



CITY OF PORTLAND

CERTIFICATE OF DISABILITY VARIANCE APPROVAL

I, Kent Avery, the duly appointed Chair of the Board of Appeals for the City of Portland, Cumberland County and State of Maine, hereby certify that on the 2nd day of November, 2017, the following variance was granted pursuant to the provisions of 30-A M.R.S.A. Section 4353(5) and the City of Portland's Code of Ordinances.


1. **Current Property Owners: Ruth M. Egle & Karen Egle-Gaber**
2. **Property: 30 Woodlawn Avenue** **CBL: 435-A-045**
Cumberland County Registry of Deeds, **Book: 29896 Page: 170**
Last recorded deed in chain of Title: **9/04/2012**
3. **Variance and Conditions of Variance:**
To grant relief from section 14-120(a)(4)(c)(i) of the Land Use Zoning Ordinance which requires a minimum side setback of eight (8) feet instead of the three (3) feet shown to install a temporary handicapped accessible ramp to access the residence.

IN WITNESS WHEREOF, I have hereto set my hand and seal this 2nd day of November, 2017


Chair, City of Portland Zoning Board
Kent Avery

STATE OF MAINE
Cumberland, ss.

Then personally appeared the above-named Kent Avery and acknowledged the above certificate to be **his** free act and deed in **his** capacity as Chairman of the Portland Board of Appeals, with his signature witnessed on November 2, 2017.


Anne M. Torregrossa
Attorney at Law
ME Bar No. 4374

PURSUANT TO 30-A M.R.S.A. SECTION 4353(5), THIS CERTIFICATE MUST BE RECORDED BY THE PROPERTY OWNER IN THE CUMBERLAND COUNTY REGISTRY OF DEEDS WITHIN 90 DAYS FROM FINAL WRITTEN APPROVAL FOR THE VARIANCE TO BE VALID. FURTHERMORE, THIS VARIANCE IS SUBJECT TO THE LIMITATIONS SET FORTH IN SECTION 14-474 OF THE CITY OF PORTLAND'S CODE OF ORDINANCES.

McCall
Larson
Avery
Kaspriske
Zamboni

CITY OF PORTLAND, MAINE
ZONING BOARD OF APPEALS

R-5 Residential Zone
Disability Variance Appeal

DECISION

Date of public hearing: November 2, 2017

Name and address of Appellant: Ruth M. Egle & Karen Egle-Gaber
c/o Alpha One
127 Main Street
South Portland, Maine 04106

Location of property under appeal: 30 Woodlawn Avenue
CBL 435 A045001

For the Record:

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

Jill Johanning
Alpha One

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

Application & Exhibits

Findings of Fact and Conclusions of Law:

The applicant is seeking a disability variance from the requirements of City of Portland Code of Ordinances § 14-120(a)(4)(c)(i) which requires a side yard setback of eight feet. Applicant seeks to reduce the side setback to three feet to accommodate a temporary handicapped-accessible ramp.

The Board of Appeals has jurisdiction to hear and grant or deny applications for disability variances pursuant to § 14-471.

Findings:

Section 14-473(c)(2) provides that, a disability variance is available when all of the following conditions are met:

1. The variance requested is for the purpose of making the dwelling accessible to a person with a disability. § 14-473(c)(2). A disability is defined as,
 - A. A physical or mental impairment that:
 - (1) Substantially limits one or more of a person's major life activities;
 - (2) Significantly impairs physical or mental health; or
 - (3) Requires special education, vocational rehabilitation or related services;
 - B. Without regard to severity unless otherwise indicated: absent, artificial or replacement limbs, hands, feet or vital organs; alcoholism; amyotrophic lateral sclerosis; bipolar disorder; blindness or abnormal vision loss; cancer; cerebral palsy; chronic obstructive pulmonary disease; Crohn's disease; cystic fibrosis; deafness or abnormal hearing loss; diabetes; substantial disfigurement; epilepsy; heart disease; HIV or AIDS; kidney or renal diseases; lupus; major depressive disorder; mastectomy; intellectual disability; multiple sclerosis; muscular dystrophy; paralysis; Parkinson's disease; pervasive developmental disorders; rheumatoid arthritis; schizophrenia; and acquired brain injury;
 - C. With respect to an individual, having a record of any of the conditions in paragraph A or B; or
 - D. With respect to an individual, being regarded as having or likely to develop any of the conditions in paragraph A or B.

Id.; 5 M.R.S. §§ 4553(7-A), 4553-A(1).

Satisfied Not Satisfied

*Medical documentation from a physician
has been provided to document
Applicant's disability.*

2. The disabled person resides in or regularly uses the dwelling;

Satisfied Not Satisfied

Application indicates disabled person
lives in dwelling

3. The variance is for the "installation of equipment or the construction of structures necessary for access to or egress from the dwelling."

Satisfied Not Satisfied

Variance is for construction of
wheel chair accessible ramp.
Only current access is stairs.

McDall, Katzupler

Decision:

 Option 1: The Board finds that the applicant has satisfactorily met the standards for a disability variance and GRANTS the variance without limitation.

 Option 2: Pursuant to Sec. 14-473(c)(2), the Board may impose conditions on a disability variance, including limiting the variance to the duration of the disability or to the time that the person with the disability lives in the dwelling. The Board finds that the applicant has satisfactorily met the standards for a disability variance and GRANTS the variance with the following conditions:

 Option 3: The Board finds that the applicant has NOT satisfactorily met the standards for a disability variance and DENIES the variance.

Dated:

11-02-17

[Signature]
Board Chair