MAINE STATE LEGISLATURE

The following document is provided by the

LAW AND LEGISLATIVE DIGITAL LIBRARY

at the Maine State Law and Legislative Reference Library

http://legislature.maine.gov/lawlib



Reproduced from scanned originals with text recognition applied (searchable text may contain some errors and/or omissions)

_	և.Ս. 1832
2	(Filing No. H-909)
4	(12223 1131 27
б	
	STATE OF MAINE
8	HOUSE OF REPRESENTATIVES 115TH LEGISLATURE
10	SECOND REGULAR SESSION
12	HOUSE AMENDMENT " $\widehat{\mathcal{A}}$ " to COMMITTEE AMENDMENT "A" to H.P.
14	1263, L.D. 1832, Bill, "An Act Allowing Zoning Boards of Appeal to Grant Dimensional Variances Based On Practical Difficulty"
16	
18	Amend the amendment by inserting after section 1 the following:
20	'Sec. 2. 30-A MRSA §4353, sub-§4-A, as enacted by PL 1991, c. 47, §2, is amended to read:
22	4-A. Disability variance. The board may grant a variance
24	to a property owner for the purpose of making that property accessible to a person with a disability who is living on the
26	property. The board shall restrict any variance granted under this subsection solely to the installation of equipment or the
28	construction of structures necessary for access to or egress from the property by the person with the disability. The board may
30	impose conditions on the variance, including limiting the variance to the duration of the disability or to the time that
32	the person with the disability lives on the property. For the
34	purposes of this subsection, a disability has the same meaning as a physical or mental handicap under Title 5, section 4553 and the
	term "structures necessary for access to or egress from the
36	property" is defined to include railing, wall or roof systems necessary for the safety or effectiveness of the structure.'
38	Further amend the amendment in section 2 in subsection 4-B
40	by striking out all of paragraph E (page 2, lines 32 and 33 in
±0	of perimina one art or baradrabu p (bade 5, rines 25 and 22 fu

Page 1-LR2620(3)

amendment) and inserting in its place the following:

42

HOUSE AMENDMENT	A	to	COMMITTEE	AMENDMENT	"A"	to	H.P.	1263,
L.D. 1832								

'E. That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.'

Further amend the amendment by renumbering the sections to read consecutively.

8

STATEMENT OF FACT

10

This amendment amends the disability variance provisions of the Maine Revised Statutes, Title 30-A, section 4353 to clarify that the definition of a structure providing a disabled person with access to or egress from a dwelling includes railing, wall or roof systems necessary for the safety or effectiveness of the structure.

18 This amendment also amends the committee amendment to restrict the granting of a set-back variance to instances of demonstrated need, rather than the convenience of the petitioner.

Filed by Rep. Lord of Waterboro Reproduced and distributed under the direction of the Clerk of the House 2/11/92 (Filing No. H-909)