and written permission procured before this building or part thereof is lathed or otherwise closed-in. 48 HOUR NOTICE IS REQUIRED.

A final inspection must be completed by owner before this building or part thereof is occupied. If a certificate of occupancy is required, it must be

\_\_\_\_\_  
Fire Prevention Officer

\_\_\_\_\_  
Code Enforcement Officer / Plan Reviewer

THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY  
PENALTY FOR REMOVING THIS CARD



# General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Location/Address of Construction: <u>427 St John Street, Portland, ME 04102</u>		
Total Square Footage of Proposed Structure/Area <u>282 X 5'6" (140 LF)</u>	Square Footage of Lot <u>5800</u>	Number of Stories <u>2</u>
Tax Assessor's Chart, Block & Lot Chart# <u>066A</u> Block# <u>F</u> Lot# <u>20</u>	Applicant: (must be owner, lessee or buyer) Name <u>Eduardo S. Layug</u> Address <u>427 St. John Street</u> City, State & Zip <u>Portland, ME 04102</u>	Telephone: <u>207-773-3523</u>
Lessee/DBA	Owner: (if different from applicant) Name Address City, State & Zip	Cost of Work: <u>\$1180.00</u> C of O Fee: \$ Historic Review: \$ Planning Amin.: \$ Total Fee: \$ <u>40.00</u>
Current legal use (i.e. single family) <u>single family</u> Number of Residential Units <u>1</u> If vacant, what was the previous use? Proposed Specific use: Is property part of a subdivision? If yes, please name Project description: <u>Replace existing 12 ft ramp with an ADA Temporary Critical Access Ramp</u>		
Contractor's name: <u>Custom Floats Service</u>		Email: _____
Address: <u>36 Union Wharf</u>		<u>cscripture@customfloats.com</u>
City, State & Zip: <u>Portland, Me 04101</u>		Telephone: <u>772-3796</u>
Who should we contact when the permit is ready: <u>Candace or Roberta</u>		Telephone: <u>772-3796</u>
Mailing address: <u>36 Union Wharf Portland, Me 04101</u>		

Please submit all of the information outlined on the applicable checklist. Failure to do so will result in the automatic denial of your permit.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at [www.portlandmaine.gov](http://www.portlandmaine.gov), or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

and I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: Candace Scripture Date: 8/16/2012

This is not a permit; you may not commence ANY work until the permit is issued



*Strengthening a Remarkable City, Building a Community for Life* • [www.portlandmaine.gov](http://www.portlandmaine.gov)

Jeff Levine, AICP, Director  
Marge Schmuckal, Zoning Administrator

August 30, 2012

Candace Scripture  
Custom Floats Service  
36 Union Wharf  
Portland, ME 04101

Re: 427 St. John Street – 066A F020 – R-5 Residential Zone – Disability Variance -  
permit #2012-08-4764

Dear Ms. Scripture,

Your company applied for a permit to build a ramp to make the property at 427 St. John Street accessible for a wheel chair. This property is located in the R-5 residential zone. The required side yard setback is eight (8) feet [section 14-120(1)(d)(3)]. The submitted plot plan did not give a set distance to the side property line from the ramp, but the narrative said the ramp should be located as close to the property line as possible. Since the ramp has to be installed immediately, the permit has been issued to build it, but you need to apply for a disability variance within thirty days of the permit being issued, since the ramp does not meet the required side setback.

I have enclosed the disability variance application and the information about the appeal process. Please feel free to contact me at 874-8709 if you have any questions.

Yours truly,

Ann B. Machado  
Zoning Specialist  
(207) 874-8709

Cc file