



Planning &amp; Urban Development Department

*Jeff Levine, AICP, Director**Ann Machado, Zoning Administrator*

October 5, 2015

Stewart M. Moss  
225 Island Avenue  
Portland, ME 04108

Re: 225 Island Avenue – 87-W-007; IR-2 Island Residential Zone

Dear Mr. Moss,

At the October 1, 2015, the Zoning Board of Appeals voted 5-0 (Moppin absent) to grant the Disability Variance Appeal to install a handicap ramp and landings with a front setback of 7 ft. and a side setback of 15 ft., 6 inches. I am enclosing a copy of the Board's decision.

I am also enclosing the Certificate of Variance Approval. **The original must be recorded in the Cumberland County Registry of Deeds within 90 days of October 1, 2015, when it was signed.** Failure to record the Certificate will result in it being voided. Our office must be provided with a copy of the recorded Certificate of Variance showing the recorded book and page before permit #2015-02353 can be issued. You have six months from the date of the meeting, October 1, 2015, referenced under section 14-473(e) to obtain the permit and start work, or your Zoning Board approval will expire. Presently, the status for permit #2015-02353 is payment pending. Once the fee is paid, the permit will go into review with Zoning.

Appeals from decisions of the Board may be filed in Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

Should you have any questions please feel free to contact me at 207-874-8709.

Yours truly,

Ann B. Machado  
Zoning Administrator

cc: file

# CITY OF PORTLAND, MAINE

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## ZONING BOARD OF APPEALS

Sara Moppin, Chair  
Kent Avery, Secretary  
Chip Gavin  
William Getz  
Donna Katsiaficas  
Eric Larsson

### ZONING BOARD OF APPEALS DECISIONS FROM OCTOBER 1, 2015

**To:** City Clerk  
**From:** Ann Machado, Zoning Administrator  
**Date:** October 5, 2015  
**RE:** Action taken by the Zoning Board of Appeals on October 1, 2015

**Attendance:** Kent Avery (acting chair), Donna Katsiaficas (acting secretary), Chip Gavin, William Getz and Eric Larsson present; Sara Moppin absent.

#### 1. **New Business:**

**A. Conditional Use Appeal:** 263 Brighton Ave, Sandra M. Chaussee owner, Tax Map 119, Block E, Lot 004, R-3 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-88(a)(2) to add an accessory dwelling unit to her existing single family home. Representing the appeal is the owner and Patrick Lever, Esq. *The Board of Appeals voted 5-0 to grant the Conditional Use Appeal to add an accessory dwelling unit to the existing single family home.*

**B. Disability Variance Appeal:** 224 Island Ave, Steward Moss owner, Tax Map 119, Block W, Lot 007, IR-2 Island Residential Zone: The applicant is seeking a disability variance under section 14-145.11(c) to install a handicap ramp and landings. The appellant is requesting a front setback of seven feet instead of the required twenty-five foot front yard setback [section 14-145.11(c)(1)] and a side setback of fifteen feet, six inches instead of the required twenty foot side setback [section 14-145.11(c)(3)]. Representing the appeal is the owner. *The Board of Appeals voted 5-0 to grant the Disability Variance Appeal to install a handicap ramp and landings with a front setback of 7 ft. and a side setback of 15 ft., 6 inches.*

**C. Conditional Use Appeal:** 476 Summit St, Grace Baptist Church owner, Verizon Wireless, lessee, Tax Map 384, Block A, Lot 021 and Tax Map 385, Block C, Lot 002, R-2 Residential Zone: The applicant is seeking a Conditional Use Appeal under section 14-78(c)(1) to construct a one hundred foot tall flagpole tower for wireless antennas and a twelve foot by twenty six foot telephone equipment shelter and pad-mounted propane tank. Representing the appeal is the lessee and Scott D. Anderson, Esq. *The Board of Appeals voted 5-0 to grant the Conditional Use Appeal to construct a flagpole and equipment shelter.*

#### 2. **Adjourned (meeting started at 6:30 p.m.; adjourned at 8:28 p.m.)**

##### **Enclosures:**

1. ZBA Chair Decisions from 10-1-15

2. DVD of 10-1-15 Meeting

cc: Jon Jennings, City Manager;  
Jeff Levine, AICP, Director Planning & Urban Development  
Tammy Munson, Director of Inspection Services  
Mary Davis, Housing and Neighborhood Services Division




## 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.

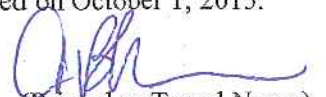
1. **Current Property Owner: Stewart M. Moss**
2. **Property: 224 Island Avenue, Peaks Island** **CBL: 087-W-007**  
Cumberland County Registry of Deeds, **Book: 19156 Page: 22**  
Last recorded deed in chain of Title: **4/7/2003**
3. **Variance and Conditions of Variance:**  
To grant relief from section 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.