

**APPLICATION FOR DISABILITY VARIANCE  
[Reduction of Setback to Six Feet]**

**Lot No. 226 A013001  
R-2 Zone**

**William Fogel, Owner and Applicant  
67 Kingsmark Lane  
Portland, ME 04102  
(207) 899-9697**

**APPLICATION FOR DISABILITY VARIANCE**  
**67 Kingsmark Lane**

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Michael A. Russell, MS, Director  
Permitting and Inspections Department

Ann Machado  
Zoning Administrator

**CITY OF PORTLAND  
ZONING BOARD OF APPEALS**

**Disability Variance Appeal Application (AMENDED)**

**APPLICANT INFORMATION:**

William Fogel

NAME

N/A

BUSINESS NAME

67 Kingsmark Lane

ADDRESS

(207) 899-9697

TELEPHONE #

Owners

APPLICANT'S RIGHT, TITLE OR INTEREST

(eg: owner, purchaser, etc)

R-2 *WFA*

CURRENT ZONING DESIGNATION

EXISTING USE OF PROPERTY:

Single Family Home

**SUBJECT PROPERTY INFO:**

67 Kingsmark Lane

PROPERTY ADDRESS

226 A013001

CHART/BLOCK/LOT (CBL)

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

William Fogel and Melinda Molin

Same

ADDRESS

**Variance from Section 14:**

*WFA* Reduce front setback to allow ingress ramp and walkway to begin **6** feet from lot line (**12** feet from front curb line).

**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.*

*[Signature]*  
SIGNATURE OF APPLICANT

*11/4/16*  
DATE

**WILLIAM FOGEL  
MELINDA MOLIN  
67 Kingsmark Lane  
Portland, ME 04102  
(207) 899-9697  
foge@aol.com**

November 4, 2016

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

RE: Disability Variance for 67 Kingsmark Lane

To Whom it May Concern:

The undersigned co-owner of the home at 67 Kingsmark Lane seeks a disability variance reducing the required front yard setback for this R-2 zoned single family residence from 20 feet to 6 feet to allow the construction of a railed level walkway allowing safe entry and exit from the residence.

Currently, anyone wishing to enter the residence must negotiate a downhill walk from the street to the base of a seven step stairway leading up to the porch. During winter, and any period of poor weather, negotiation of that walkway and stairs is problematic, even for young, healthy folks.

[REDACTED]

The alteration sought is to put in a *level* walkway from street level directly to the front door of the house. This will require putting a new porch on the front of the house, eliminating the stairs, and supporting the walkway with footings



in order to counteract the elevation change. Since some of the walkway will be elevated, handrails *throughout* are necessary to make it safe. The railing would begin approximately 6 feet from the property line (which appears to be the **mid-line** of the sidewalk). Although there would not be appreciable elevation change close to the edge of the sidewalk, it remains clear that the decking material for the walkway and the railing would need to begin well within the 20 foot setback.

We are at the end of a cul-de-sac with virtually no foot or car traffic, and our abutting neighbors are supportive of the application. The character of the neighborhood would not change if this is granted. Our position is that the entrance we inherited is, in fact, the ugliest feature of the entire neighborhood, and that this improvement will make the street look better. Our abutting neighbors agree. Their letters of support accompany the application.

We expect to have submitted the final building permit request contingent on the approval of this appeal, in the hope that we can get this project done before the snow flies.

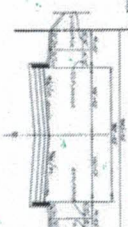
Thanks very much for your understanding. Any staff person can contact me anytime with questions, concerns, or a request for any further information that might be helpful to the Board.

Thanks very much.

Sincerely yours,

  
William Fogel

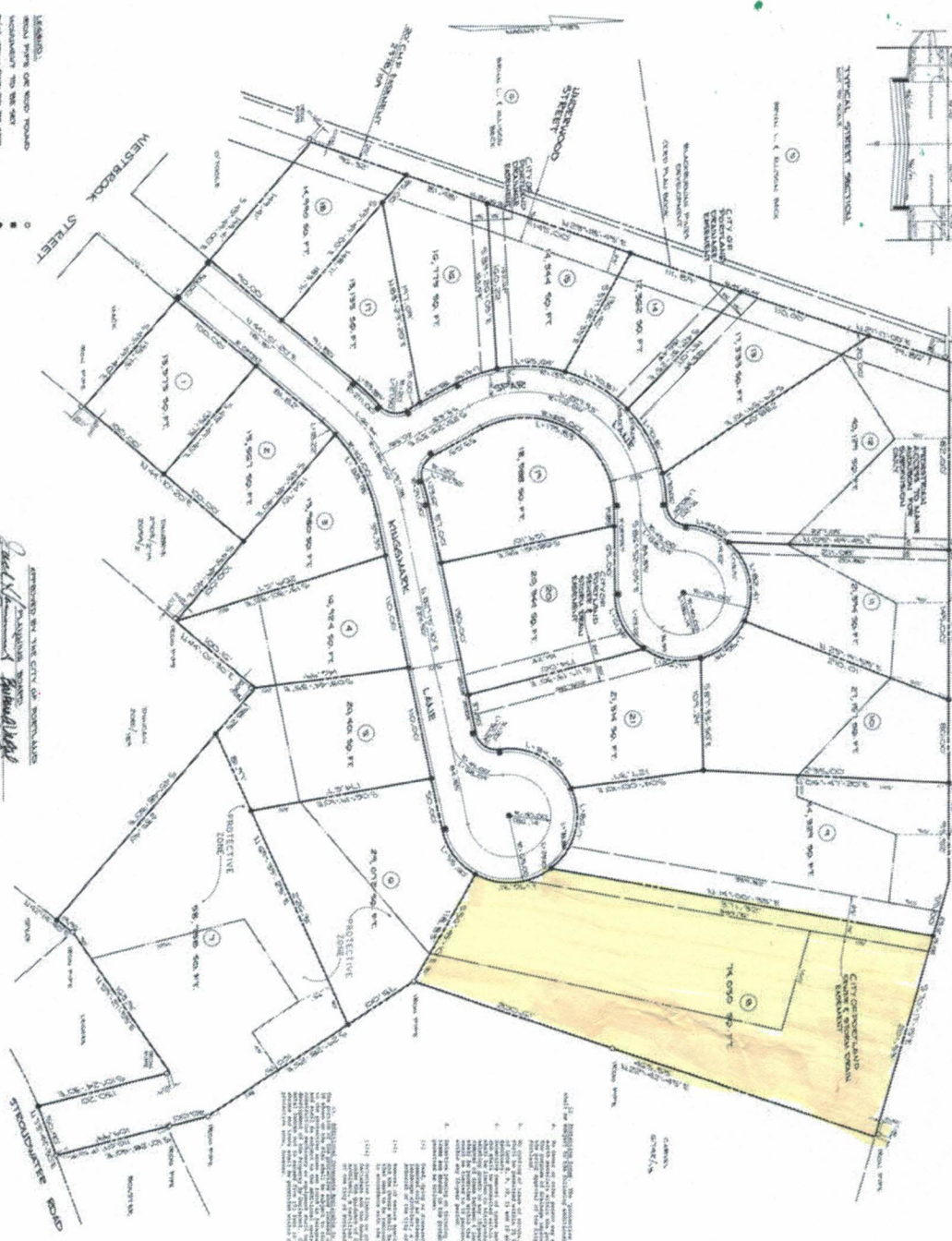
PORTLAND WATER DISTRICT  
 1000 N. W. 10TH AVENUE  
 PORTLAND, OREGON 97228  
 DATE: 11/14/87



REMARKS:  
 1. ALL UTILITIES SHOWN ARE BASED UPON RECORD PLANS AND FIELD SURVEY.  
 2. THE PROTECTIVE ZONE IS SHOWN FOR THE CITY OF PORTLAND.  
 3. THE CITY OF PORTLAND HAS REVIEWED THIS PLAN AND APPROVES THE PROTECTIVE ZONE.



APPROVED BY THE CITY OF PORTLAND  
 [Signature]  
 [Signature]  
 [Signature]



1. THE PROTECTIVE ZONE IS SHOWN FOR THE CITY OF PORTLAND.  
 2. THE CITY OF PORTLAND HAS REVIEWED THIS PLAN AND APPROVES THE PROTECTIVE ZONE.  
 3. THE PROTECTIVE ZONE IS SHOWN FOR THE CITY OF PORTLAND.  
 4. THE CITY OF PORTLAND HAS REVIEWED THIS PLAN AND APPROVES THE PROTECTIVE ZONE.

ALLOCATION DATE	DESCRIPTION	APPROVED BY
12/18/87	NOTE 3 OF THE PLAT ASSOCIATED WITH THIS PROJECT IS CORRECTLY IDENTIFIED AS BERMA PARTNERSHIP	[Signature]

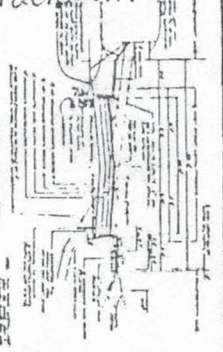
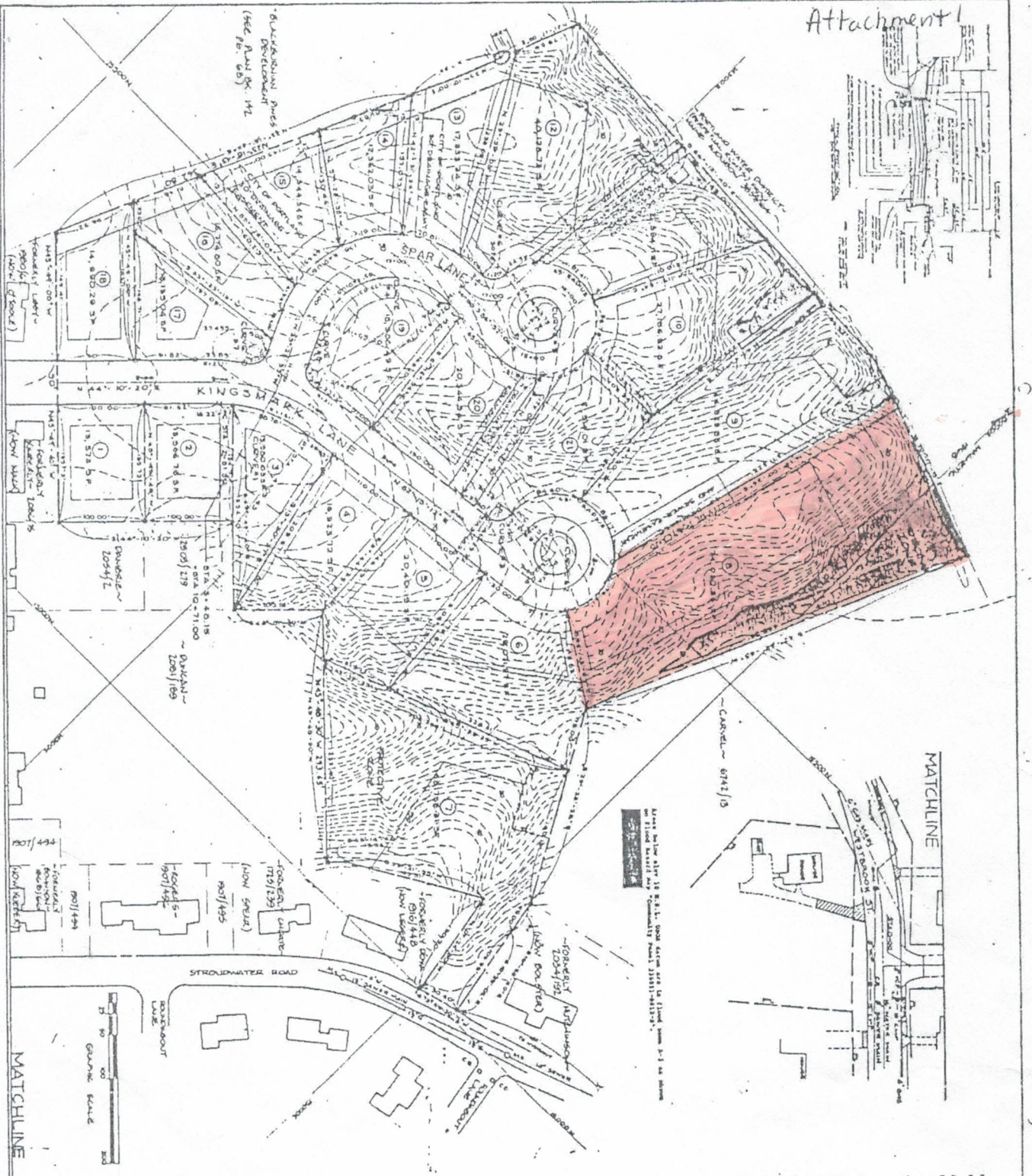
NOTES:  
 1. ALL UTILITIES SHOWN ARE BASED UPON RECORD PLANS AND FIELD SURVEY.  
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 3. THE CITY OF PORTLAND HAS REVIEWED THIS PLAN AND APPROVES THE PROTECTIVE ZONE.  
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State of Oregon, Commission on  
 Planning and Growth  
 1139  
 11/14/87

BERMA PARTNERSHIP  
 Owen Haskell, Inc.  
 STRUDWATER POINT  
 KINGSMAK LANE  
 PORTLAND, OREGON

REV. 3	02/16/87	CLARIFIED PROTECTIVE ZONE
REV. 4	02/16/87	CHANGED CROSS TO BERMA PARTNERSHIP
REV. 5	02/16/87	ADDED CITY OF PORTLAND PROTECTIVE ZONE
REV. 6	02/16/87	ADDED CITY OF PORTLAND PROTECTIVE ZONE
REV. 7	02/16/87	ADDED CITY OF PORTLAND PROTECTIVE ZONE





As per the plan above, the proposed subdivision plat is shown on a 20' x 20' grid. The proposed subdivision plat is shown on a 20' x 20' grid. The proposed subdivision plat is shown on a 20' x 20' grid.

MATCHLINE

MATCHLINE

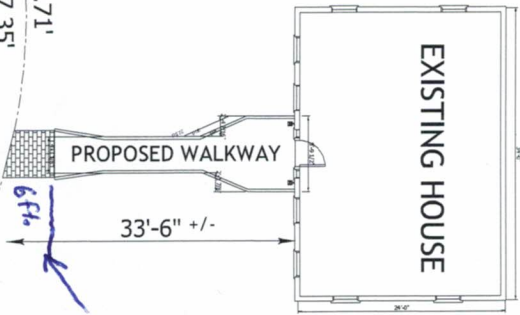
SUBDIVISION PLAT BERKMAN ASSOCIATES STROUDWATER HEIGHTS	
PROJECT BERKMAN ASSOCIATES, INC.	
PREPARED FOR BERKMAN ASSOCIATES, INC.	DATE 10/1/11
DRAWN BY J. H. HARRIS	SCALE AS SHOWN
CHECKED BY J. H. HARRIS	JOB NO. 11111

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE OF TOTAL AREA
1	RESERVED GARAGE SPACE	1,200	1.2%
2	RESERVED GARAGE SPACE	1,200	1.2%
3	RESERVED GARAGE SPACE	1,200	1.2%
4	RESERVED GARAGE SPACE	1,200	1.2%
5	RESERVED GARAGE SPACE	1,200	1.2%
6	RESERVED GARAGE SPACE	1,200	1.2%
7	RESERVED GARAGE SPACE	1,200	1.2%
8	RESERVED GARAGE SPACE	1,200	1.2%
9	RESERVED GARAGE SPACE	1,200	1.2%
10	RESERVED GARAGE SPACE	1,200	1.2%

PROPERTY LINE @ CTR OF SIDEWALK AS PER BOUNDARY MARKER

KINGSMARK LANE

80.71'  
r=67.35'



*Six feet*

*28 x 36*

118.83'

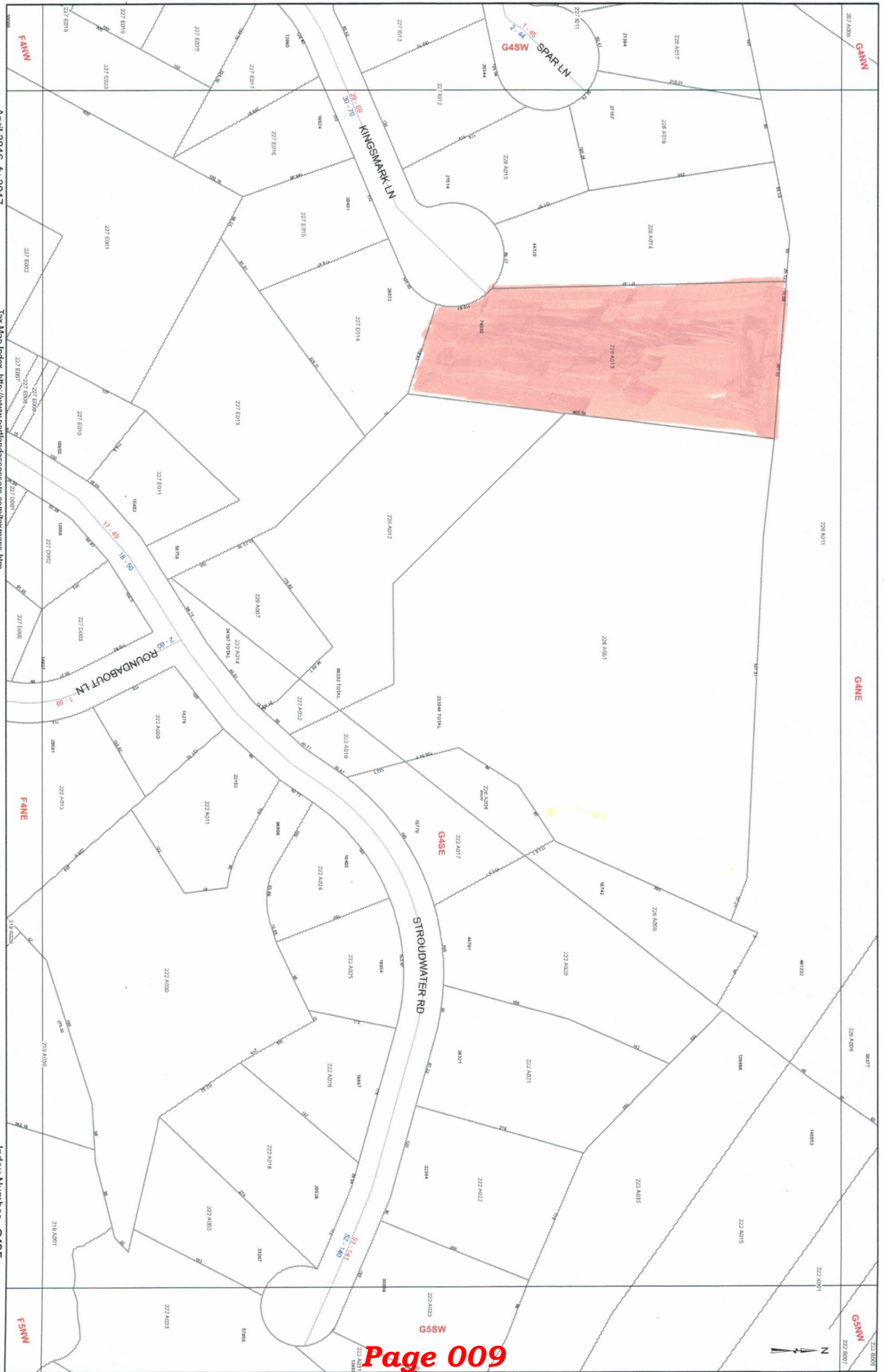


SCALE

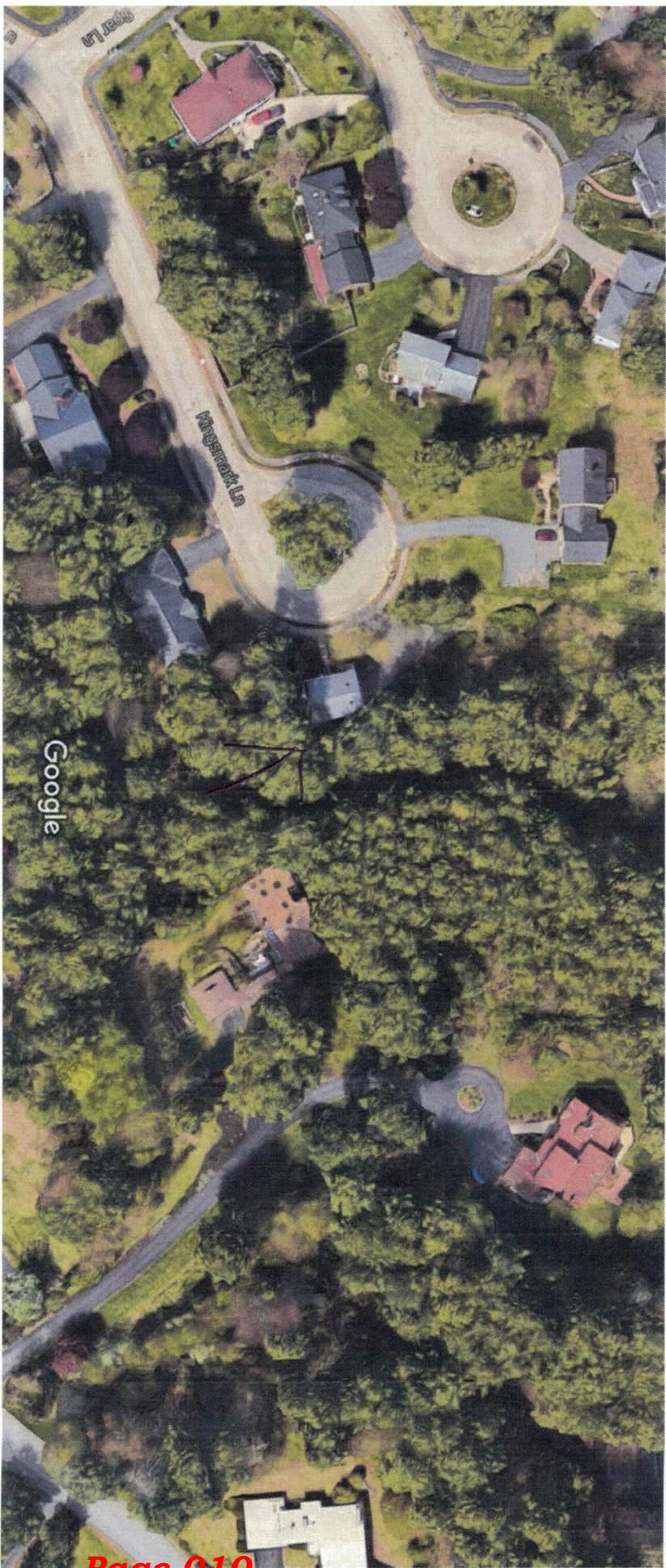
DRAWN TO SCALE AS PER EXISTING PLOT PLAN WITHOUT ADDITIONAL SURVEY. NOT TO BE SCALED FOR CONSTRUCTION. FOR PLANNING PURPOSES ONLY. DO NOT SCALE

Date: 11/3/2016	Revised:	John Bowden Bowden Custom Homes 346 Cobbs Bridge Rd New Castle, ME 04260 <b>Page 008</b>	Drawn for: Bill Fogel 67 Kingsmark Lane Portland, ME. 04102 899-9697
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Imagery ©2016 Google, Map data ©2016 Google

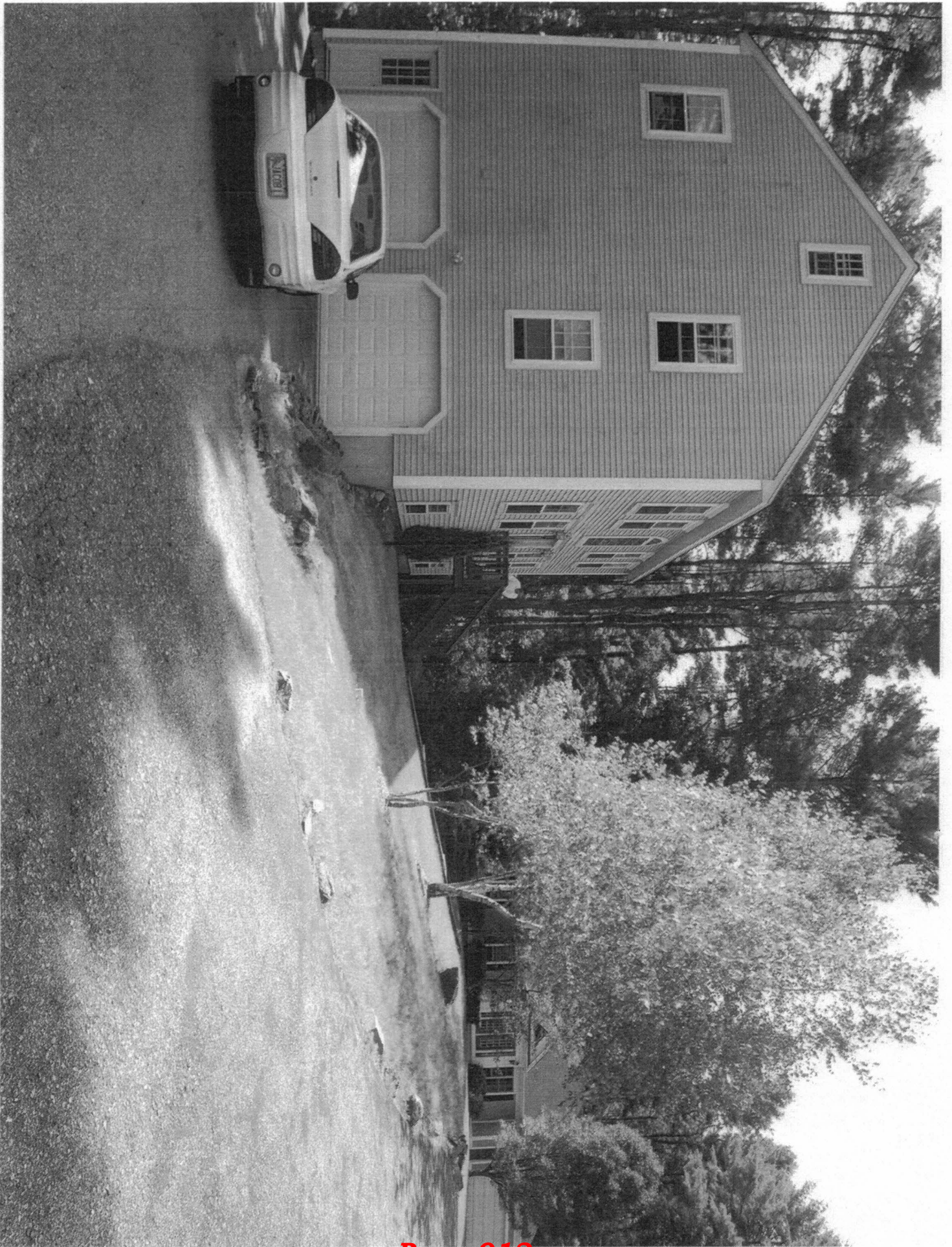
50 ft



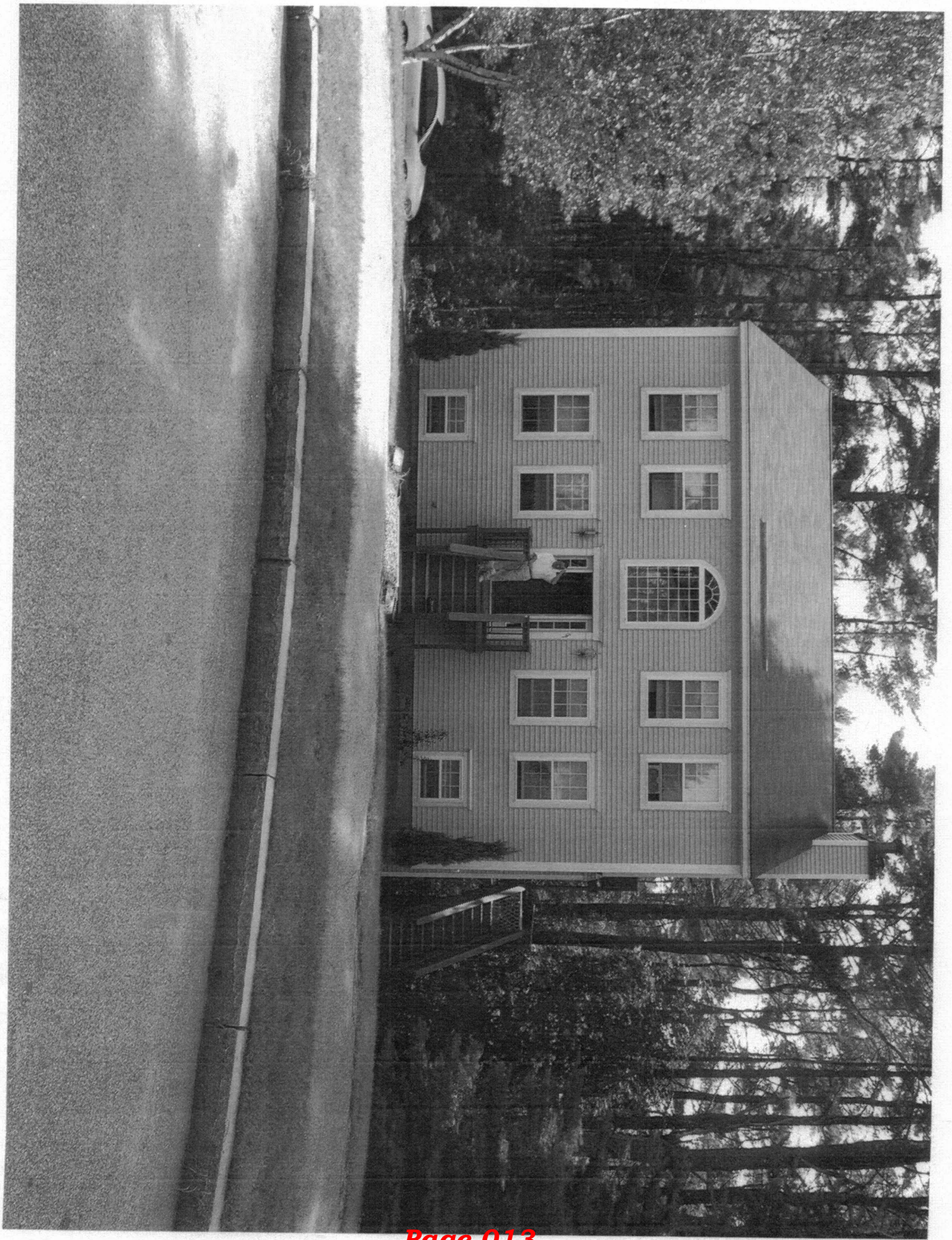


Imagery ©2016 Google, Map data ©2016 Google 20 ft













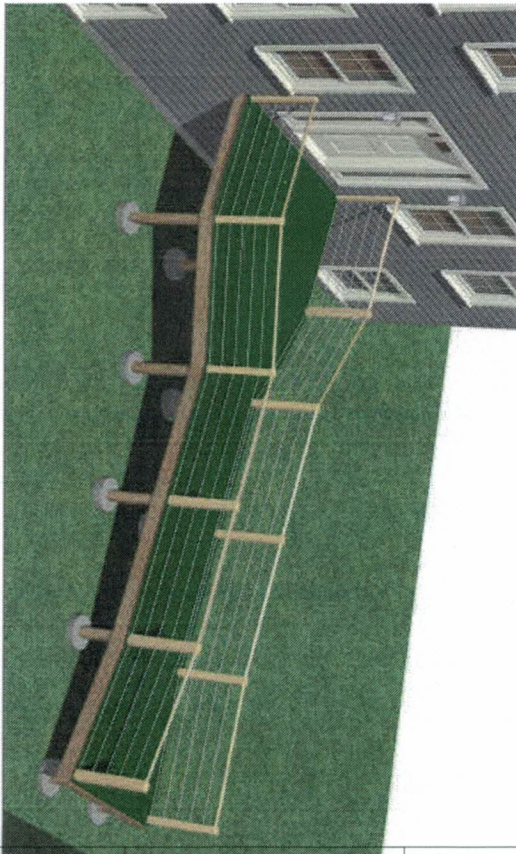
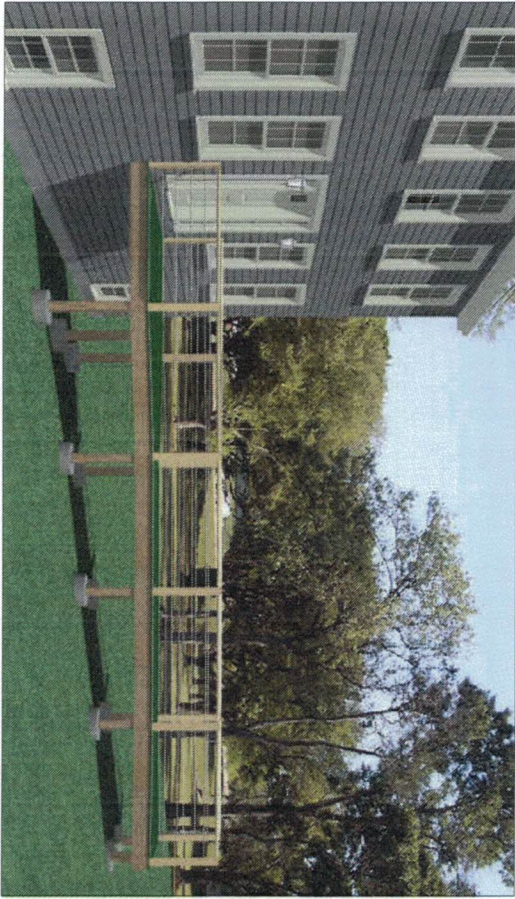










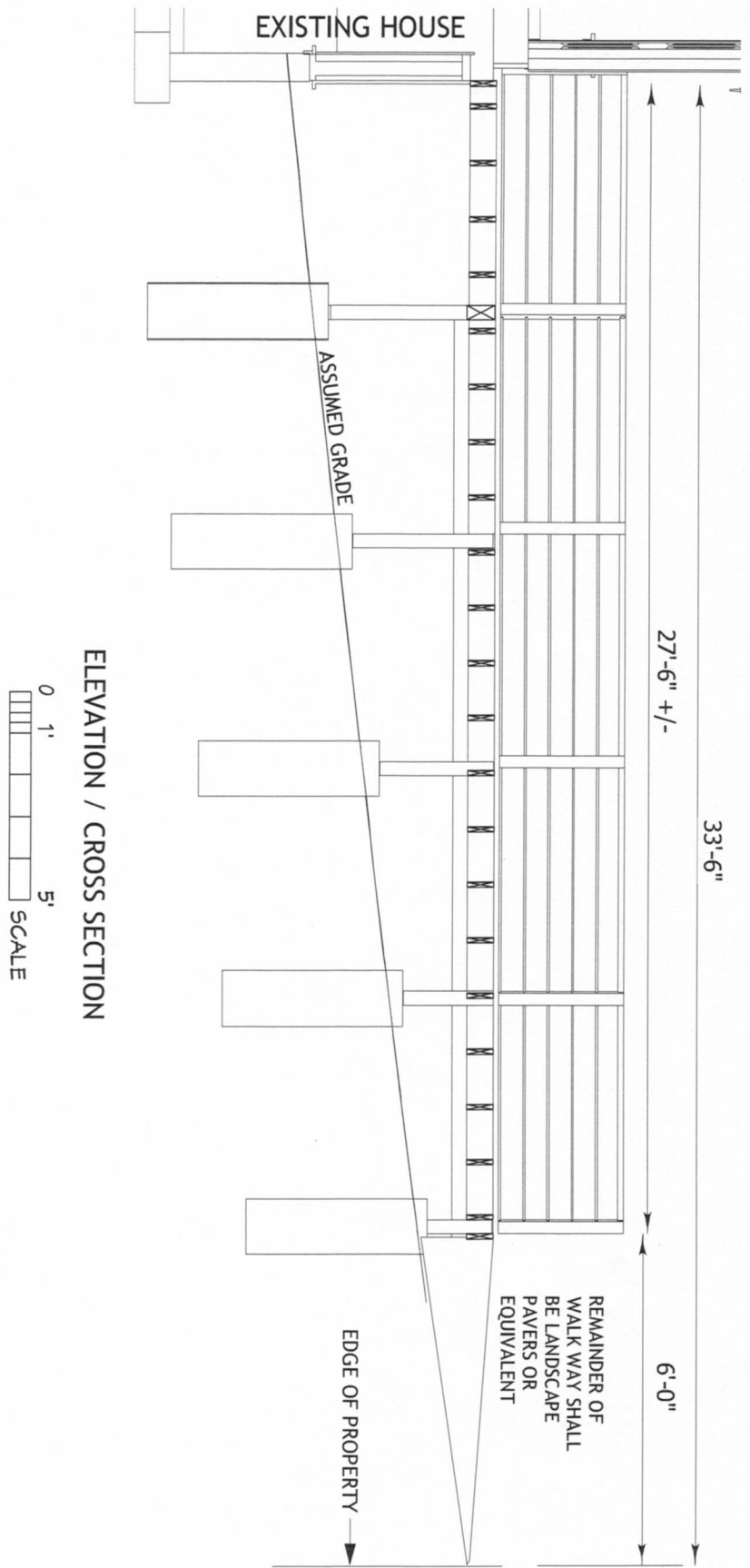


Drawn for:  
 Bill Fogel  
 67 Kingsmark Lane  
 Portland, ME. 04102  
 899-9697

John Bowden  
 Bowden Custom Homes  
 346 Cobbs Bridge Rd  
 New Gloucester, ME 04260

Revised:

Date:  
 11/3/2016



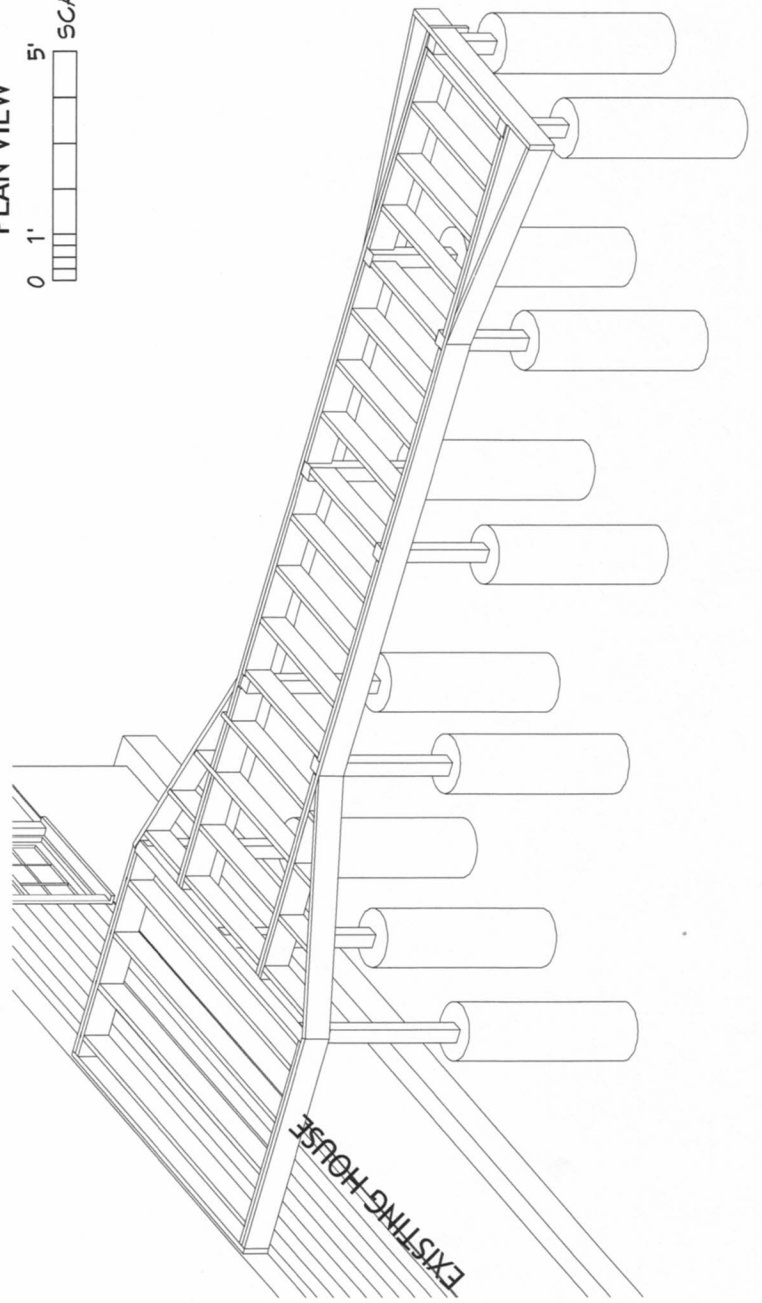
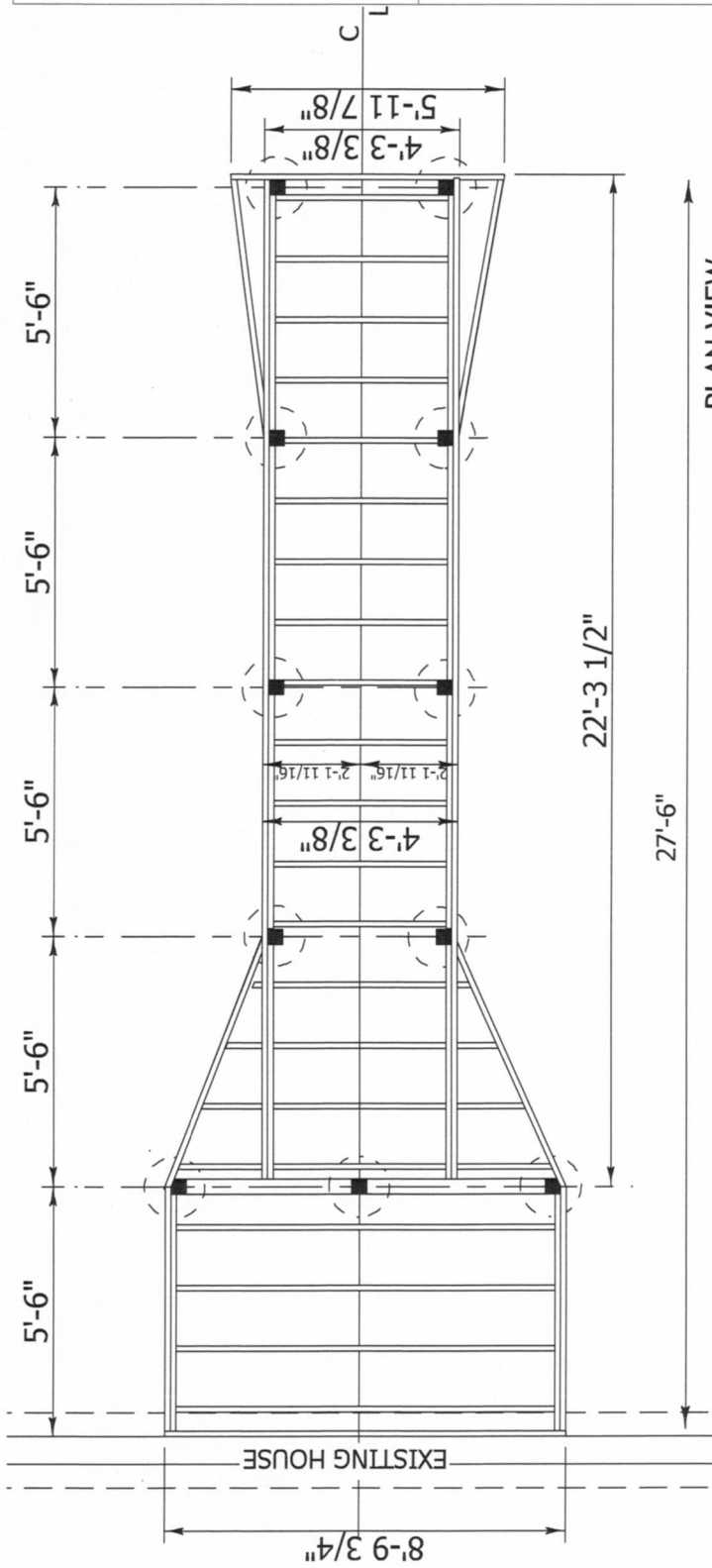
ELEVATION / CROSS SECTION

0 1' 5' SCALE

<p>Date: 11/3/2016</p>	<p>Revised:</p>	<p>John Bowden Bowden Custom Homes 346 Cobbs Bridge Rd New Portland, ME 04260</p>	<p>Drawn for: Bill Fogel 67 Kingsmark Lane Portland, ME. 04102 899-9697</p>
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Drawn for: Bill Fogel 67 Kingsmark Lane Portland, ME, 04102 899-9697	John Bowden Bowden Custom Homes 346 Cobbs Bridge Rd New Gloucester, ME 04260	Revised:	Date: 11/3/2016
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John Kelly and Catherine O'Connor  
64 Kingsmark Lane  
Portland, ME 04102  
(207) 773-7369

November 3, 2016

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

RE: Disability Variance for 67 Kingsmark Lane

To Whom it May Concern:

We are abutting landowners to the Applicant. We live at 64 Kingsmark Lane. Our home is on parcel 226-A014001, which is Lot 9 of the subdivision.

We understand that our neighbor is applying for a disability variance, requesting a reduction in the front yard setback to allow the construction of a level, railed walkway straight from the street to the porch starting at, or near the edge of the existing sidewalk.

We support the application, and have no objection to the granting of the variance.

Sincerely yours,



John Kelly



Catherine O'Connor



Linda Markee  
59 Kingsmark Lane  
Portland, ME 04102  
(207) 772-6575

November 3, 2016

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

RE: Disability Variance for 67 Kingsmark Lane

To Whom it May Concern:

I am an abutting landowner to the Applicant. I live at 59 Kingsmark Lane. My home is on parcel 227-E014001, which is Lot 6 of the subdivision.

I understand that my neighbor is applying for a disability variance, requesting a reduction in the front yard setback to allow the construction of a level, railed walkway straight from the street to the porch starting at, or near the edge of the existing sidewalk.

I support the application, and have no objection to the granting of the variance.

Sincerely yours,



Linda Markee