

Department of Planning & Urban Development

Marge Schmuckal  
Zoning Administrator

Jeff Levine  
Director Planning & Urban Development

*scripture@stanford.com*



RECEIVED

NOV 12 2014

Dept. of Building Inspections  
City of Portland, Maine

**CITY OF PORTLAND  
ZONING BOARD OF APPEALS**

**Disability Variance Appeal Application**

**APPLICANT INFORMATION:**

Alpha One Attn: Jill Johanning  
NAME

Custom Float & Attn: Candace  
Alpha One  
BUSINESS NAME

127 Main Street  
ADDRESS

So. Portland, ME 04106

1-800-640-7200  
TELEPHONE #

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

R-3  
CURRENT ZONING DESIGNATION

single residential  
EXISTING USE OF PROPERTY:

**SUBJECT PROPERTY INFO:**

72 Westminster Street  
PROPERTY ADDRESS

181-8002 001  
CHART/BLOCK/LOT (CBL)

**PROPERTY OWNER INFO (if Different):**

NAME

ADDRESS

Variance from Section 14: 14-90(d)(2)

4 ft set back (side)

**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*  
SIGNATURE OF APPLICANT

11-12-2014  
DATE

Department of Planning & Urban Development

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**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?

Polymyalgia Rheumatica (PMR)

2. Does the disability constitute a physical or mental handicap as defined by 5 M.R.S.A., §4553?

✓ 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  
Portland, ME 04106  
800.640.7200 (v/tty)  
207.799.8346 (fax)

February 14, 2014

City of Portland

Zoning Board of Appeals  
389 Congress Street - Room 315  
Portland, ME 04101

RE: Danice Jacobson, 72 Westminster Ave Disability Variance

Dear Members of the Board:

Please find attached 11 copies of the Disability Variance Appeals Application with supporting documents for the above address. Ms. Jacobson has met the criteria of Alpha One's Critical Access Program and has been approved for installation of a Temporary Critical Access Ramp. Because permanent footings are not involved, our ramps are designed to be easily moved to a client's new residence or removed if no longer needed.

Because the proposed ramp does not meet the ~~R-3~~<sup>S</sup> 8 foot side set back requirements, we are asking for a Disability Variance to accommodate our client's safe access in and out of her home.

We were issued a conditional Permit on 2/4/2014, based on the current site access limitations. However, due to strained relations with neighbors located on 68-70 Westminster, the decision was made to postpone installation until an appeal decision has been made.

Alpha One is a nonprofit agency that receives funds from various grant programs to assist disabled individuals to maintain their independence. The City of Portland generously supports our missions with funds from Portland's Community Development Block Grant. We would appreciate an opportunity to wave additional fees in order to ensure that these grant funds are available to help other Portland residents gain safe access to their homes.

We appreciate your review and consideration for this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Jill S. Johannings".

Jill S. Johannings, AIA  
Maine Licensed Architect/Access Specialist  
Alpha One

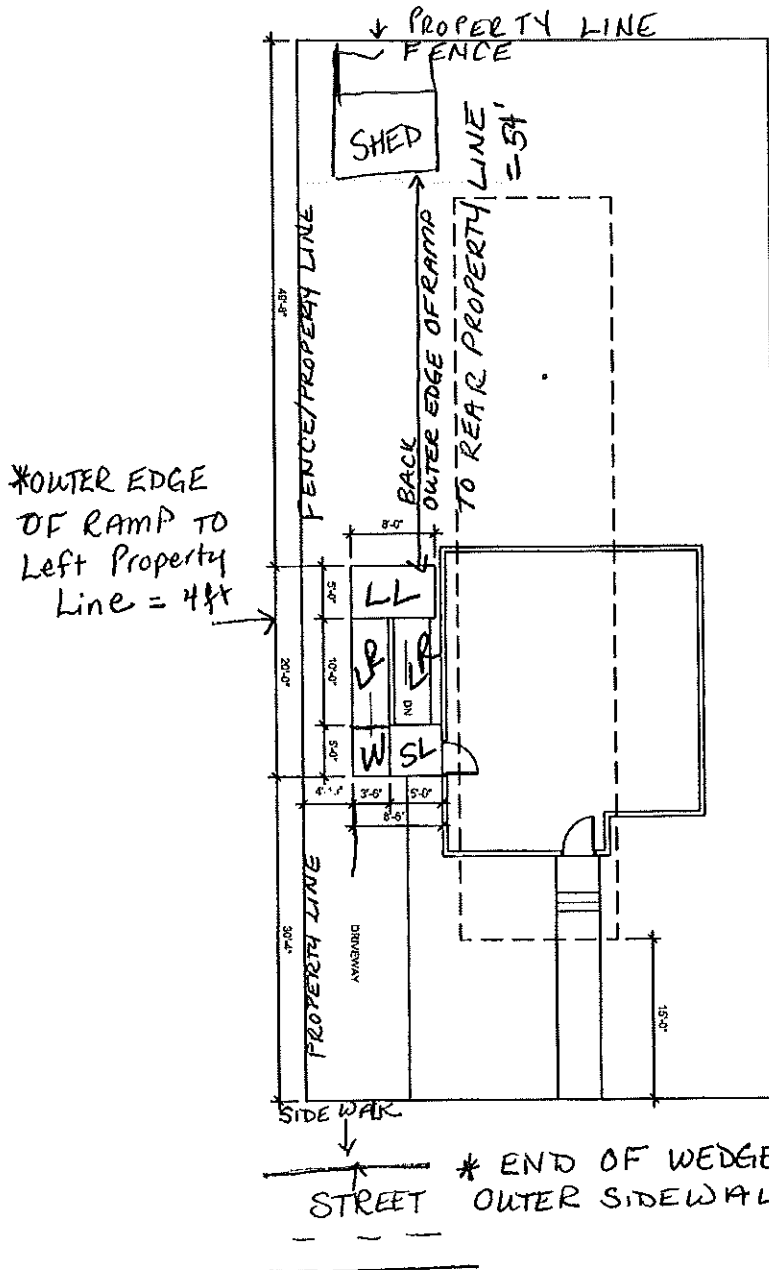
Enclosure

C1 SITE PLAN

CHART # 181

BLOCK # B002

LOT # 1



COMPONENT KEY:

- LL = 5x8 Large Landing
- LR = 5x10 Long Ramp
- SL = 5x5 Small Landing
- W = 5x5 WEDGE

RE: 5x38 ADA RAMP

A-1

JACOBSON SITE PLAN  
72 WESTMINSTER AVE PORTLAND, ME  
PERMIT APPLICATION

DATE : 08.05.14

SCALE 1/16" = 1'-0"



# MORTGAGE LOAN INSPECTION

Cumberland Title Company

P.O. Box 4843

Portland, ME 04112

1-207-774-1773

1-207-774-2278 (fax)

CL No.: 012173

Job No.: CTC14-62.

Date: 12/29/97

County: Cumberland

Plan Bk. 00011 Pg. 11

Lot(S): 00042

Scale: 1" = 20'

Borrower(S): Susan M. Clark

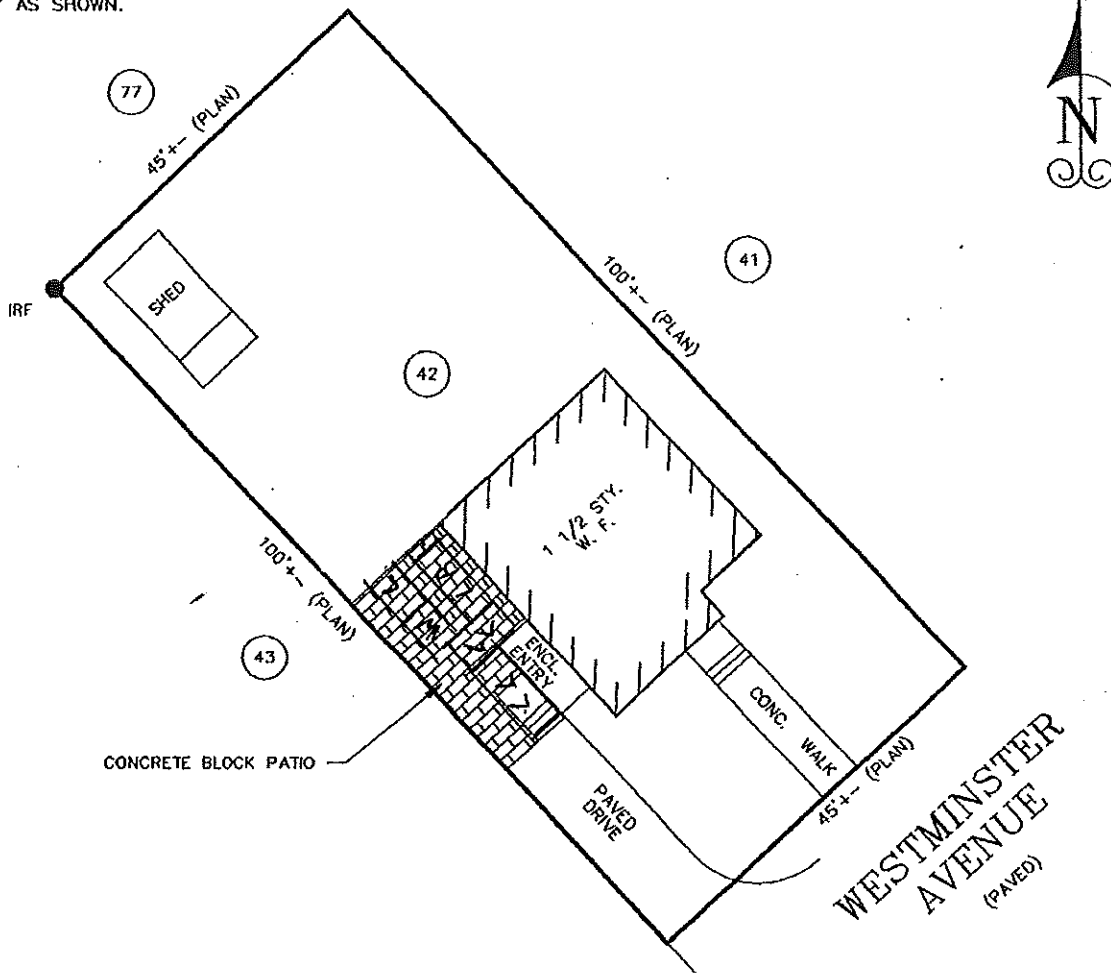
St. No.: 00072

Street: Westminster Ave.

Town: Portland, ME

Source Deed Bk. 13310 Pg. 00189

NOTE: A FULL BOUNDARY SURVEY IS  
RECOMMENDED TO VERIFY  
BOUNDARY AS SHOWN.

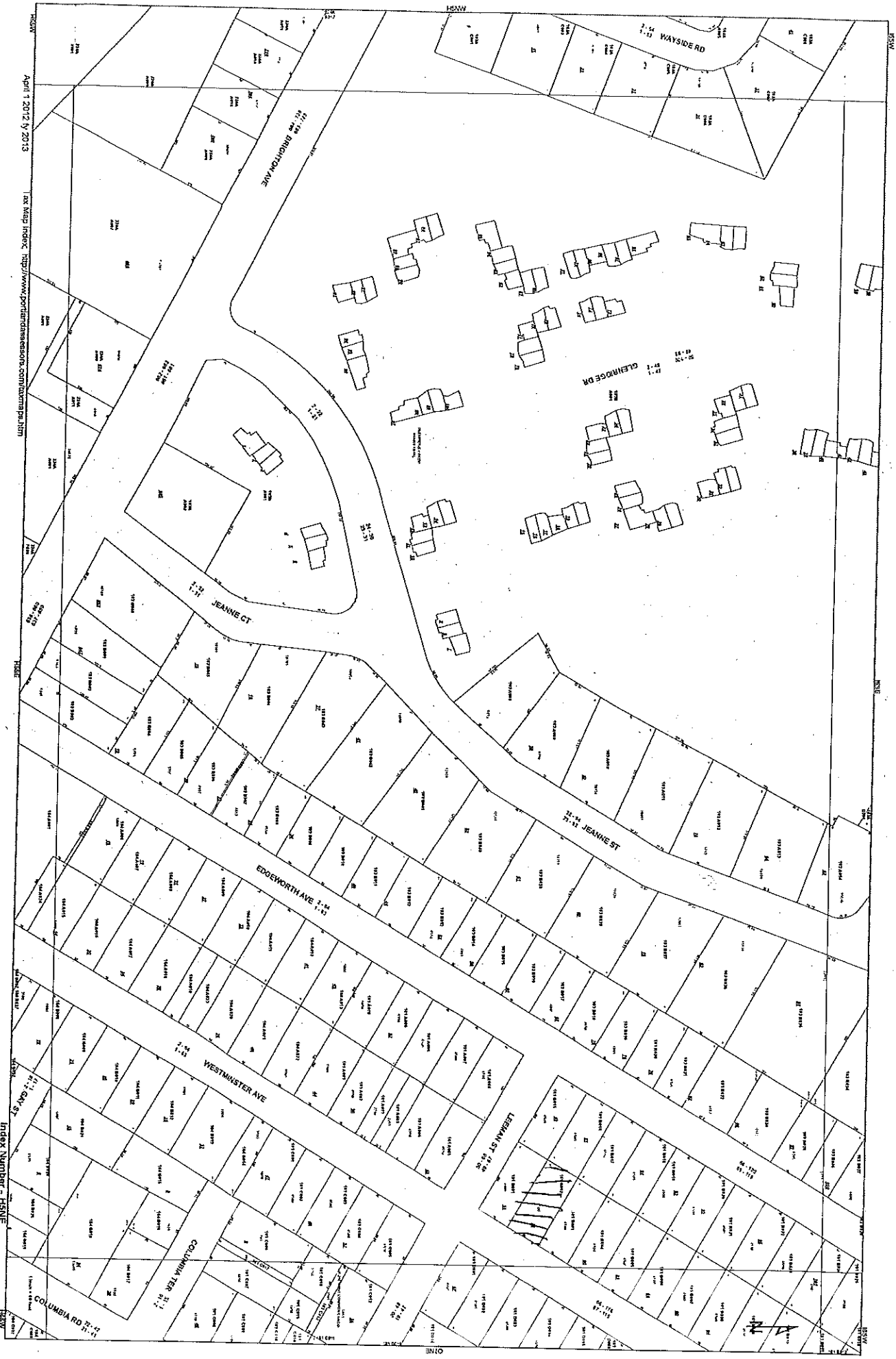


**NOTE: THIS IS NOT A BOUNDARY SURVEY.** This plan is made for the purposes of determining that the improvements are within the apparent boundary lines. **THE PREPARER IS NOT LIABLE FOR ANY OTHER USE BY ANY OTHER PERSON OR ENTITY.**

**CERTIFICATION:** I hereby certify to *Peoples Heritage Savings Bank*, and its mortgage title insurer that based upon inspection made with reasonable certainty, that:

- this plan was made from an inspection of the site.
- there **ARE NO** apparent violations of municipal ordinances regarding building setbacks in effect at time of construction.
- the principal structure(s) located on the premises **ARE NOT** in a flood hazard zone as delineated on the flood maps used by the Federal Emergency Management Agency.

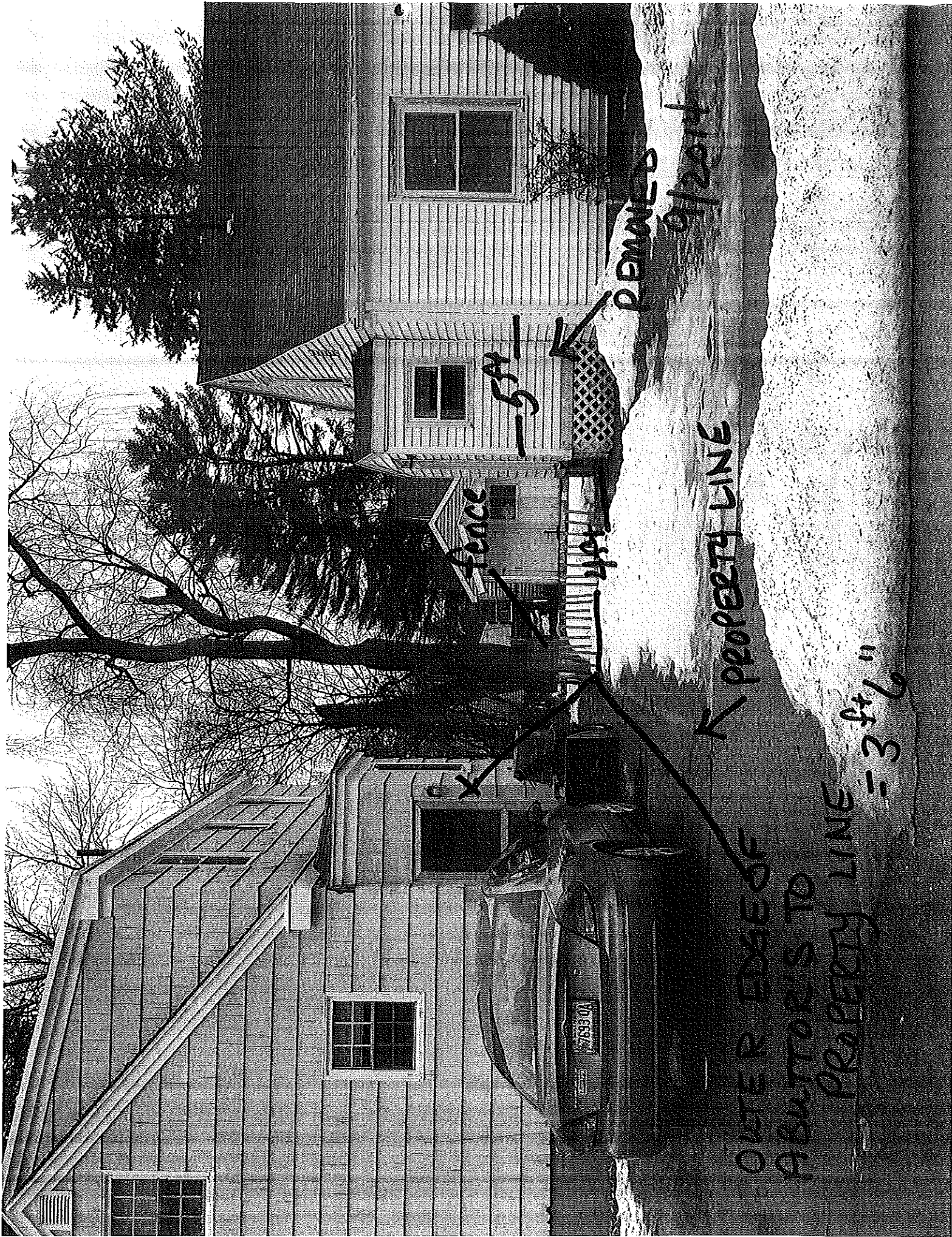
*[Handwritten Signature]*  
CUMBERLAND TITLE COMPANY  
PORTLAND, ME 04112



April 1 2012 by 2013

AN Map Index <http://www.portlandoregon.com/landmap.htm>

Index Number - 75N1E



fence

5ft

4ft

REMOVED

9/20/2011

PROPERTY LINE

OUTER EDGE OF

ABUTTOR'S TO

PROPERTY LINE

= 3ft 6"





Warranty Deed

COPY

Know All Men By These Presents:

That: Peoples Regional Opportunity Program, a Non-Profit Corporation having a place of business at 510 Cumberland Avenue, Portland, Maine 04101,

For Consideration Paid Grant Unto:

Susan Stacey Clark, a/k/a Susan M. Clark of 61 Deering Street, Apt. D, Portland, Maine 04101,

With Warranty Covenants, the land in Portland, County of Cumberland and State of Maine, to wit:

A certain lot or parcel of land, together with any buildings thereon, located at 72 Westminister Avenue, Portland, in the County of Cumberland and State of Maine, to wit:

Land with any buildings situated on the northwesterly side of Westminister Avenue and being Lot No. 42 as delineated on the Plan of Edgeworth Park, recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 11. The conveyed premises are more particularly described as a lot with dimensions of 45' on Westminister Avenue, and a depth of 100' from Westminister Avenue. The lot conveyed is also bounded westerly by Lot 43, easterly by Lot 41 and northerly by Lot 77, and said lot is more particularly shown on the aforementioned Plan.

BEING the same premises as described in a Quit-Claim Deed, without covenant, from The Maine State Housing Authority to People's Regional Opportunity Housing, dated September 17, 1997 and recorded in the Cumberland County Registry of Deeds in Book 13340, Page 189.

People's Regional Opportunity Program and People's Regional Opportunity Housing are one and the same corporation.

ALL WITNESSES WHEREOF 1 COPIES REGIONAL OPPORTUNITY PROGRAM AND  
caused this instrument to be signed this 28th day of January,  
1998

People's Regional Opportunity Program

Jean M. Gardner.  
Witness

By: [Signature]  
Name: Robert E. Cain  
Title: Administrator of Finance



DOW'S  
LAW OFFICE, P.A.  
159 MAIN STREET  
NORWAY, MAINE

EXHIBIT A

A certain lot or parcel of land, together with any buildings thereon, located at 72 Westminster Avenue, Portland, In the County of Cumberland and State of Maine, to wit:


Land with any buildings situated on the northwesterly side of Westminster Avenue and being Lot No. 42 as delineated on the Plan of Edgeworth Park, recorded in the Cumberland County Registry of Deeds in Plan Book 11, Page 11. The conveyed premises are more particularly described as a lot with dimensions of 45' on Westminster Avenue, and a depth of 100' from Westminster Avenue. The lot conveyed is also bounded westerly by Lot 43, easterly by Lot 41 and northerly by Lot 77, and said lot is more particularly shown on the aforementioned Plan.

For Grantor's source of title see deed of Peoples Regional Opportunity Program, also known as Peoples Regional Opportunity Housing, of even or recent date and to be recorded in the Cumberland County Registry of Deeds herewith.

State of Maine  
County of ss.  
Cumberland

28, January, 1998

Then personally appeared the above named Robert E. Cain  
~~Finance Administrator~~ of said Grantor corporation as aforesaid, and  
acknowledged the foregoing instrument to be his free act and deed,  
in his said capacity, and the free act and deed of said corporation,

Before me   
Notary Public - Attorney at Law

Type or print name: Carla Peterson

prop1117.dee/wp/nov.97

**CARLA PETERSON**  
NOTARY PUBLIC, STATE OF MAINE  
COMMISSION EXPIRES FEBRUARY 2, 2003

# STATE OF MAINE

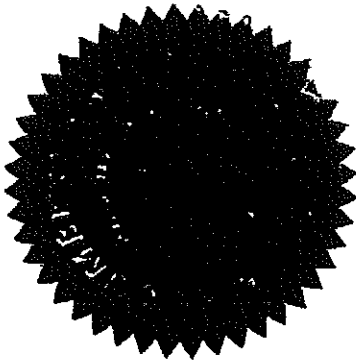
Cumberland COUNTY PROBATE COURT

DOCKET NO. 2003-1440

## CERTIFICATE OF CHANGE OF NAME

I, Alfred E. Plombino, Register of Probate  
for said County of Cumberland, hereby certify, that at  
a Probate Court held at Portland in and for said County,  
on the fifth day of December, 2003  
the name of Susan Mary Clark  
of Portland in said County was changed to Danice Eliza Jacobson  
which shall hereafter be her legal name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed  
the official seal of said Court, this fifth  
day of December, 20 03.



Alfred E. Plombino  
Register of Probate

A change of name is not a substitute for an adoption and does not grant parental rights and responsibilities to any person who is not already a legal parent of the person whose name is being changed. A change of name does not affect rights of inheritance.

October 29, 2014

Danice E Jacobson

72 Westminster Ave

Portland, ME 04103

Please let this serve as my authorization and request for Jill Johanning, AIA of Alpha One to represent me and my interests regarding the zoning appeal process with the city of Portland, Maine.

Danice E Jacobson



*Powering Independent Living*

Re: Zoning Board of Appeals Authorization

To whom it may concern:

The Critical Access Ramp program helps people re-gain a basic luxury of being able to simply go in and out of our house whenever we want. The objective of this program is to provide a properly built moveable ramp in an efficient, timely manner that will give me effective access to my home.

I have completed the application process for the Critical Access Ramp program through Alpha One, and by participating in the accessible ramp program I received a moveable ramp built in accordance with the Minnesota Ramp Project design.

I authorize Alpha One to represent me for the Disability Variance Application at the Zoning Board of Appeals on my behalf.

X Danica C. Jacobson 02-04-2014

Danica Jacobson, 72 Westminster Ave      Date

Portland, Maine



Yes. Life's good here.

Planning & Urban Development Department

*Jeff Levine, AICP, Director*  
*Marge Schmuckal, Zoning Administrator*

October 28, 2014

Danice Jacobson  
72 Westminster Avenue  
Portland, ME 04103

RE: 72 Westminster Avenue – 181 B002 – R-3 Residential Zone – Disability Variance – Permit #2014-02495

Dear Ms. Jacobson,

Custom Float Services has applied for a permit (#2014-02495) to install a temporary ADA Critical Access ramp for you at your property at 72 Westminster Avenue. This property is located in the R-3 residential zone. The required side yard setback is eight (8) feet [section 14-90(d)(3)]. The site plan that was submitted shows the side yard setback from the ramp as four feet. The proposed ramp does not meet the side setback requirement, so you will need to apply for a Disability Variance. Since the ramp has to be installed immediately, I have signed off on the permit, and it has been issued. You will need to apply for a Disability Variance within thirty days of October 28, 2014.

I have enclosed the disability variance application and the information about the appeal process. Please feel free to contact me at 874-8709 if you have any questions. I understand that Candace Scripture from Custom Float Services and Jill Johanning from Alpha One will be assisting you with the application and appeal process.

Yours truly,

A handwritten signature in black ink, appearing to read "Ann B. Machado".

Ann B. Machado  
Zoning Specialist  
(207) 874-8709

Cc. file



DISPLAY THIS CARD ON PRINCIPAL FRONTAGE OF WORK



# CITY OF PORTLAND BUILDING PERMIT



This is to certify that

JACOBSON DANICE ELIZA

Located at

72 WESTMINSTER AVE

PERMIT ID: 2014-02495

ISSUE DATE: 10/28/2014

CBL: 181 B002001

has permission to construct a temporary ADA Critical Access Ramp -190 sf - two 5', one 8', and two 10' sections with PT wood built to a 1:12 ratio.

provided that the person or persons, firm or corporation accepting this permit shall comply with all of the provisions of the Statutes 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 procured prior to occupancy.

N/A

Fire Official

/s/ Tammy Munson

Building Official

**THIS CARD MUST BE POSTED ON THE STREET SIDE OF THE PROPERTY  
THERE IS A PENALTY FOR REMOVING THIS CARD**

*Approved Property Use - Zoning*

Single family

*Building Inspections*

*Fire Department*

PERMIT ID: 2014-02495

Located at: 72 WESTMINSTER AVE

CBL: 181 B002001

<b>City of Portland, Maine - Building or Use Permit</b>		Permit No: 2014-02495	Date Applied For: 10/24/2014	CBL: 181 B002001
389 Congress Street, 04101 Tel: (207) 874-8703, Fax: (207) 874-8716				
Proposed Use: Single-Family Home		Proposed Project Description: construt a temporary ADA Critical Access Ramp - 190 sf - two 5', one 8', and two 10' sections with PT wood built to a 1:12 ratio.		
Dept: Zoning	Status: Approved w/Conditions	Reviewer: Ann Machado	Approval Date: 10/28/2014	
Note: R-3				Ok to Issue: <input checked="" type="checkbox"/>
lot size - 4500				
front - 25' or average - average is 21.5' - 30.4' given - OK				
rear - 25' min. - 49.6' given - OK				
Side - 8' min. - 4' given - will need to apply for a Disability Variance				
Lot coverage - 35% = 1575 sf - 825 sf (existing) + 190 sf (adding) = 1015 sf - OK				
<b>Conditions:</b>				
1) This permit is being issued with the conditon that the applicant must apply for a Disability within thirty days of the permit being issued. See letter.				
2) This property shall remain a single family dwelling. Any change of use shall require a separate permit application for review and approval.				
3) This permit is being approved on the basis of plans submitted. Any deviations shall require a separate approval before starting that work.				



## General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Address/Location of Construction: 72 Westminster Avenue		
Total Square Footage of Proposed Structure:		190 sf (5' x 38')
<b>Tax Assessor's Chart, Block &amp; Lot</b> Chart#      Block#      Lot# 181          B002          001	<b>Applicant Name:</b> Custom Float Services Attn Address PO Box 7302, 38 Union Wharf City, State & Zip Portland, ME 04112	Telephone: 207-653-6059 Email: cscripture@customfloat.com
<b>Lessee/Owner Name :</b> Danice Jacobson (if different than applicant) Address: 72 Westminster Avenue City, State & Zip: Portland, ME 04103 Telephone 207-253-5591 E-mail:	<b>Contractor Name:</b> (if different from Applicant) Address: City, State & Zip: Telephone E-mail:	Cost Of Work: \$1450.00 C of O Fee: \$ _____ Historic Rev \$ _____ Total Fees : \$ _____
<b>Current use (i.e. single family)</b> <u>single family</u> <b>If vacant, what was the previous use?</b> _____ <b>Proposed Specific use:</b> <u>Temporary ADA Critical Acces Ramp w/no permanent footings; rests on PT pads</u> Is property part of a subdivision? <input type="checkbox"/> If yes, please name _____ <b>Project description:</b> Temporary ADA ramp consisting of 5, 8 and 10 ft sections with PT wood built to 1:12 ratio.		
Who should we contact when the permit is ready: cscripture@customfloat.com		
Address: PO Box 7302 38 Union Wharf		
City, State & Zip: Portland ME 04112		
E-mail Address: cscripture@customfloat.com		
Telephone: 207-653-6059		

Please submit all of the information outlined on the applicable checklist. Failure to do so causes an automatic permit denial.

In order to be sure the City fully understands the full scope of the project, the Planning and Development Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Inspections Division on-line at <http://www.portlandmaine.gov/754/Applications-Fees> or stop by the Inspections Division office, room 315 City Hall or call 874-8703.

I hereby certify that I am the Owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

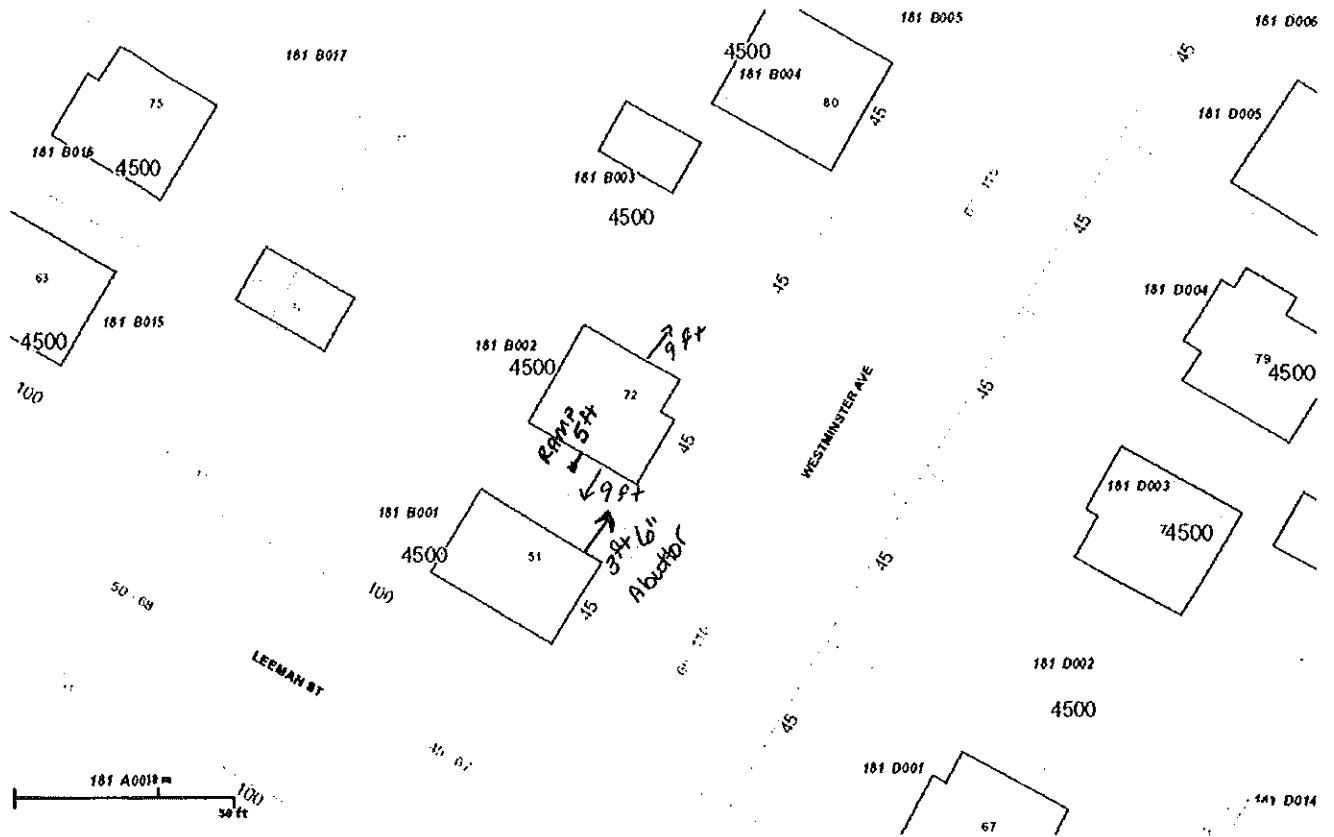
Signature: Danice Jacobson

Date: 10/17/2014

This is not a permit; you may not commence ANY work until the permit is issued.

# My Map

G3  
City MAP OF PLOTS  
72 Westminister Ave



G2 Scope of Work

www.alphaonenow.org  
CHART # 181  
BLOCK # B002  
LOT # 1



Powering Independent Living

### Critical Access Ramp Program Installation Form

Name	Danice Jacobson	Date:	01.14.14
Address:	72 Westminster Ave	Male	<input type="checkbox"/>
	Portland, ME 04103	Female	<input checked="" type="checkbox"/>
County:	Cumberland		
Phone:	(207) 253.5591		
E-mail:			

Approximate Height To Threshold: 24"

Length Of Ramp Suggested: 25'

Proposed Configuration: switch back

Components Suggested: see attached sketch

Description of Site & Conditions: The lot is very small (45' wide) and the house is only 9 feet from the property line. The existing side door has no exterior stairs, and there appears to be a cross slope at the driveway which abuts to the neighbors driveway (see orange line).

Comments: 08.05.14: The consumer is in process of having the laundry addition removed for installation of the ramp.

ILS: Jill Johanning

Date Submitted: 01.22.14/08.05.14