

Department of Planning & Urban Development

Marge Schmuckal
Zoning Administrator

Jeff Levine
Director Planning & Urban Development



CITY OF PORTLAND
ZONING BOARD OF APPEALS

Disability Variance Appeal Application

APPLICANT INFORMATION:

Elizabeth Pottle
NAME

BUSINESS NAME

31 Saunders Street, Portland
ADDRESS

775-1359 (Pottle) TELEPHONE #
REP: Dwight Glidden 239-9810
REP: Candace Scripture 653-6059
Dwight Glidden, Alpha One

APPLICANT'S RIGHT, TITLE OR INTEREST
(eg; owner, purchaser, etc)

Residential
CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:
TWO FAMILY

SUBJECT PROPERTY INFO:

31 Saunders St., Portland, Me
PROPERTY ADDRESS
04103

130 G 005
CHART/BLOCK/LOT (CBL)

PROPERTY OWNER INFO (If Different):

NAME

ADDRESS

Variance from Section ~~14~~

14-473(c) : 14-120(c)(d)(i)

RECEIVED

NOV 13 2012

Dept. of Building Inspections
City of Portland Maine

NOTE: If site plan approval is required, attach preliminary or final site plan.

The undersigned hereby makes application for an appeal as described above, and certifies that the information herein is true and correct to the best of his OR her knowledge and belief.

Candace Scripture, Custom Floats
SIGNATURE OF APPLICANT

10/24/2012
DATE

Disability Variance Appeal Application

WARNING!!

This application contains health care information and is CONFIDENTIAL, pursuant to 22 M.R.S.A., § 402(3) (Freedom of Access Law).

THE MEDICAL INFORMATION CONTAINED HEREIN MAY NOT BE DISCLOSED TO ANY PERSON WITHOUT THE WRITTEN CONSENT OF THE PATIENT

The Board of Appeals is authorized to grant disability variances by 30-A M.R.S.A., §4-A and Port Municipal Code § 14-473 (c)(2)

1. What is the nature of the disability which supports the request for a variance?

Elizabeth POTTLE is disabled by congestive heart failure, Chronic Obstructed Pulmonary Disease (COPD), emphysema, osteoporosis, and

arthritis in her knees. These HAVE affected her mobility; she is

very unsteady on her feet. She uses a walker in her home and a manual wheelchair outside. She is not able to use stairs safely.

2. Does the disability constitute a physical or mental handicap as defined by § 4553? § M.R.S.A.

YES NO

3. Does the person with the disability reside in the dwelling?

YES NO

4. Is the variance which is requested, restricted solely to the installation of equipment, or the construction of structures* necessary for access to or egress from the dwelling by the person with the disability?

YES NO

Conditions

The Board may impose conditions on the variance, including limiting the term of the variance to the duration of the disability or the time that the person with the disability lives in the dwelling.



Powering Independent Living



127 Main Street
South Portland, ME 04106
800.640.7200 (v/tty)
207.799.8346 (fax)

November 12, 2012

Gordon Smith, Chairman
City of Portland
Zoning Board of Appeals
389 Congress Street, Room 315
Portland, ME 04101

RE: Disability Variance for Elizabeth S. POTTLE at 31 Saunders Street, Portland, Maine

Dear Mr. Smith and Members of the Board:

Please find attached 11 copies of the Disability Variance Appeals Application for the above address.

Alpha One has approved the installation of a temporary Critical Access Ramp for Ms. Pottle. She is disabled and cannot use stairs safely. She needs the wheelchair ramp to safely enter and leave her home.

Because the replacement ramp does not meet the R-5 ^{front} 8-foot side yard set back requirement, we are asking for a variance to accommodate the temporary structure.

Alpha One, a nonprofit agency, receives funds from various grant programs to help disabled persons maintain their independence. The City of Portland generously supports this mission for disabled Portland residents in need by including our Critical Access Program among others funded by Portland's Community Development Block Grant. We would appreciate any opportunity to wave additional fees in order to ensure that these grant funds are available to help others who need safe access to their homes.

We appreciate your review and consideration for this project. Please call me at (207) 619-9239 or cell (207) 239-9810 if you have questions or concerns.

Sincerely,

Dwight E. Glidden
Independent Living Assistant

ATTACHMENTS

November 12, 2012

Gordon Smith, Chairman
City of Portland
Zoning Board of Appeals
389 Congress Street, Room 315
Portland, Maine 04101

Dear Mr. Smith and members of the Board:

This letter is submitted in support of my "Disability Variance Appeal Application" and to request that you recognize Dwight E. Glidden as my representative at the hearing for the disability variance. He can be contacted at Alpha One, 127 Main Street, South Portland, Maine 04106; telephone (207) 619-9239 or cell (207) 239-9810. ✓


Mr. Glidden has worked with me to acquire funding under Alpha One's "Critical Access Program" for installation of a new wheelchair ramp at my home located at 31 Saunders Street, Portland, Maine. I am disabled and use a motorized wheelchair for mobility. The ramp is needed for me to enter and leave my home safely without using stairs.

The front door of my home is the most practicable place to locate the ramp. The lot to my home is narrow and slopes down to the street. My home has two housing units and the ramp cannot block access to the rear apartment and garage. The ramp needs a level landing at the porch before descending to the ground. This landing extends 10 inches beyond the average setback (73 inches) of the abutting properties to the sidewalk. Approval of the disability variance will allow the ramp to have the appropriate lineal slope and meet the Maine Uniform Building and Environment Code (MUBEC). It will not adversely affect my neighbors. The ramp will be installed by Custom Float Services of Portland.

Attached is a copy of the deed to my property.

I look forward to your decision and can be reached at (207) 773-3523 if you have additional questions or concerns.

Sincerely,



Elizabeth S. Pottle

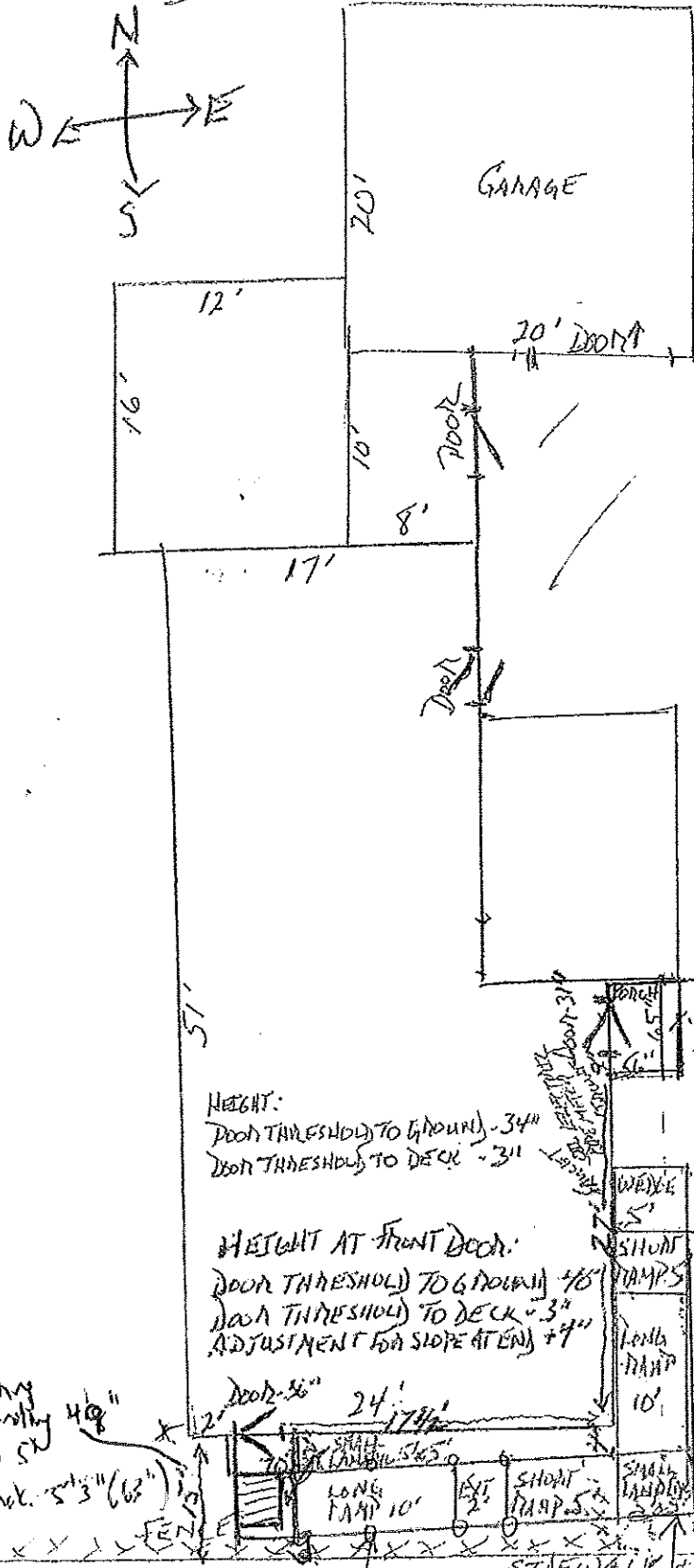
ATTACHMENT

Portland

CONTINUATION SHEET, PAGE 2

RE: RITILE Elizabeth S, 31 Saunders Street, Portland, Maine 04103

DATE: July 13, 2012



COMPONENTS SUGGESTED:

LONG RAMP	(10 FEET)	- (2)
SHORT RAMP	(5 FEET)	- (2) (X)
LARGE LANDING	(8 FEET x 5 FEET)	- (1)
SMALL LANDING	(5 FEET x 5 FEET)	- (2) ✓
WEDGE	(5 FEET)	- (1) ✓
EXTENSION	(2 FEET)	- (1)

55 Stringer
 60 - Head
 20
 10
 10
 2

 42' long
 42' x 5' = 210 #
 average front yard setback
 75"

HEIGHT:
 DOOR THRESHOLD TO GROUND - 34"
 DOOR THRESHOLD TO DECK - 31"

HEIGHT AT FRONT DOOR:
 DOOR THRESHOLD TO GROUND 48"
 DOOR THRESHOLD TO DECK - 3"
 ADJUSTMENT FOR SLOPE AT END + 7"

existing landing 48"
 ramp 51"
 setback 5'3" (63")

REVISIONS

Signature

measurements w/pics CAUTION: STREET measurement w/pics

Candace Scripture

From: Dwight Glidden [DGlidden@alphaonenow.org]
Sent: Friday, October 26, 2012 11:57 AM
To: Candace Scripture
Cc: Bethany Mogan; Brad Strause
Subject: FW: Building Permit to install wheelchair ramp for ESP residing at 31 Saunders Street, Portland

Candace:

Could you show the photos and new design to Nick and ask him if it is somehow possible to narrow the distance to the sidewalk by 3 inches?

Thanks,

Dwight Glidden, ILA

From: Ann Machado [mailto:AMACHADO@portlandmaine.gov]
Sent: Friday, October 26, 2012 9:02 AM
To: Dwight Glidden
Cc: Bethany Mogan; Brad Strause; CSriptide@customfloat.com
Subject: RE: Building Permit to install wheelchair ramp for ESP residing at 31 Saunders Street, Portland

Dwight -

Thank you for the information showing the average setback of 73". Unfortunately the proposed ramp is still not meeting the average front setback of 73" since it measures 70" to the sidewalk. I know that it is only three inches but the ordinance requires exact measurements. Is there anyway to get the proposed ramp back three more inches to meet the front setback and avoid a disability variance?

Ann

>>> Dwight Glidden <DGlidden@alphaonenow.org> 10/25/2012 5:52 PM >>>
 Ms. Machado:

After contacting the property owners for permission, today I measured the front setback at the abutting properties. Attached are photos and a sketch of the site.

At 35 Saunders Street (owned by Barbara PEARSON) the distance from the front porch steps to the sidewalk is 14 inches.

At 23 Saunders Street (owned by Robert and Marie MUNSON, parents of Tammy MUNSON), the distance from the front, west corner of the house to the sidewalk is 11 feet or 132 inches.

This makes the average of the 2 front setbacks for the abutting properties 73 inches.

I calculate the front setback at the POTTLES after installing the ramp to be 70 inches. (I measured the distance from the front door to the sidewalk as 15 feet or 180 inches, minus the depth of the porch as 50 inches, minus the width of the landing for the ramp as 60 inches). *ended up 63" 20 inches.*

Please advise if my method for calculating the setbacks is correct, and whether a disability

10/31/2012

31 Saunders Street



35 = Barbara Pearson
 Acct # 19014
 Abutter # 1

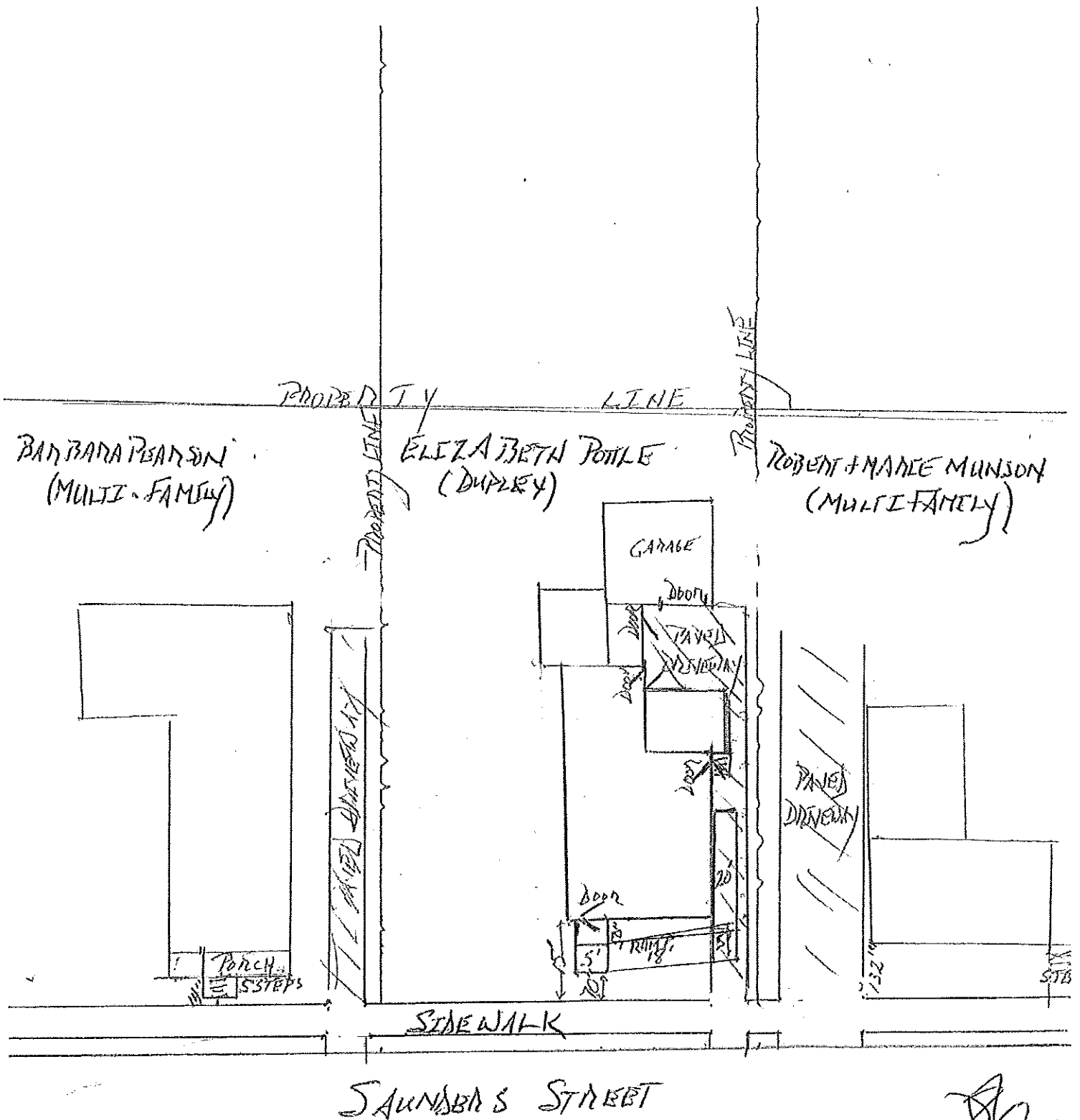
OWNER'S
 Robert & Marie
 MUNSON
 Acct # 19020
 Abutter # 2

"Critical Access Ramp Program Installation Form"

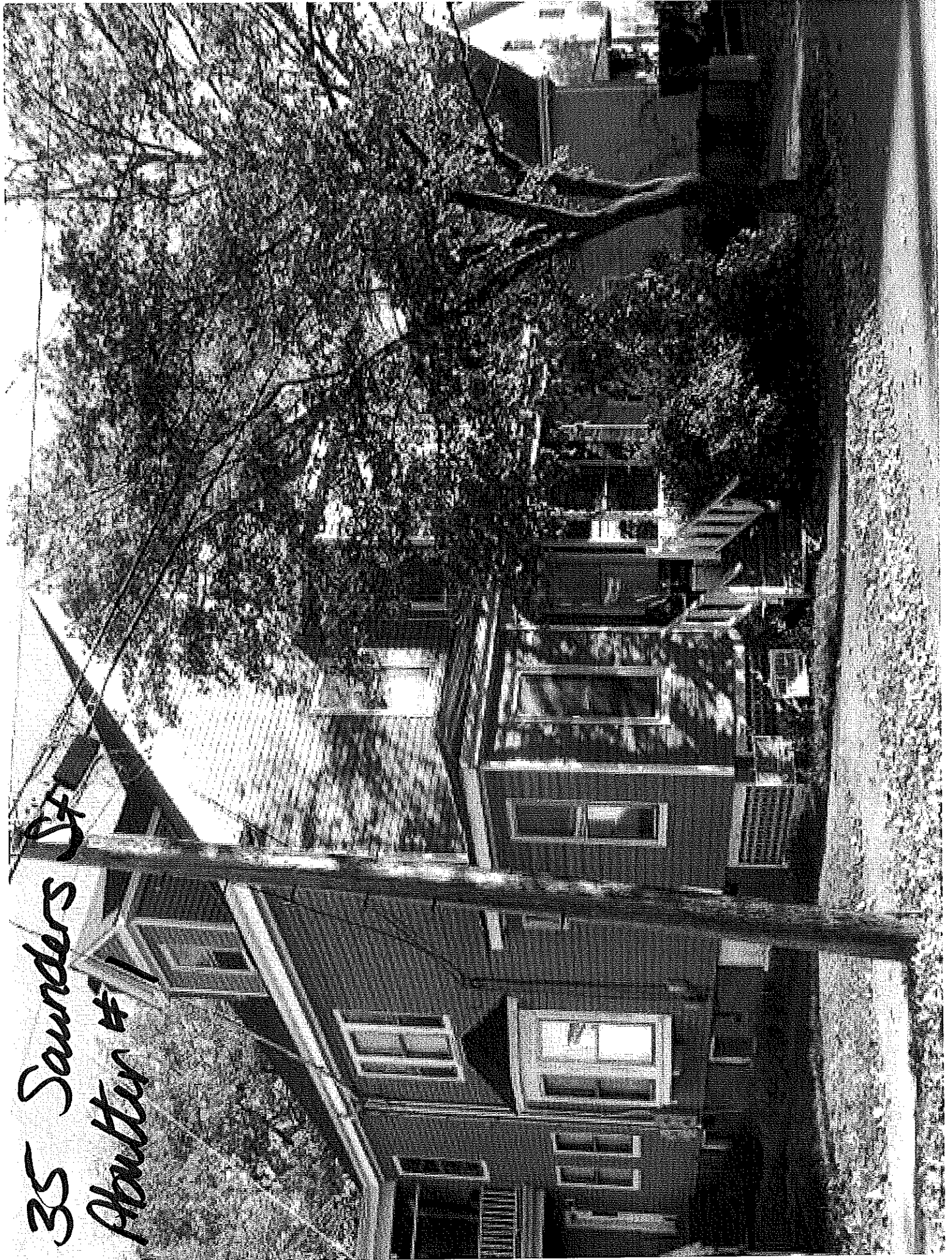
CONTINUATION SHEET, PAGE 3 (SITE PLAN OF ADJUTING PROPERTIES)

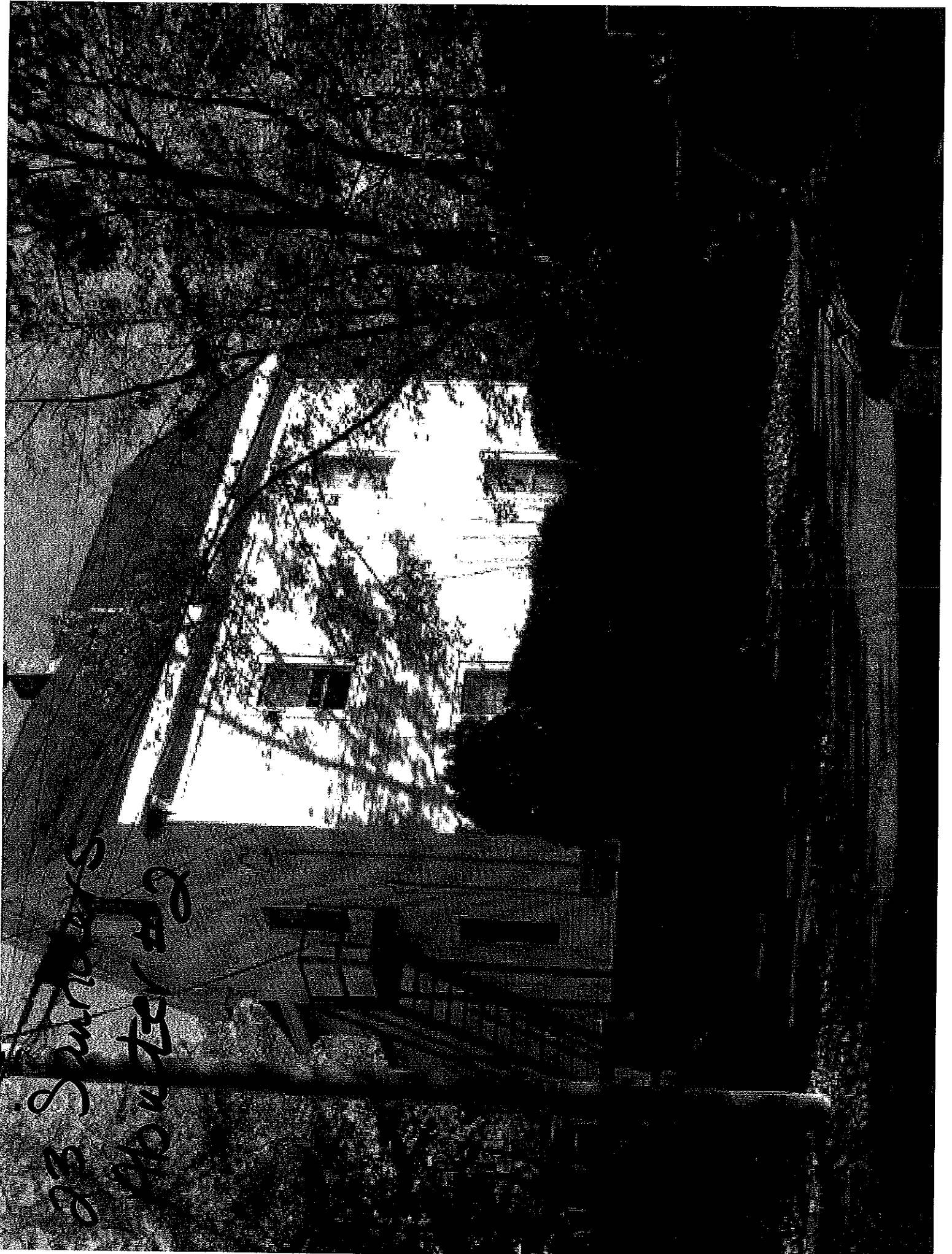
RE: ELIZABETH POTTE, 31 Saunders Street, Portland, Maine 04103

DATE: October 25, 2012

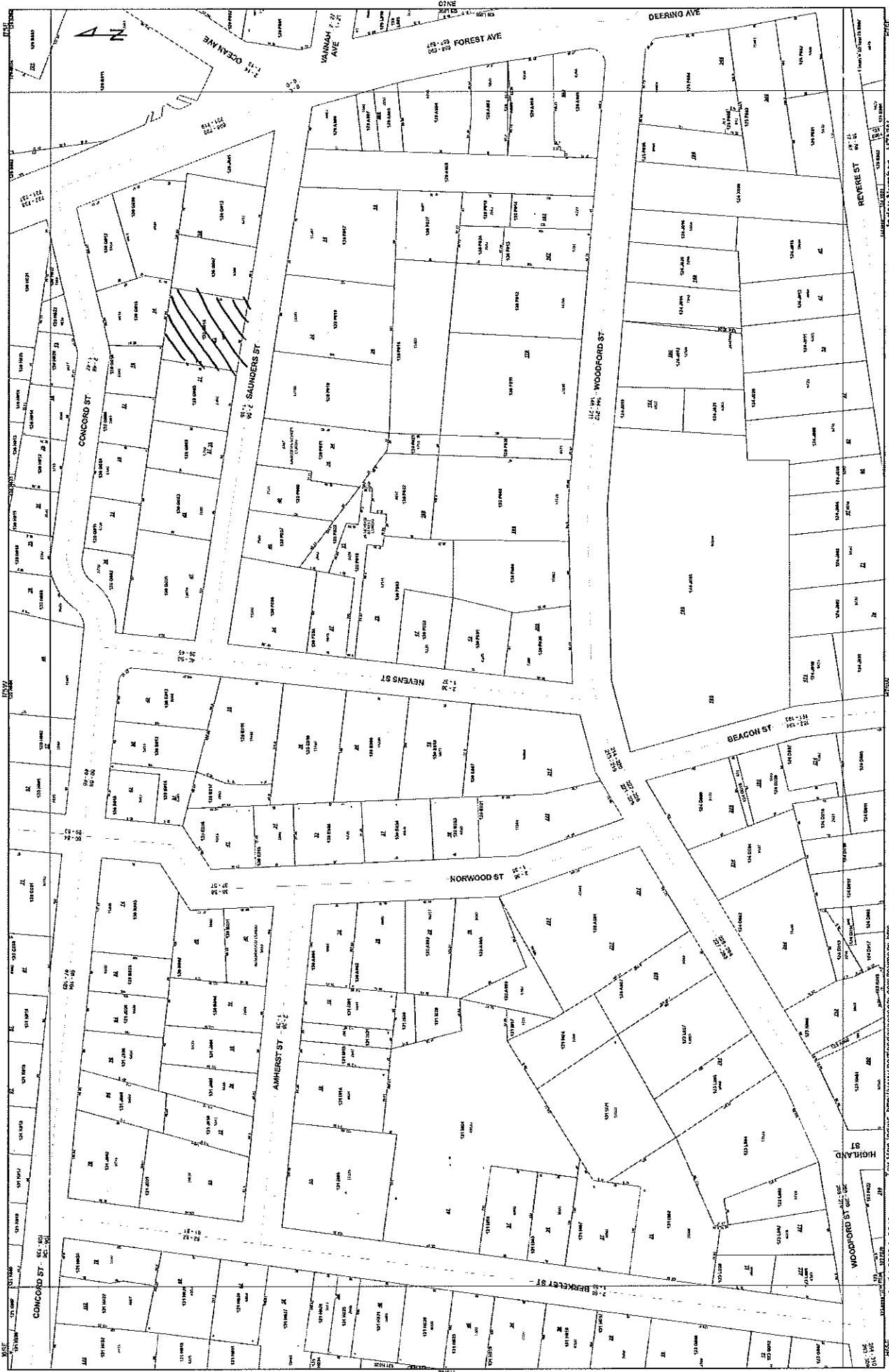


35 Saunders Dr
Abutter #1



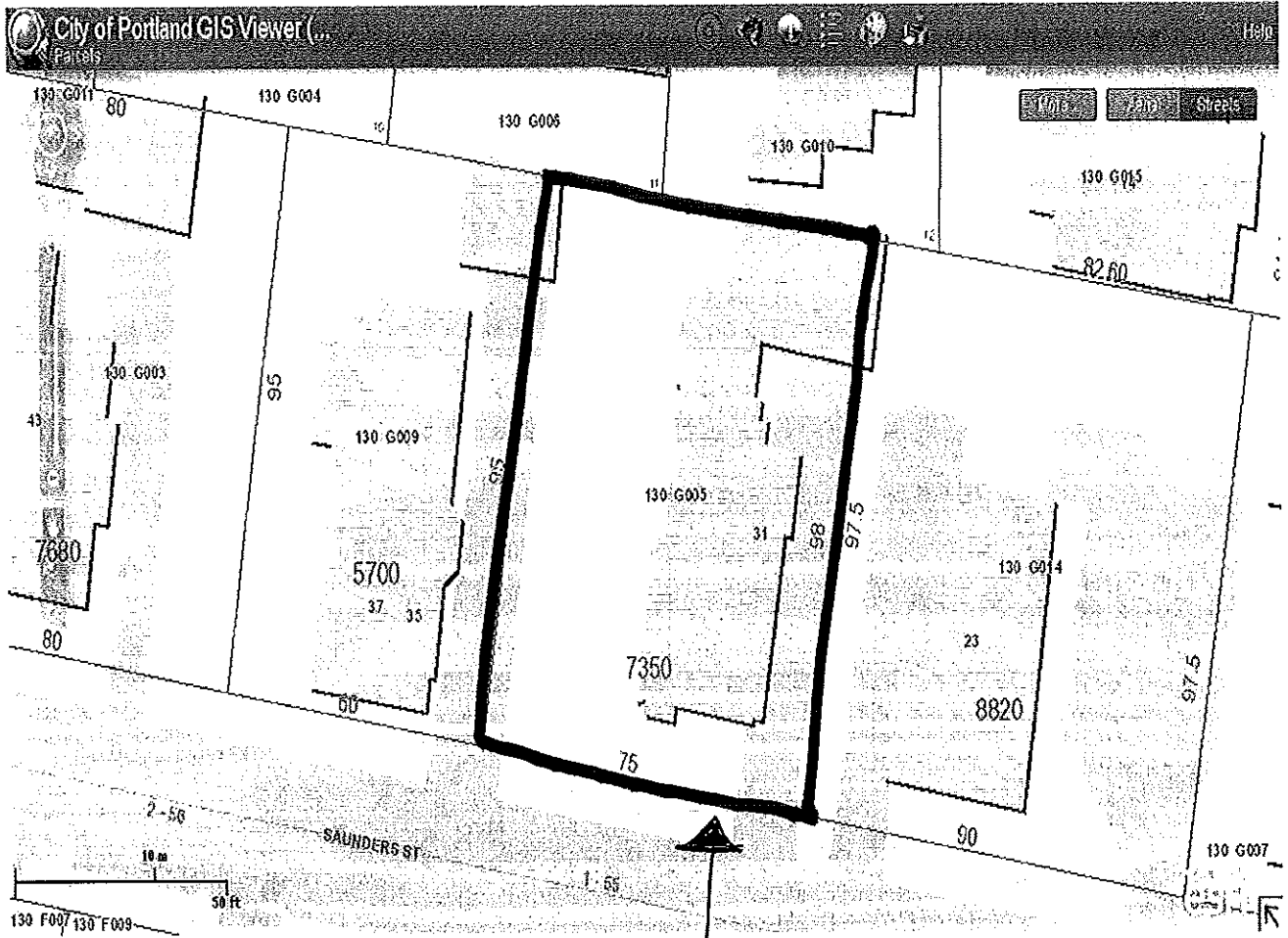


23 South
127th St

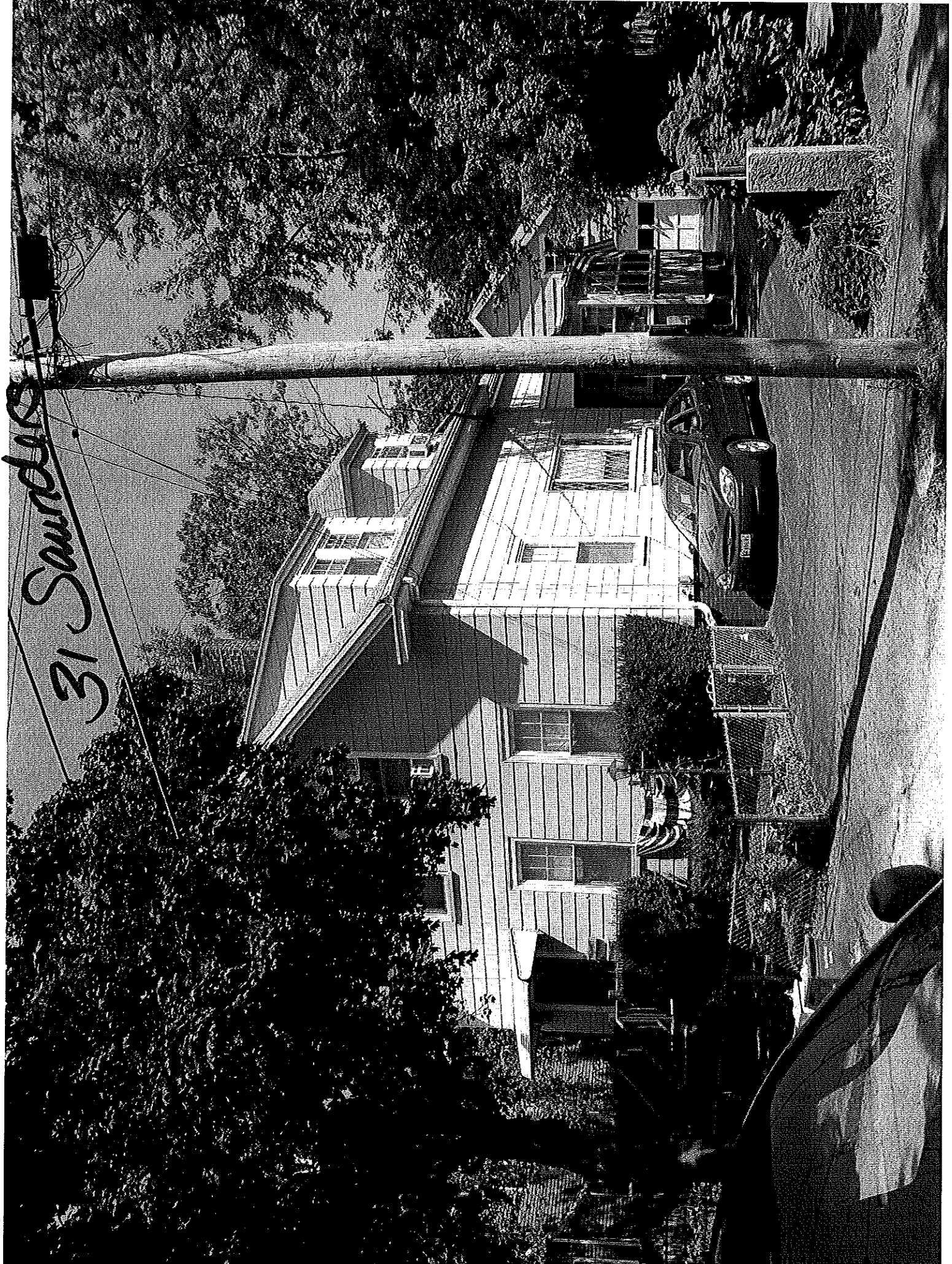


Index Number - H7NW

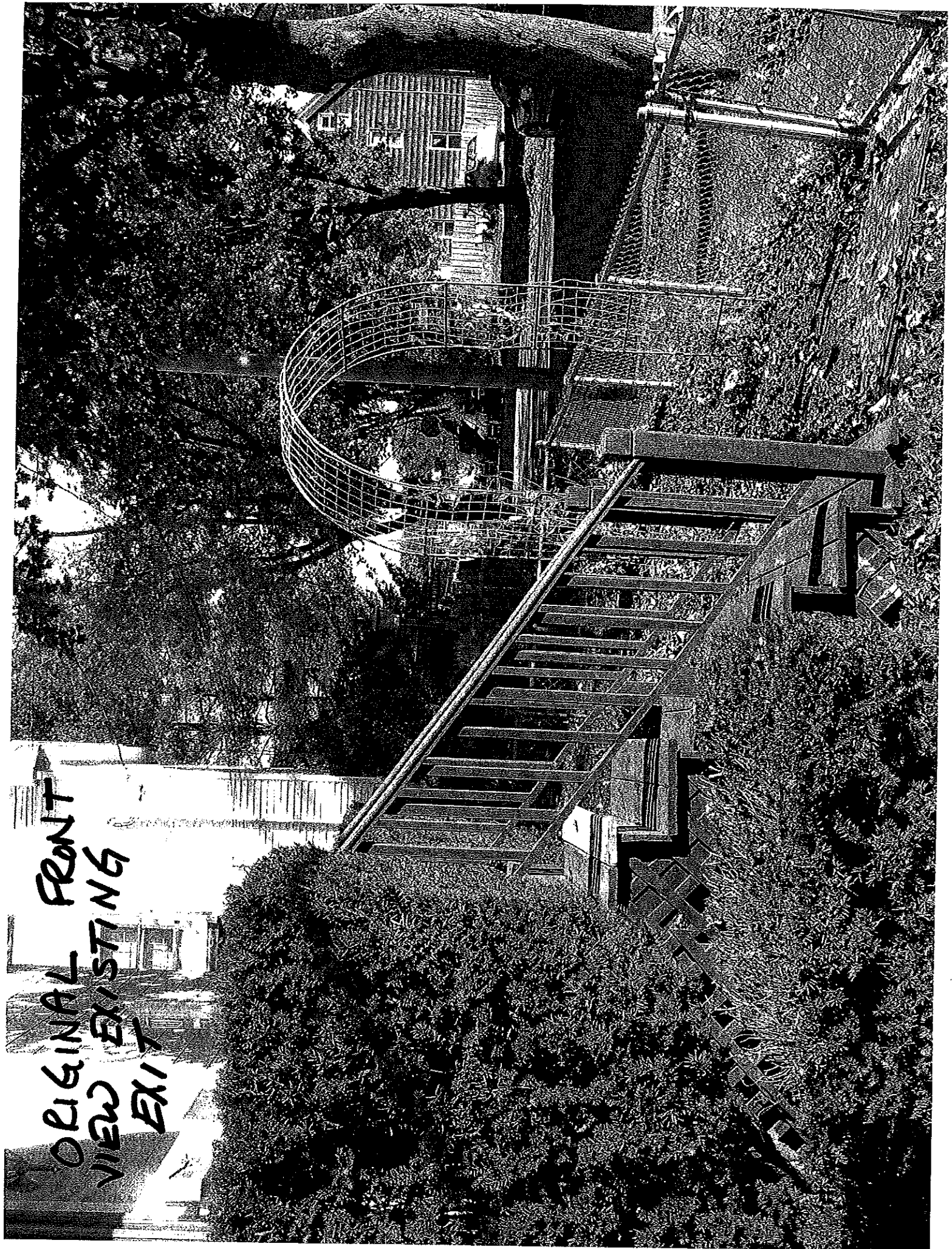
April 1, 2012 to 2013
 Tax Map Index: <http://www.portlandassessors.com/txmapa.htm>



31 SAUNDERS STREET



31 Saunders



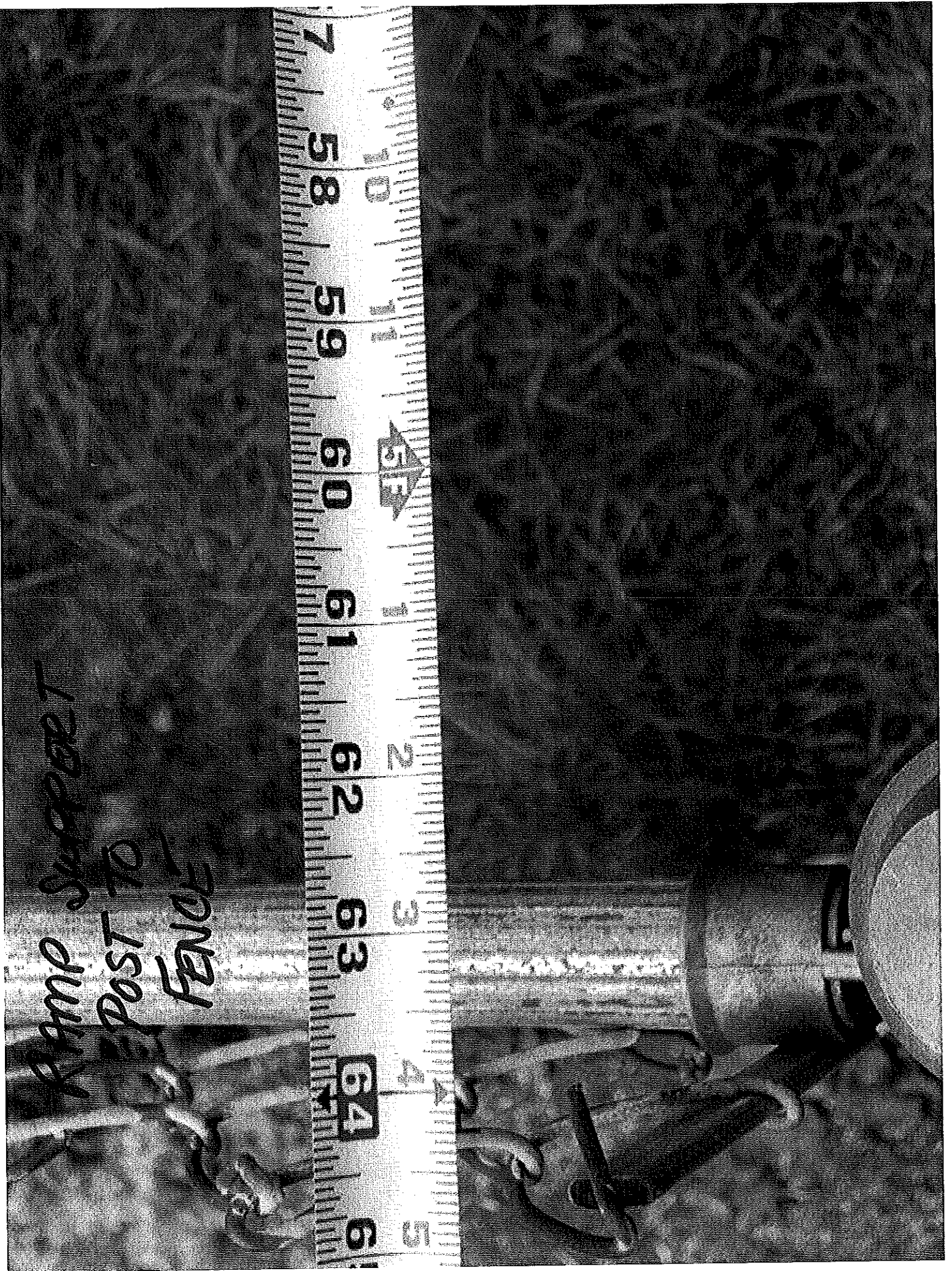
ORIGINAL FRONT
VIEW EXISTING
EXIT



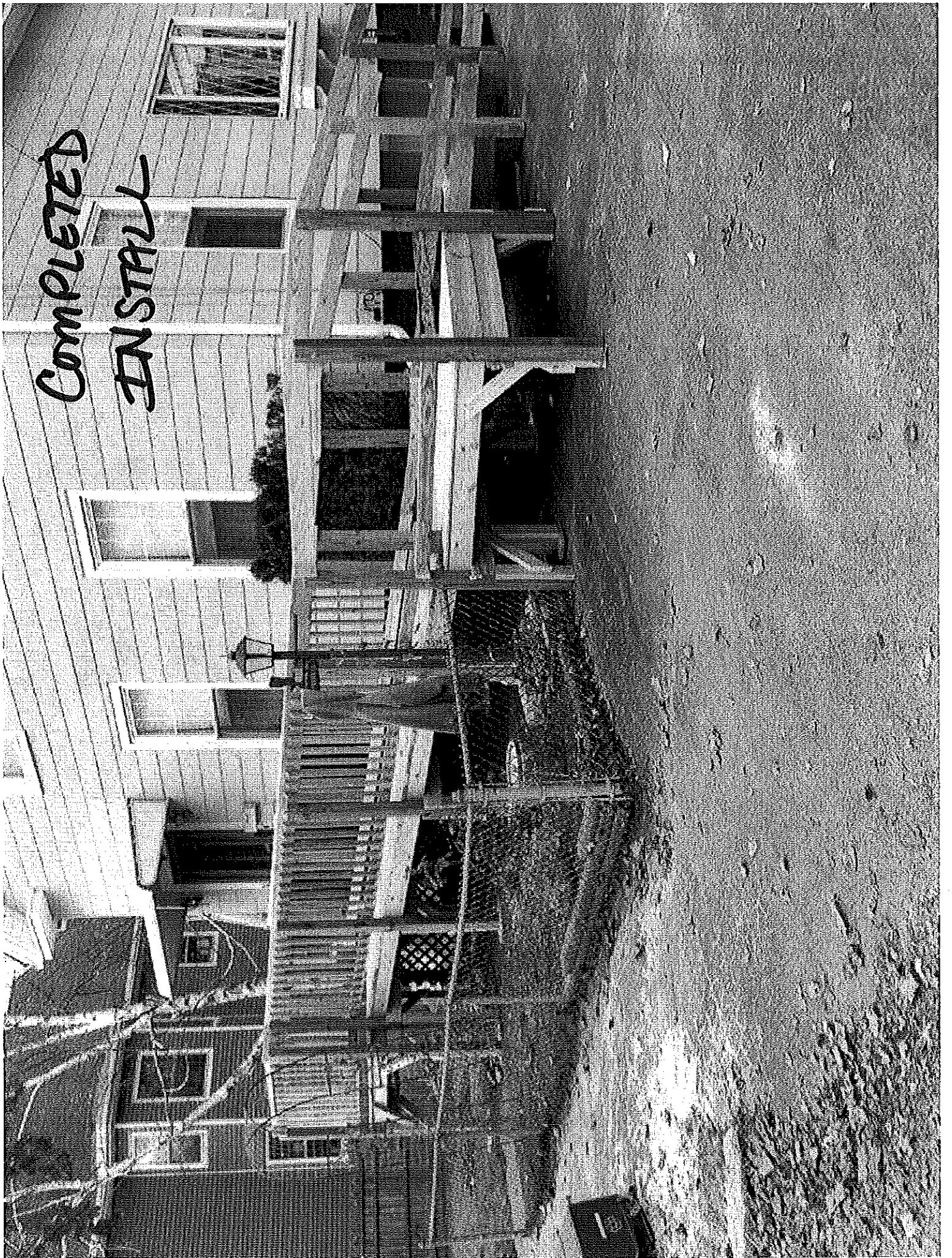
ORIGINAL BOTTOM STEPS

RAMP SUPPORT
POST TO
FENCE

7
58
59
60
61
62
63
64
6



COMPLETED
INSTALL



Know all Men by these Presents, That

We, Gordon E. Down and Beverly U. Down, both of Portland, County of Cumberland and State of Maine, in consideration of one dollar and other valuable consideration paid by Lennie P. Pottle and Elizabeth S. Pottle, both of said Portland,

Down & Pottle & War

the receipt whereof we do hereby acknowledge, do hereby give, grant, bargain, sell and convey unto the said Lennie P. Pottle and Elizabeth S. Pottle, as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, forever,

A certain lot or parcel of land with the buildings thereon, situated on the northerly side of Saunders Street in said Portland, bounded and described as follows: Beginning at an iron hub in the ground on said northerly side of Saunders Street at the southwesterly corner of land now or formerly occupied by Joseph D. Wyman, which hub is about two hundred thirty (230) feet westerly from the Maine Central Railroad location; thence running westerly by said Saunders Street seventy-five (75) feet to the southeasterly corner of land now or formerly of Phineas M. Frost; thence north twenty-two degrees thirty minutes (22° 30') east by said Frost land about ninety-eight (98) feet to land formerly of William Mitchell and more recently by one Chase; thence southeasterly by said Mitchell-Chase land about seventy-five (75) feet to an iron hub at the northwesterly corner of said Wyman land; thence southwesterly by said Wyman land at right angles with said Saunders Street about ninety-eight (98) feet to the point of beginning.

Being the same premises conveyed to these grantors by Benjamin M. Heighe by deed dated October 4, 1956, recorded in Cumberland County Registry of Deeds in Book 2317, Page 468.

The grantees herein assume and agree to pay the real estate taxes for the year 1965 as part consideration for this conveyance.

To Have and to Hold the aforegranted and bargained premises, with all the privileges and appurtenances thereof, to the said Lennie P. Pottle and Elizabeth S. Pottle, as joint tenants and not as tenants in common, and their heirs and assigns, and the survivor of them, and the heirs and assigns of the survivor of them, to

their use and behoof forever. And we do covenant with the said Grantee, as aforesaid, their heirs and assigns, that we are lawfully seized in fee of the premises; that they are free of all incumbrances, except as aforesaid; that we have good right to sell and convey the same to the said Grantee to hold as aforesaid; and that we and our heirs and assigns shall and will warrant and defend the same to the said Grantee, their heirs and assigns forever, against the lawful claims and demands of all persons.

In Witness Whereof, we, the said Gordon E. Down and Beverly U. Down, husband and wife,

Joining in this deed as Grantors, and relinquishing and conveying our rights by descent and all other rights in the above described premises, have hereunto set our hands and seals this tenth day of June in the year of our Lord one thousand nine hundred and sixty-five.

Signed, Sealed and Delivered in presence of

[Signature]

Gordon E. Down
Beverly U. Down



State of Maine, Cumberland ss. Personally appeared the above named Gordon E. Down

June 10, 19 65.

and acknowledged the foregoing instrument to be his free act and deed.

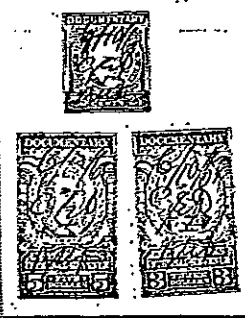
Before me, [Signature]

NOTARY PUBLIC

STATE OF MAINE, CUMBERLAND COUNTY, SS.

REGISTRY OF DEEDS

Received JUN 10 1965 at 4 o'clock 35 m. P. M., and recorded in BOOK 2900 PAGE 377 Attest: [Signature] Register.





DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK

CITY OF PORTLAND BUILDING PERMIT



This is to certify that ELIZABETH S WID WWII VET
POTTLE

Located At 31 SAUNDERS ST

CBL: 130-G-005-001

Job ID: 2012-09-5002-ALTR

has permission to install Temporary access ramp
provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of
the Statues of Maine and of the Ordinances of the City of Portland regulating the construction, maintenance and use of
the buildings and structures, and of the application on file in the department.

Notification of inspection and written permission procured
before this building or part thereof is lathed or otherwise
closed-in. 48 HOUR NOTICE IS REQUIRED.

A final inspection must be completed by owner
before this building or part thereof is occupied. If a
certificate of occupancy is required, it must be

Fire Prevention Officer


Code Enforcement Officer / Plan Reviewer

THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY

PENALTY FOR REMOVING THIS CARD



PORTLAND MAINE

Strengthening a Remarkable City, Building a Community for Life • www.portlandmaine.gov

Director of Planning and Urban Development
Jeff Levine

Job ID: 2012-09-5002-ALTR

Located At: 31 SAUNDERS ST

CBL: 130- G-005-001

Conditions of Approval:

Zoning

1. This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.
2. This property shall remain a two family dwelling. Any change of use shall require a separate permit application for review and approval.
3. The proposed ramp is not meeting the front yard setback. It is one foot from the front property line. The permit can be issued but the applicant needs to apply for a Disability Variance within 30 days of the date the permit is issued.

9-26-12 Left vcm for Candace Scripture at Custom Float Services. The actual length of the landings and ramps is unclear. Appears to not be meeting the front yard setback. The R-5 zone is 20' or the average of the houses on other side. This information is not provided. Plot plan needs to be clearer. Is the ramp going right up to the sidewalk? Will need to do Disability Variance. - amachado

9/27/12 Spoke to Candice. She will get Dwight Glidden to submit the exact dimensions of the ramp and landings. She will also have him confirm that there is a 0' front setback. -amachado

Candace Scripture

From: Dwight Glidden [DGlidden@alphaonenow.org]
Sent: Monday, October 22, 2012 5:22 PM
To: 'amachado@portlandmaine.gov'
Cc: Charlie Poole; Scott Dyer; Candace Scripture; Bethany Mogan; Brad Strause
Subject: Building Permit to install wheelchair ramp for ESP residing at 31 Saunders Street, Portland
Attachments: POTTLE (Ramp) Installation Form REVISED 10222012.doc; POTTLE (Ramp) Installation Form Continuation Sheet REVISED 10222012.pdf; IMG_3409.JPG; IMG_3407.JPG; IMG_3408.JPG; ATT00001.txt

Ms. Machado:

Elizabeth POTTLE has been approved for a grant to install a wheelchair ramp at her home located at 31 Saunders Street, Portland.

Thursday our contractor, Custom Float Services of Portland began installing the ramp, but then determined that the downward slope of the driveway causes the ramp to extend farther toward the sidewalk and street than we planned. To use this design without encroaching on the sidewalk will require increasing the slope and making the ramp steeper.

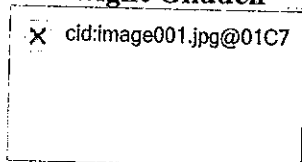
After speaking to Elizabeth POTTLE and her daughter Sharon, we decided to modify the design for the ramp. We now intend to use the front door, turning left to the driveway, and turning left again to ascend the driveway along the side of the house.

This design will preserve the necessary slope, and will also keep the ramp more than 5 feet back from the sidewalk and street. A revised installation form with sketch and photos are attached.

Please advise if the building permit initially issued remains valid, or what documents are needed to resume the installation.

I can be reached at (207) 619-9239 or cell (207) 239-9810 if you have questions or concerns.

Dwight Glidden



Alpha One – Independent Living Assistant
800.640.7200 (tty/v)
www.alphaonenow.org



Powering Independent Living

Critical Access Ramp Program Installation Form

Name: Elizabeth S. POTTLE **Date:** 10/22/12
Address: 31 Saunders Street **Male:**
 Portland, Maine 04103 **Female:**
County: Cumberland
Phone: (207) 775-1359
E-mail: REVISED

Approximate Height To Threshold: c. 40 inches; adjusted to 36 inches at end point due to upward slope

Length Of Ramp Suggested: At least 36 feet of lineal slope

Proposed Configuration: SEE ATTACHED CONTINUATION SHEET

Components Suggested: SEE ATTACHED CONTINUATION SHEET

Description of Site & Conditions: Paved driveway slopes downward to street

Comments: Locating the ramp is at the side door to the porch is untenable because of the downward slope of the driveway to the street. Ms. POTTLE requests that the ramp be located at the front door and will make the necessary interior adjustment to ascend the one step from the porch to the home's main floor.

The front door is 36 inches wide and from the outside pushes open from right to left. There is a storm door that from the outside pulls open from right to left. It is 40 inches from the door threshold to the ground, with a "lip" of c. 3 inches from the door threshold down to the porch. The end point for the ramp is c. 4 inches higher due to the slope of the driveway.

The porch is in good condition and can be leveled. The posts supporting the handrails to the steps are 36 inches wide and probably need to be removed. The ramp begins with a small landing (5' x 5') that extends towards the street (it is 6 feet from the landing to the sidewalk), then turns east 18 feet past the fence to another small landing, then north along the house for 20 feet, ending on the paved driveway.

There must be clearance along the side of the house to access the electric meter, an electric circuit, a water faucet, and pipes to the oil tank.

Funding is from Portland. The home is not located on a floodplain and no tie downs are required.

ILS: Dwight E. Glidden, Independent Living Assistant

Date Submitted: October 22, 2012