

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

R-3 Residential Zone:

Disability Variance Appeal

DECISION

Date of public hearing: January 7, 2016

Name and address of applicant: Lori Tully ILS/Candace Scripture
Alpha One/Custom Float Services
On behalf of:
Robert E. Shaw
39 Skylark Rd.
Portland, ME 04103

Location of property under appeal: 39 Skylark Rd. Portland, ME 04103

For the Record:

Names and addresses of witnesses (proponents, opponents and others):

Robert Shaw
39 Skylark Rd.
Portland

Exhibits admitted (e.g. renderings, reports, etc.):

Application and Exhibits

Findings of Fact and Conclusions of Law:

The applicants are seeking to install a handicap ramp on behalf of the Property Owner. They seek a Disability Variance pursuant to § 14-473(c)(2) requesting a front setback of twenty-three feet instead of the required twenty-five foot setback pursuant to § 14-90(d)(1).

A. Disability Variance Standards pursuant to Portland City Code §14-473(c)(2)

The board may grant a variance to an owner of a residential dwelling for the purpose of making that dwelling accessible to a person with a disability provided:

1. The person with a disability resides in or regularly uses the dwelling;

Satisfied Not Satisfied

Reason and supporting facts:

disabled person resides at dwelling

2. Installation of equipment or the construction of structures is solely limited to that which is necessary for access to or egress from the dwelling¹ by the person with the disability.

Satisfied Not Satisfied

Reason and supporting facts:

handicap ramp structure designed to provide access to structure by wheel chair

Conclusion: (check one)

¹ "Structures necessary for access to or egress from the dwelling" shall include railing, wall or roof systems necessary for the safety or effectiveness of the structure.

Katsiopoulos, Gavin

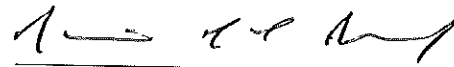
Option 1: The Board finds that Standards 1 and 2 have been satisfied, and therefore GRANTS the variance without limitation.

Option 2: The Board finds that Standards 1 and 2 have been satisfied, and therefore GRANTS the variance with the following condition(s):

Option 3: The Board finds that Standards 1 and/or 2 have not been satisfied and therefore DENIES the application.

Dated:

1-7-16



Board Chair