

Carvin  
Kasson  
Avery  
City  
Katsafis

**CITY OF PORTLAND, MAINE**  
**ZONING BOARD OF APPEALS**

IR-2 Island Residential Zone:

**Disability Variance Appeal**

**DECISION**

Date of public hearing: October 1, 2015;

Name and address of applicant: Stewart M. Moss  
224 Island Ave.  
Portland, ME 04108

Location of property under appeal: 224 Island Ave. Portland, ME 04108

For the Record:

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

*Stuart Moss*

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

*Application and Exhibits*

Approved 50  
Certificate of  
Variance recorded  
within 90 days.  

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move  
building permit forward  
in review process.  
2015-02353

Findings of Fact and Conclusions of Law:

The applicant, is seeking to install a handicap ramp and landings at his home to accommodate his mother, who is wheelchair bound. He seeks a Disability Variance pursuant to § 14-473(c)(2) requesting a front setback of seven feet instead of the required twenty-five foot front yard setback pursuant to § 14-145.11(c)(1) and a side setback of fifteen feet, six inches instead of the required twenty foot side setback pursuant to § 14-145.11(c)(3).

A. Disability Variance Standards pursuant to Portland City Code §14-473(c)(2)

The board may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability provided:

1. The person with a disability resides in or regularly uses the dwelling;

Satisfied  Not Satisfied

Reason and supporting facts:

*Person with disability routinely visits on weekends, and visits are increasing in frequency.*

2. Installation of equipment or the construction of structures is solely limited to that which is necessary for access to or egress from the dwelling<sup>1</sup> by the person with the disability.

Satisfied  Not Satisfied

Reason and supporting facts:

*minimum handicap ramp is being requested. Close to the building*

**Conclusion:** (check one)

<sup>1</sup> "Structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

*Katey Pires, Lawin*

Option 1: The Board finds that Standards 1 and 2 have been satisfied, and therefore GRANTS the variance without limitation.

Option 2: The Board finds that Standards 1 and 2 have been satisfied, and therefore GRANTS the variance with the following condition(s):

Option 3: The Board finds that Standards 1 and/or 2 have not been satisfied and therefore DENIES the application.

Dated:

*10-01-15*

*[Signature]*

Board Chair

*SECRETARY + ACTING  
CHAIR*



**CITY OF PORTLAND**

**CERTIFICATE OF DISABILITY VARIANCE APPROVAL**

I, Kent Avery, the duly appointed Acting Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 1st day of October, 2015, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.

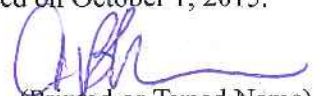
1. **Current Property Owner: Stewart M. Moss**
2. **Property: 224 Island Avenue, Peaks Island** **CBL: 087-W-007**  
Cumberland County Registry of Deeds, **Book: 19156 Page: 22**  
Last recorded deed in chain of Title: **4/7/2003**
3. **Variance and Conditions of Variance:**  
To grant relief from section 14-145.11(c)(1) of the Land Use Zoning Ordinance which requires a minimum front setback of twenty-five (25) feet instead of the seven (7) feet shown and from section 14-145.11(c)(3) of the Land Use Zoning Ordinance which requires a minimum side setback of twenty (20) feet instead of the fifteen foot, six inches (15'6") shown for the installation of a handicap accessible ramp.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 1st day of October, 2015

  
Acting Chair of  
City of Portland Zoning Board,  
Kent Avery (Printed or Typed Name)

STATE OF MAINE  
Cumberland, ss.

Then personally appeared the above-named Kent Avery and acknowledged the above certificate to be **his** free act and deed in **his** capacity as Acting Chairman of the Portland Board of Appeals, with his signature witnessed on October 1, 2015.

  
(Printed or Typed Name)  
Notary Public  
Ann B. Machado  
My term expires February 6, 2021

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.