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CITY OF PORTLAND, MAINE

ZONING BOARD OF APPEALS

IR-2 Residential Zone
Disability Variance Appeal

DECISION

Date of public hearing: October 6, 2016

Name and address of Appellant: Sandra K. Radis
334 Island Avenue
Peaks Island, Maine 04108

Location of property under appeal: 328 Island Avenue, Peaks Island
CBL 087 R002001

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

Brenda Buchanan, Esq.
for applicant
57 Exchange St.
Portland, ME 04101

Exhibits admitted (e.g. renderings, reports, etc.):

Application with exhibits

Findings of Fact and Conclusions of Law:

The applicant is seeking a disability variance from the requirements of City of Portland Code of Ordinances Sec. 14-145.11(c)(1), (2), and (3), which require that accessory structures have a front yard of 25', a rear yard of 25', and a side yard of 20'.¹

The Board of Appeals has jurisdiction to hear and grant or deny applications for disability variances pursuant to Sec. 14-471.

Findings:

Sec. 14-473(c)(2) provides that, a disability variance is available 1) "for the purpose of making that dwelling accessible to a person with a disability;" 2) "who resides in or regularly uses the dwelling;" and 3) the variance is for the "installation of equipment or the construction of structures necessary for access to or egress from the dwelling." A disability is defined pursuant to 5 M.R.S. § 4553-A. *Id.*; 5 M.R.S. § 4553(7-A).

1. The variance requested is for the purpose of making the dwelling accessible to a person with a disability;

Satisfied Not Satisfied

letter in application indicates father of applicant has disability needing wheel chair/walker

2. The disabled person resides in or regularly uses the dwelling;

Satisfied Not Satisfied

Disabled person resides 3x a month, year round

¹ Based on the applicant's application, narrative, and accompanying materials.

