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, Esa. for applicant 57 Exchange St. Postland. no oyioi

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'.

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

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

 The variance is for the "installation of necessary for access to or egress from 	f equipment or the construction of structures the dwelling;
Satisfied Not Satisfied	
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used for in	gress footh a
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Decision: Low	rsson, Kartsiefices
Option 1: The Board finds that the a disability variance and GRANTS the variance w	pplicant has satisfactorily met the standards for a ithout limitation.
variance, including limiting the variance to the person with the disability lives in the dwelling. T	he Board may impose conditions on a disability duration of the disability or to the time that the he Board finds that the applicant has satisfactorily nd GRANTS the variance with the following
Option 3: The Board finds that the a for a disability variance and DENIES the variance	applicant has NOT satisfactorily met the standards ce.
Dated:	1 — 1 - 1 / Board Chair
10-60-16	