

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

IR-2 Residential Zone  
Disability Variance Appeal

### DECISION

Date of public hearing: October 6, 2016

Name and address of Appellant: Charles D. Radis  
334 Island Avenue  
Peaks Island, Maine 04108

Location of property under appeal: 334 Island Avenue, Peaks Island  
CBL 087 R003001

#### For the Record:

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

*Brenda Buchanan Etc.  
for applicant  
57 Exchange St.  
Portland*

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

*Applicant 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) and (3), which require that accessory structures have a front yard of 25' and a side yard of 20'.<sup>1</sup>

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 indicating father of the applicant has disability needing wheel chair / walker

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

Satisfied  Not Satisfied

Disabled person visits 3x a month, year around

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<sup>1</sup> Based on the applicant's application, narrative, and accompanying materials.

3. The variance is for the "installation of equipment or the construction of structures necessary for access to or egress from the dwelling;

Satisfied  Not Satisfied

application shows ~~prop~~ <sup>walkway</sup> structures  
used for ingress/egress at the  
Property

**Decision:**

Larson, Katsi apices

Option 1: The Board finds that the applicant has satisfactorily met the standards for a disability variance and GRANTS the variance without limitation.

Option 2: Pursuant to Sec. 14-473(c)(2), the Board may impose conditions on a disability variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The Board finds that the applicant has satisfactorily met the standards for a disability variance and GRANTS the variance with the following conditions:

Option 3: The Board finds that the applicant has NOT satisfactorily met the standards for a disability variance and DENIES the variance.

Dated:

10-6-2016

  
Board Chair