

WARREN & CURRIER & BUCHANAN

Limited Liability Company, P.A.

Carol Godfrey Warren
David E. Currier
Brenda M. Buchanan

July 22, 2016

RECEIVED

JUL 22 2016

Kent Avery, Chair
Portland Zoning Board of Appeals
389 Congress Street
Portland, Maine 04101

Dept. of Building Inspections
City of Portland Maine

RE: **Disability Variance Application**

Charles D. Radis - Property at 334 Island Avenue, Peaks Island
Tax Map 87, Block R, Lot 3

Disability Variance Application

Sandra K. Radis – Property at 328 Island Avenue, Peaks Island
Tax Map 87, Block R, Lot 2

Dear Mr. Avery:

Please find enclosed 11 hard copies and a flash drive with two disability variance applications I am filing on behalf of my clients Charles D. and Sandra K. Radis related to the boardwalk that serves the boathouse residence on Sandra's property and the main residence on Charles' property.

Sandra's [REDACTED] visits his daughter and her family several times a month. These boardwalks were built to provide him access to their home and the apartment over the boathouse where he stays when visiting. After-the-fact building permits also have been filed with the zoning office to account for the fact the boardwalks have existed for some time.

As to Sandra Radis's land, variances from the front (or rear, depending how you look at it) and side setback requirements are needed. As to Charles Radis' land, side setback variances are needed.

I have attached to each disability variance application:

- A reduced-size copy of a recent survey showing the location of the boardwalks;
- A copy of the tax map;

57 Exchange Street, Portland, Maine 04101-5020

Telephone (207) 772-1262 Telecopier (207) 772-1279 E-mail: counsel@wacubu.com

- A photo of the boardwalk;
 - A copy of the deeds demonstrating the Applicants' ownership of their property,
- and
- A letter from both Applicants, authorizing me to act on their behalf.

I realize this application is being submitted in time for your mid-August meeting, but request this matter be placed on the September 1 agenda instead because I will be on vacation when you meet in August.

Best regards,

A handwritten signature in cursive script that reads "Brenda M. Buchanan". The signature is written in black ink and has a long, sweeping horizontal line extending to the right.

Brenda M. Buchanan

cc: Charles and Sandra Radis



Jeff Levine, AICP, Director
Planning & Urban Development Department

Ann Machado
Zoning Administrator

CITY OF PORTLAND
ZONING BOARD OF APPEALS
Disability Variance Appeal Application

APPLICANT INFORMATION:

Sandra K. Radis
NAME

BUSINESS NAME
334 Island Avenue

ADDRESS
Peaks Island, Me 04108

766-5915
TELEPHONE #

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

IR-2
CURRENT ZONING DESIGNATION

SUBJECT PROPERTY INFO:

328 Island Avenue, Peaks Island
PROPERTY ADDRESS

87-R-2
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER INFO (If Different):

NAME

ADDRESS

Variance from Section 14:
14-145(11)(C)(2) and (3)

Rear and Side yard setback

EXISTING USE OF PROPERTY:

Boathouse on ground floor, Residential on first floor

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 OF APPLICANT

7/22/16
DATE



Jeff Levine, AICP, Director
Planning & Urban Development Department

Ann Machado
Zoning Administrator

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 Portland Municipal Code § 14-473 (c)(2)

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

See attached summary

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.

**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 Variance Responses

Application of Sandra K. Radis

1. Sandra Radis' [REDACTED] comes out to the island and stays in the Radis' boathouse residence approximately three times a month. [REDACTED]

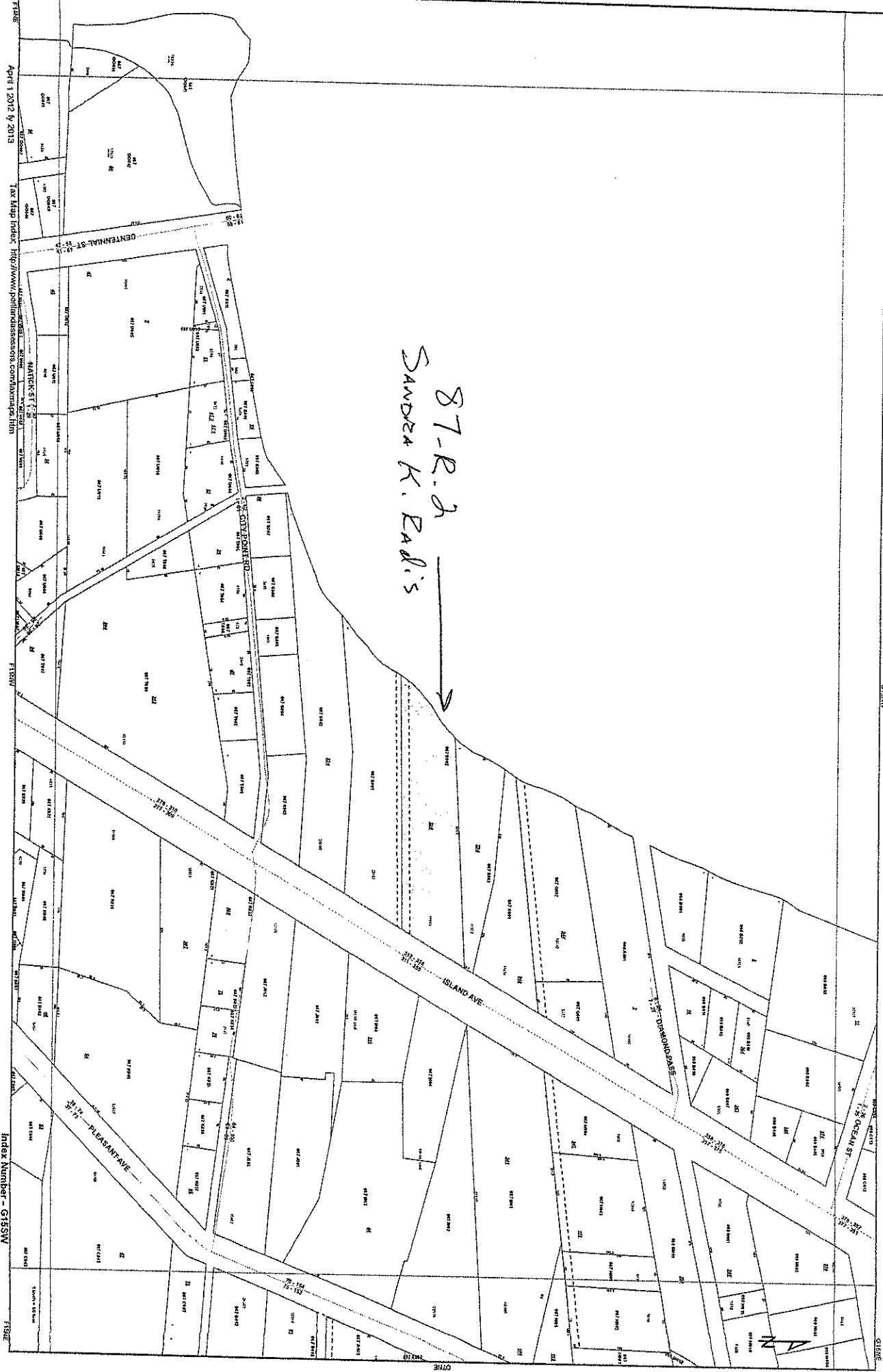
The ground from the road to the boathouse is uneven. To allow access [REDACTED] boardwalks have been laid from the paved road to the boathouse. Under the zoning code, the boardwalk (which has existed for several years) is considered a structure and two setback variances are necessary as to .

- The boardwalk does not meet the 25' setback requirement from the road. (It does not matter if this is considered the front or rear setback, the 25' requirement is the same.) This 25' setback requirement is set forth in 14-145-11 (c) (1) (if considered front) or 14-145 (11) (c) (2) (if considered rear).
- In two places, the boardwalk does not meet the 20' side setback to the adjacent Charles Radis parcel. The 20' side setback requirement is set forth in 14-145-11 (c) (3).

2. [REDACTED] does constitute a physical handicap as defined by 5 MRS §4553 [REDACTED]

3. As noted above, [REDACTED] visits his family on Peaks Island and stays in the boathouse residence several times a month.

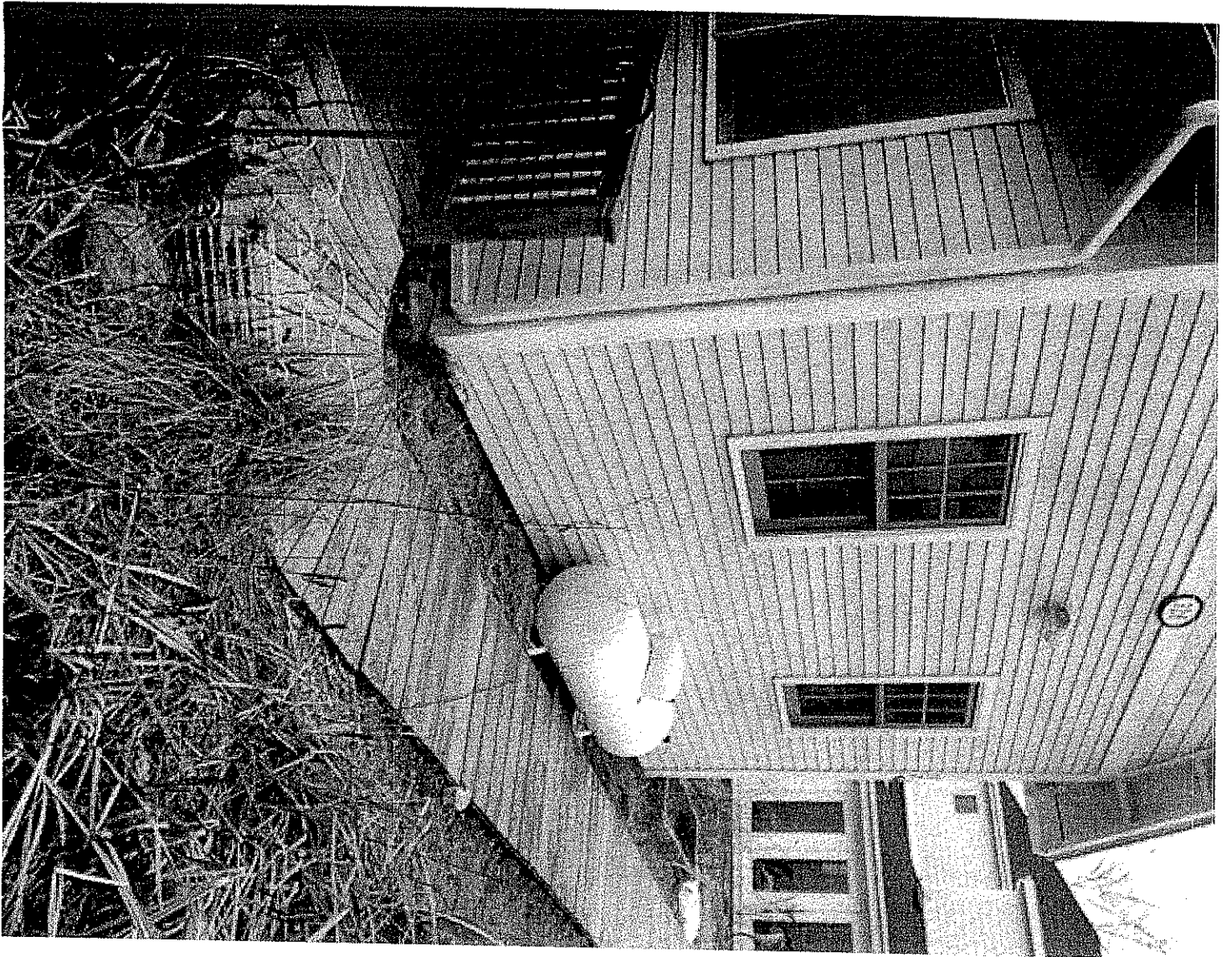
4. The requested variance is solely for a structure that permits [REDACTED] access to the Radis' main home [REDACTED] and the boathouse (where he stays).



87-R. 2
 Sandra K. Badis

April 1 2012 by 2013
 Tax Map Index: <http://www.pottamassessor.com/MapIndex.htm>

Index Number - 0145E



WARRANTY DEED

23315

Know all Men by these Presents,

That EUNICE A. LINCOLN (formerly Eunice A. Garrett) of Scarborough, Cumberland County, Maine ("Grantor")

In consideration of one dollar and other good and valuable consideration

paid by SANDRA K. RADIS

whose mailing address is Island Avenue, Peaks Island, Portland, Maine 04108 ("Grantee")

the receipt whereof I do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Sandra K. Radis,

her heirs and assigns forever, a certain lot or parcel of land situated on Peaks Island, Portland, County of Cumberland, and State of Maine, bounded and described as follows:

Beginning at an iron pipe located on the Northwesterly sideline of Island Avenue, and said pipe being also located on the Southerly sideline of lot number 3 according to E. Thrasher plan of Peaks Island, dated April 1865 and recorded in the Cumberland County Registry of Deeds in Plan Book 2, Page 46; thence North 69° 50' West, 265 feet, more or less, by said land now or formerly of Central Maine Power Company to an iron pipe located at the high water mark of Casco Bay; thence North Easterly by said high water mark, 64 feet, more or less, to an iron pipe, and land, now or formerly, of Bruce F. Lincoln et ux; thence North 75° 43' East, 256.6 feet, more or less, by land, now or formerly, of said Lincoln to an iron pipe, and Northwesterly sideline of said Island Avenue; thence South 47° 55' West, 88 feet, more or less, by the Northwesterly sideline of said Island Avenue to the point of beginning.

Also meaning and intending to convey by this instrument all interest in and to the flats between high and low water mark opposite and adjacent to said parcel.

Reserving from said parcel all utility easements and rights of way of record.

Reference may be had to Deed of Central Maine Power Company to Eunice A. Garrett dated February 2, 1984, and recorded in said Registry of Deeds in Book 6397, Page 14.

Reference may also be had to Exhibit A attached hereto.

BK 7185P00324

EXHIBIT A

EXHIBIT A

N/F BRUCE LINCOLN

SOUTH LINE OF LOT #2 PER PLAN BK 2, P. 4
S 75° 43' E - 256.6'

110.4'

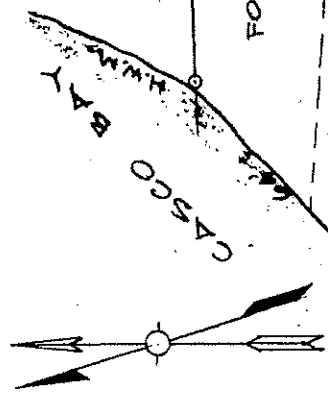
FORMERLY C.M.P. CO.
18,683 S.F. ±

ASSUMED R/W
N 62° 50' W - 265'

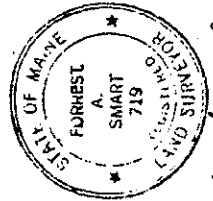
CENTRAL MAINE POWER COMPANY

ISLAND AVENUE

1" = 100' PER MON.



DEED REFERENCE:
CMP CO. TO EDUNICE A. GARRETT
VOL. 6387 P. 18



Forrest A. Smart
5/14/86

LAND NOW DE FORMERLY OF
EDUNICE A. GARRETT
PEAKS ISLAND
CITY OF PORTLAND
COUNTY OF CUMBERLAND
STATE OF MAINE
SCALE: 1" = 100' REC MAY 14, 1986

To have and to hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Grantee, her

heirs and assigns, to her and their use and behoof forever.

And I do warrant with the said Grantee, her heirs and assigns,

that I am lawfully seized in fee of the premises, that they are free of all encumbrances

that I have good right to sell and convey the same to the said Grantee to hold as aforesaid; and

that I and my heirs shall and will warrant and defend the same to the said Grantee, her heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof,
(formerly Eunice A. Garrett)

I, the said EUNICE A. LINCOLN

and Bruce F. Lincoln

husband/wife of the said Eunice A. Lincoln

joining in this deed as Grantor, and relinquishing and conveying all rights by descent and all other rights

in the above described premises, have hereunto set our hands and seals this 30th

day of the month of May, A.D. 1986.

Signed, Sealed and Delivered

in presence of

[Handwritten signatures of witnesses]

Eunice A. Lincoln
Eunice A. Lincoln (formerly Eunice A. Garrett)
Bruce F. Lincoln
Bruce F. Lincoln

State of Maine, County of Cumberland ss: May 30, 1986.

Then personally appeared the above named EUNICE A. LINCOLN and BRUCE F. LINCOLN

and acknowledged the foregoing instrument to be their free act and deed.

Before me,

[Handwritten signature of Dennis C. Keeler]
Dennis C. Keeler
Notary Public
Attorney at Law

RECEIVED
RECORDED REGISTRY OF DEEDS
1986 MAY 30 PM 3:03
CUMBERLAND COUNTY
[Handwritten signature]

DENNIS C. KEELER
Typed or Printed Name

QUITCLAIM DEED WITH COVENANT

KNOW ALL PERSONS BY THESE PRESENTS THAT

CHARLES D. RADIS of Peaks Island, Maine, with a mailing address of 334 Island Avenue, Peaks Island, Maine, for consideration paid, grant to SANDRA K. RADIS of Peaks Island, Maine, with a mailing address of 334 Island Avenue, Peaks Island, Maine, with QUITCLAIM COVENANT, a certain lot or parcel of land situated on the northwest side of but not adjacent to Island Avenue, on Peaks Island, City of Portland, County of Cumberland, State of Maine, bounded and described as follows:

Commencing at an iron rod with a cap labeled "PLS 2063" on the northwest sideline of Island Avenue at the common boundary between land now or formerly of Sandra Radis as described in the deed recorded in the Cumberland County Registry of Deeds in Book 7195 Page 323 and land now or formerly of Charles Radis as described in the deed recorded in the Cumberland County Registry of Deeds in Book 7195 Page 319;

Thence North 79°51'26" West along the northerly boundary of land now or formerly of Sandra Radis and the southerly boundary of Charles Radis a distance of 252.51' to an iron rod with a cap labeled "PLS 2063" and the true point of beginning of the parcel;

Thence from the point of beginning North 31°43'02" East along land now or formerly of Charles Radis a distance of 23.69' to an iron rod with a cap labeled "PLS 2063";

Thence South 58°05'39" East along land now or formerly of Charles Radis a distance of 59.43' to a point on the northerly boundary of land now or formerly of Sandra Radis and the southerly boundary of Charles Radis;

Thence North 79°51'26" West along the northerly boundary of land now or formerly of Sandra Radis and the southerly boundary of Charles Radis a distance of 63.90' to the point of beginning.

Said parcel contains 704.0 square feet.

MEANING AND INTENDING to describe and convey and hereby conveying a portion of the premises conveyed by Bruce F. Lincoln and Eunice A. Lincoln to Charles D. Radis by deed dated May 30, 1986 and recorded in the Cumberland County Registry of Deeds in Book 7195, Page 319.

The intent of the parties to this deed and to a companion deed from Sandra K. Radis to Charles D. Radis bearing even date herewith and to be recorded herewith is to swap equal-sized parcels

of land to provide the Charles D. Radis parcel, which is a legally non-conforming parcel, a greater setback on its southerly side.

Witness my hand and seal this 19th of January, 2016.

[Signature]
Witness

[Signature]
Charles D. Radis

STATE OF MAINE
CUMBERLAND, ss

Date: January 19, 2016

Then personally appeared the above-named Charles D. Radis and acknowledged the above instrument to be his free act and deed.

Before me,
[Signature]
Notary Public

LAWRENCE C. WALDEN
Printed Name

Box # 2818
Commission Expires:

Received
Recorded Register of Deeds
Jan 26, 2016 03:45:33P
Cumberland County
Nancy A. Lane

CHARLES D. RADIS SANDRA K. RADIS
334 Island Avenue
Peaks Island, Maine 04108

July 21, 2016

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

RE: Application for Disability Variances
328 and 334 Island Avenue, Peaks Island
Map 87, Block R, Lots 2 and 3

To Whom It May Concern:

We hereby authorize our attorney, Brenda M. Buchanan, Esq. of the firm Warren, Currier & Buchanan LLC of Portland to represent us in discussions with the City of Portland zoning administration and before the Zoning Board of Appeals on all matters related to our above-referenced applications for practical difficulty variances as to our respective parcels, and to sign all applications and other necessary documentation in regard to same on our behalf.

Thank you for your assistance with this matter.

Sincerely,

Charles D. Radis



Sandra K. Radis

