

May 6, 1998

HUNG KHUU AND HUE THACH
71 ALBA ST.
PORTLAND, ME 04103
TEL, (207) 773-2236

PORTLAND BOARD OF APPEALS
ROOM 209, CITY HALL
PORTLAND, ME 04101

DEAR MEMBER OF THE BOARD OF APPEALS,

My wife and I reside on 71 Alba St. in the town of Portland since March of 1986. We are here to ask you for the approval of an eight and a half by eight and a half foot extension for one and a half stories on the back of our house. The first floor of this extension will be used for a bathroom designed to be easily assessable to an eighty-four year old mother. With your approval we will be able to build a bathroom that will accommodate for my mother's needs, by providing her with a bathroom that is directly connected to her bedroom. She will have easier access with her walker and there will be a bar installed on the wall for her to hang on to, while she takes a bath or uses the toilet.

Because the current bathroom is too narrow and small, she barely has room to move within its confines and she cannot bring her walker with her or use it properly. The space within the current bathroom is too small but it can be remedied by our eight by eight foot propose to create a wider and safe bathroom.

Sincerely,



Hung Khuu and Hue Thach

Zoning Division
Marge Schmuckal
Zoning Administrator



Zoning Board of Appeals
Matt Manahan
Chairman

CITY OF PORTLAND

PRACTICAL DIFFICULTY VARIANCE APPLICATION

Applicant's Name and Address: HUNG KHUU / HUE THACH

71 ALBA ST. PORTLAND, ME 04103

Applicant's Interest in Property (e.g. owner, purchaser, lessee, etc.): OWNER

Owner's name and address (If different from above): _____

Address of Property and Assessor's Chart, Block, and Lot Number: _____

134-H-5

Zone: R-3 Present Use of Property: RESIDENTIAL

Practical Difficulty Variance from: Section 14- _____

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

The undersigned hereby makes application for a Practical Difficulty Variance as above described, and certifies that all information herein supplied by him/her is true and correct to the best of his/her knowledge and belief.

[Signature]

Dated: 05/06/98

Signature of Applicant

Notwithstanding the provisions of subsections 14-473(c)(1) and (2) of this section, The Board of Appeals may grant a variance from the dimensional standards of this article when strict application of the provisions of the ordinance would create a practical difficulty, as defined herein, and when all the following conditions are found to exist:

- 1) The need for a variance is due to the unique circumstances of the property, and not to the general conditions in the neighborhood:
We need to accommodate for the 84 years old mother, who has trouble accessing the current bathroom.
- 2) The granting of the variance will not have an unreasonably detrimental effect on either the use or fair market value of abutting properties:
There will not be an effect the market value of abutting properties.
- 3) The practical difficulty is not the result of action taken by the applicant: _____
- 4) No other feasible alternative is available to the applicant, except a variance: We are unable to solve the problem any other way.
- 5) The granting of a variance will not have an unreasonably adverse effect on the natural environment: There is no adverse effect on the environment.
- 6) The property is not located, in whole or in part, within a shoreland area, as defined in 38 M.R.S.A. §435, nor within a shoreland zone or flood hazard zone as defined in this article. _____

The following words have the meanings set forth below:

- a) **Dimensional Standards:** Those provisions of this article which relate to lot area, lot coverage, frontage, and setback requirements.
- b) **Practical Difficulty:** A case where strict application of the dimensional standards of the ordinance to the property for which a variance is sought would both preclude a use of the property which is permitted in the zone in which it is located and also would result in economic injury to the applicant.

A Practical Difficulty Variance may not be used to grant relief from the provisions of §14-449 (Land Use Standards) to increase either volume or floor area, nor to permit the location of a structure, including, but not limited to, single-component manufactured homes, to be situated on a lot in a way which is contrary to the provisions of this article.

Jeffrey M. Saffer, M.D.†
Christopher M. Hunt, M.D.†
Craig E. Johnson, M.D.†*
Jeffrey J. Aalberg, M.D.†
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James Harper, M.D.†
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Catherine Sinclair, NP
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Catherine Crute, M.D.†*
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Lindy Grigel, PA-C
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FAMILY CARE ASSOCIATES, P.A.

SPECIALIZING IN FAMILY MEDICINE, INCLUDING PEDIATRICS AND OBSTETRICS

May 12, 1998

RE: Sai Loan Khuu and Family
71 Alba Street
Portland ME 04103
DOB: 01/09/14

To Whom It May Concern:

As Ms. Khuu's family physician, I am writing this letter of support for her family's request to have a downstairs bathroom expansion to accommodate the basic physical needs of this 84-year-old woman.

Sai Loan was recently hospitalized with new onset seizure disorder thought secondary to multiple lacunar cerebrovascular accidents with no new lesion diagnosed by CT scan in April of 1998. She is currently maintained on Dilantin, Verapamil (for her hypertension), Hydrea (for her essential thrombocythemia), and ticlopidine (for her stroke history). She is currently being re-evaluated for motor retardation and hypersomnolence thought possibly due to drug toxicity. Ms. Khuu's medical condition is only going to deteriorate with further aging, and it is becoming progressively difficult for her to live on the second story of their home, where the current bathroom is.

In summary, it is my medical opinion that expanding Ms. Khuu's home to accommodate a downstairs bathroom would represent a minimal investment toward ensuring her physical safety. I would ask for your consideration accordingly.

Should I be of any further assistance, please feel free to contact me.

Respectfully submitted,



Charles de Sieyes, M.D.

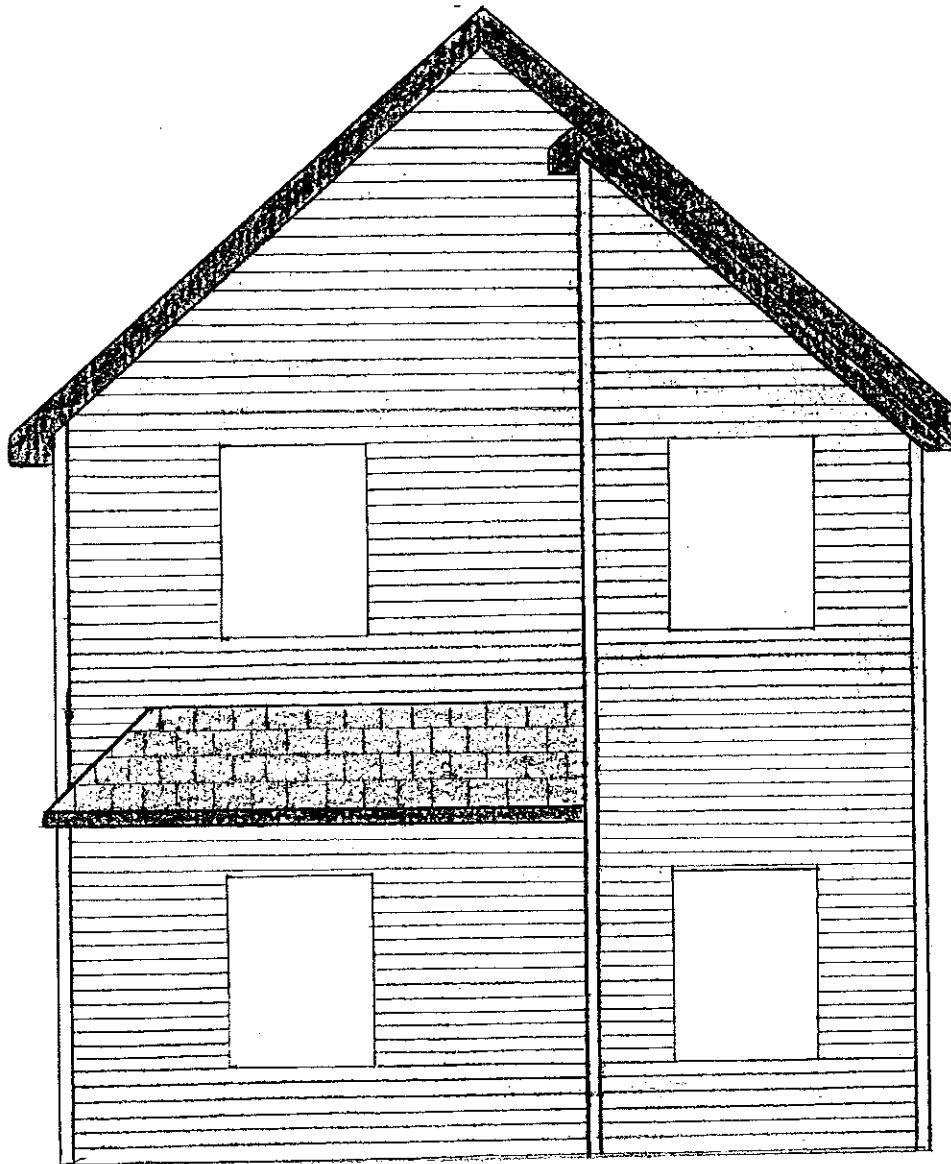
CD/kb/23134

Material for Addition

1st and 2nd floor framed w/ 2x8 K.D. spruce 16 on center.
 4x8 x 3/4 Fir ULC T+G Plywood on floors.
 2x4x8 K.D. spruce 16 on center, double top plate walls.
 2x6 K.D. spruce 16 on center for 2nd floor ceiling.
 3 1/2" Insulation in wall.
 12" Insulation in attic.
 2x10 K.D. Root Rafters 16 on center.
 4x8x5/8 CDX fir plywood on roof.
 8"x10' Galv Drip Edge
 Felt Paper
 20 year 3 tab shingles
 4 over 4 vinyl siding
 Aluminum trim
 Full foundation, footer, 8" walls

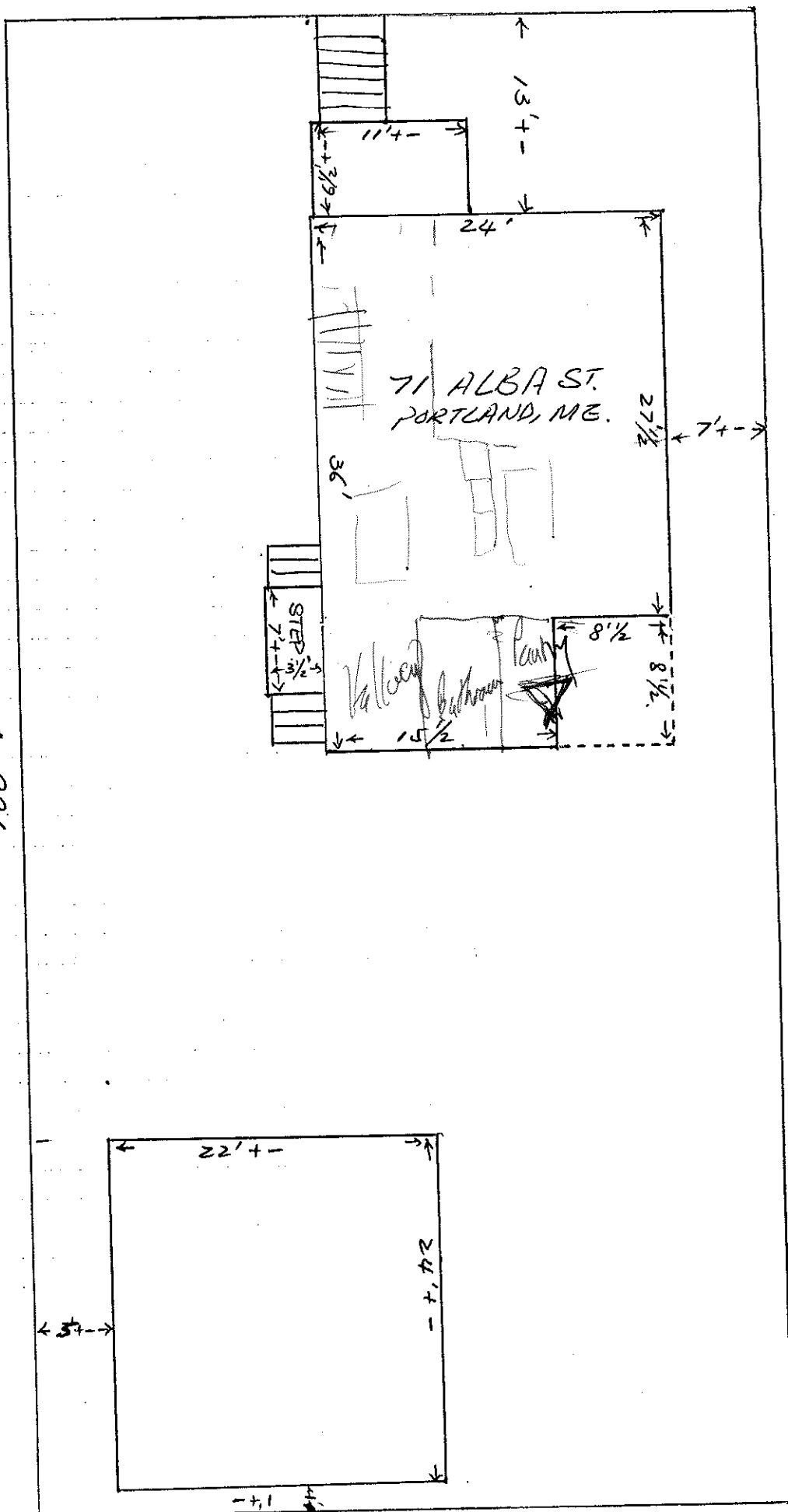
TOTAL \$5642.28

71 ALBA ST 6
Side View site sketch

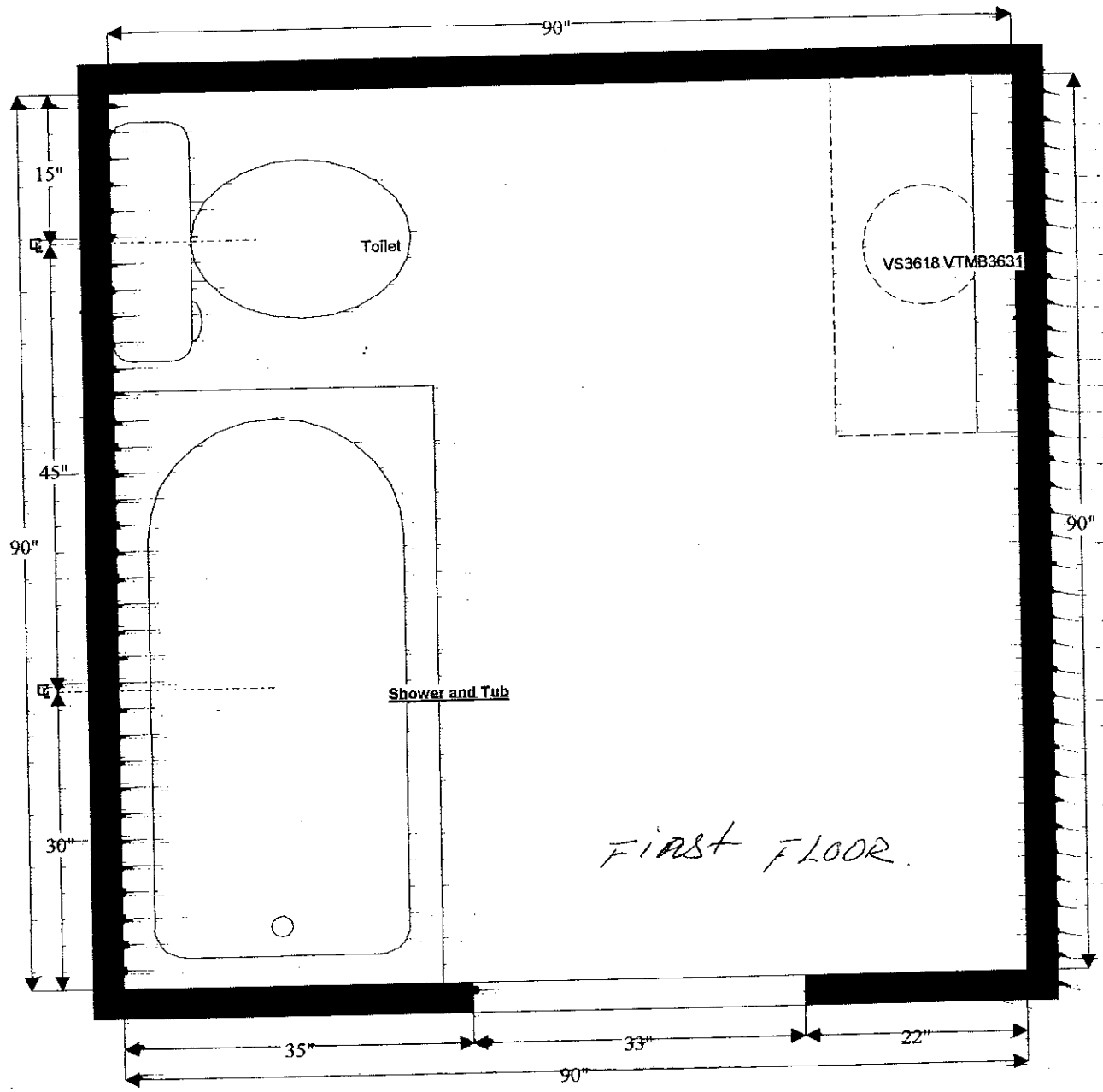


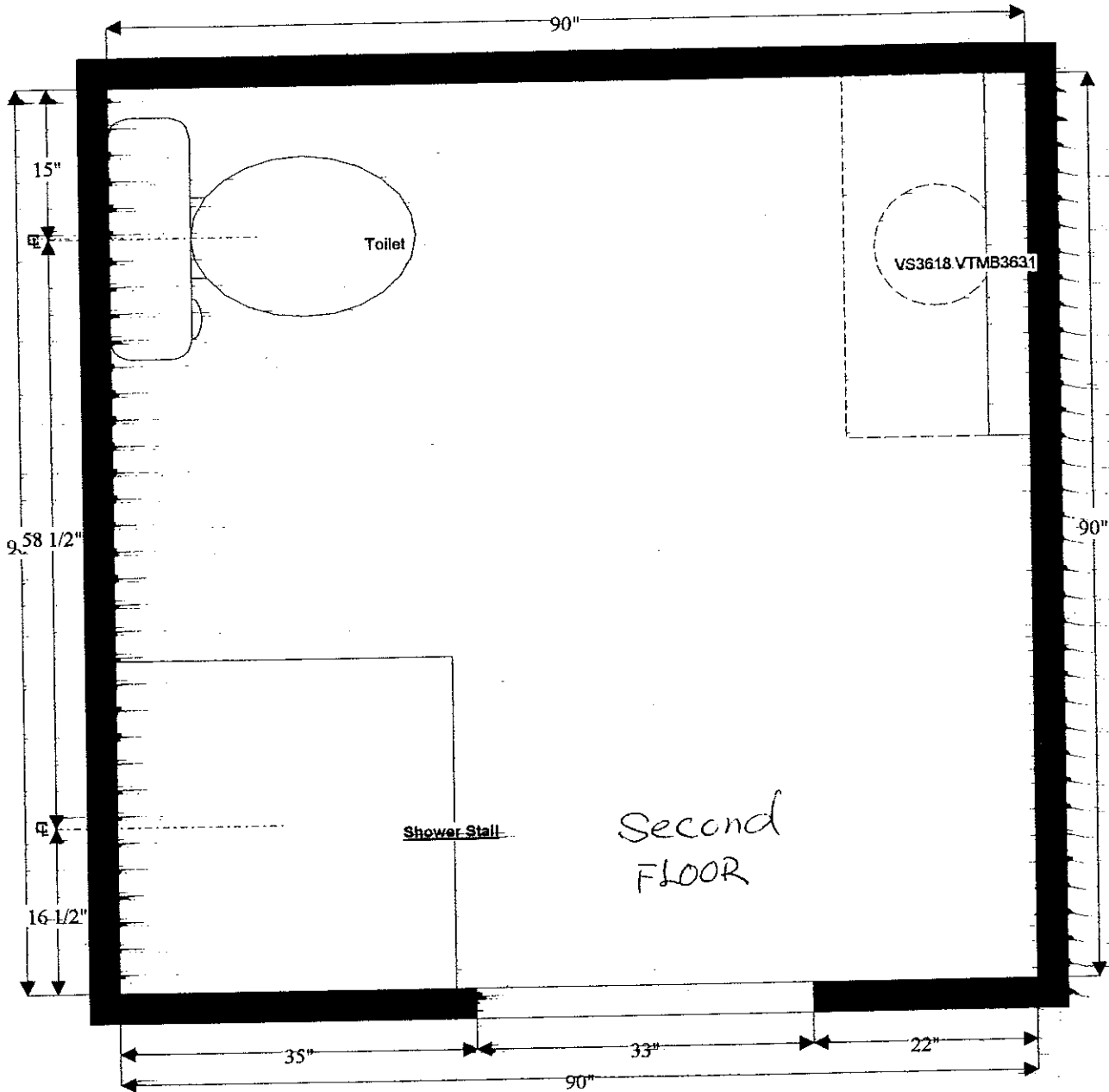
10' 4" -

100' +/-



1' +/-

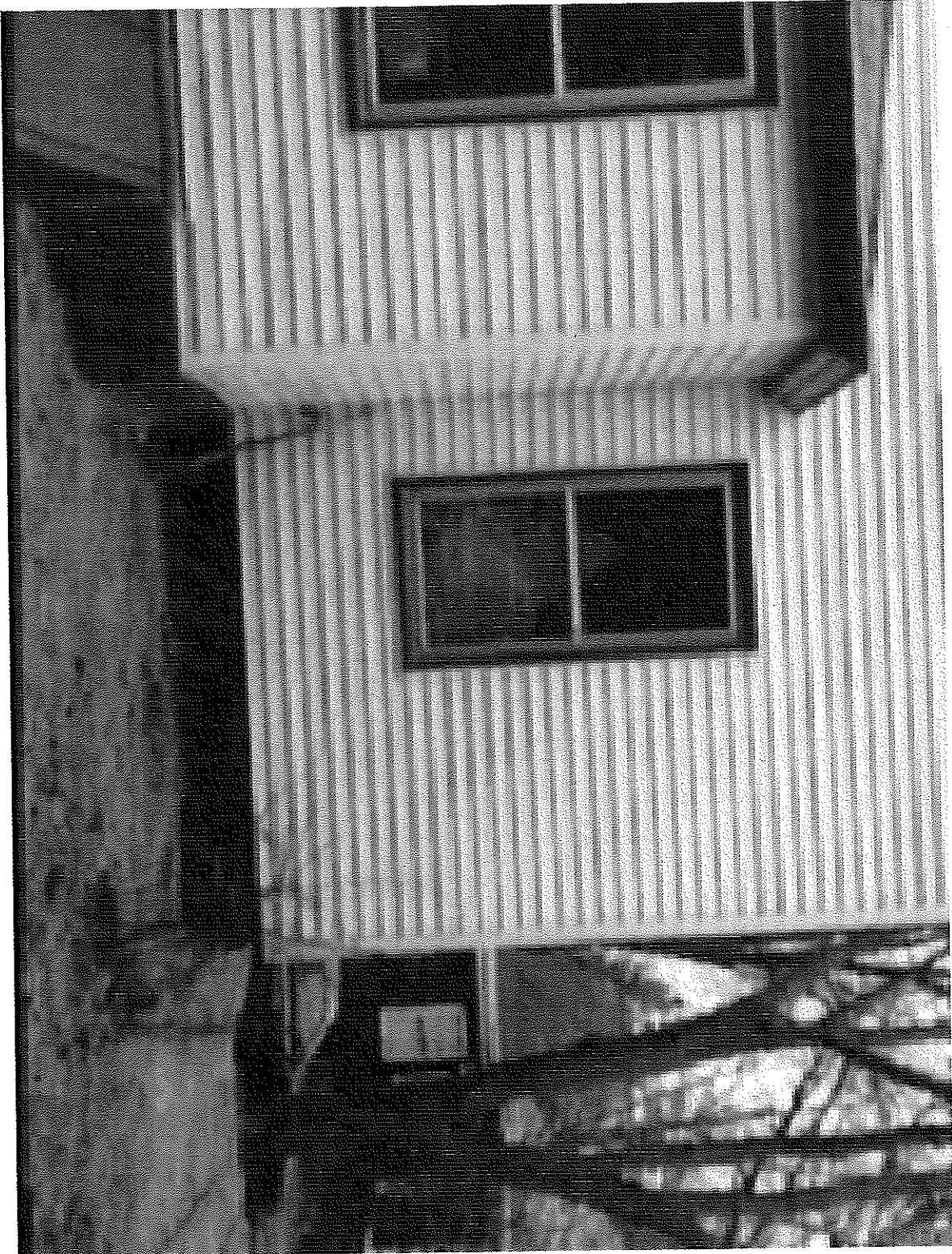




Hung & Hue Khan
7732236









Know all Men by these Presents,

That Dennis P. Lynaugh and Doris A. Lynaugh

of Portland, County of Cumberland, State of Maine

being married, for consideration paid, grant to Hung Khuu and Hue Thach both of Portland, County of Cumberland and State of Maine, as joint tenants, not as tenants in common, their heirs and assigns,

of _____, County of _____, State of _____,

whose mailing address is 41 Chestnut Street, Apt. 8, Portland, Maine

with warranty covenants, the land in Portland, County of Cumberland,

State of Maine, described as follows:

A certain lot or parcel of land, with the buildings thereon, situated on the northerly side of Alba Street in the City of Portland, County of Cumberland and State of Maine, being Lot #25 as shown on Plan of Lots, Central Avenue and Alba Street, made by Ilsley & Cummings, in 1895, and recorded in Cumberland County Registry of Deeds in Plan Book 8, Page 7, to which plan reference is hereby made for a more particular description.

Being the same premises conveyed to the Grantors herein by warranty deed of Richard J. Hansen, Jr., et al. dated September 6, 1984 and recorded in Cumberland County Registry of Deeds in Book 6557, Page 167.

And

husband/wife of said grantor, joins as grantor, and releases all rights by descent and all other rights.

Witness our hand and seal this _____ day of the month of

9/30, 1985.

Signed, Sealed and Delivered

in presence of

Dennis P. Lynaugh
Dennis P. Lynaugh
Doris A. Lynaugh
Doris A. Lynaugh

State of Maine, County of Cumberland ss. 9/30, 1985.

Then personally appeared the above named Dennis P. Lynaugh and Doris A. Lynaugh

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

RECEIVED
RECORDED REGISTRY OF DEEDS

1986 FEB 26 AM 10:08

CUMBERLAND COUNTY
James J. Walsh

Before me,

Rowland Peterson
Rowland Peterson
Notary Public

SEAL
RP