

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
May 23, 2016**

<p>Call to Order at <u>6:30 pm</u></p>	<p>Call to Order</p>
<p>Roll Call: Present: Chairman Ray DeLeo, Ron Regis, Mark Lindquist, and Thomas Mourmouras. Absent: Tianna Higgins, Paul Weinstein, and Owen Stoddard.</p> <p>Staff: Valdine Camire; Administrative Assistant.</p>	<p>PUBLIC HEARING</p>
<p>Pledge to the Flag</p>	
<p><i>Chair DeLeo read the criteria for the Public Hearing.</i></p>	
<p><u>ITEM 1:</u> Acceptance of the minutes of the March 28th 2016 meetings.</p> <p>The meeting minutes could not be approved at this meeting as there were not enough members from the March 28th meeting here to vote tonight.</p>	<p><u>ITEM 1</u></p>
<p><u>ITEM 2: Miscellaneous Appeal</u> Owner: Michael and Jamie Vallee Location: 30 Imperial Street, Map 205-Block 8-Lot-15 Zone R-2 Relocation of a stairway and build out stairwell into existing nonconforming side setback (setback reduction)</p> <p>This Miscellaneous Appeal was put on hold by the Code Official Dan Feeney.</p>	<p><u>ITEM 2</u></p>
<p><u>ITEM 3: Miscellaneous Appeal</u> Owner: Richard and Judy Haley Agent: Tom Rutka agent: Location: 39 Free Street Map 209 Block 12 Lot 03 Zone R-3 Reduction in setback requirements for two decks 18x16 and 10x12</p> <p>The applicant/agent or owner was not in attendance at the meeting. Ron Regis made a motion to table this item until next month's meeting. Seconded by Mark Lindquist.</p> <p>Unanimous.</p>	<p><u>ITEM 3</u></p> <p><u>MOTION</u></p> <p><u>VOTE</u></p> <p><u>(4-0)</u></p>
<p>ITEM 4: Variance: Myron and Denise Hutchinson 1 Idlewild Avenue Map 206 Block 16 Lot 5 Zone R-1 Construct Roof over area for existing Handicapped Access</p> <p>The public hearing opened at 6:32 pm.</p>	<p><u>ITEM 4</u></p>

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Denise Hutchinson introduced herself. She stated that this is not an existing handicapped ramp which is stated on the agenda. Right now it is just a flat deck but they would like to convert it at the same time as the roof to a handicapped ramp. The main purpose of the extension of the roof is that they have an issue with severe ice damming across the entire front and back of their house which makes it very slippery and dangerous. They also have a problem with icicles coming down off of the roof. They have had a couple of people fall on the deck and hurt themselves. This is a safety issue that they want to correct. They have tried other things to fix this problem (soffits, insulation etc..) and nothing has alleviated the problem. They were going to put a metal roof on, however the snow will just slide off on the deck. They are looking to extend the roof over the porch to an a-frame so the snow can slide off of the sides instead of straight down onto the deck. They also want to add a ramp to the porch because her husband is disabled.

There being no one to speak for or against the applicant, the public hearing closed at 6:35 pm.

Chair DeLeo read the criteria for the Variance:

A. The land in question cannot yield a reasonable return unless the variance is granted.

Reasonable use of this property cannot be made unless it is safe. A variance is necessary to extend the roof over the front porch entrance area to prevent current ice problems. Due to ice issues, this section of dwelling is hazardous to slip/fall accidents and falling snow/ice.

Ron Regis – Agree
Mark Lindquist – Agree
Tom Mourmouras – Agree
Chair DeLeo - Agree

B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

A unique circumstance exists because the main entrance has a continuous freeze and thaw cycle on platform creating a hazardous situation. Our house is the only one of the four houses on our side of the road on our dead end street that doesn't have a backyard that goes to the road behind us. Our lot is half the size.

Ron Regis – Agree
Mark Lindquist – Agree
Tom Mourmouras – Agree
Chair DeLeo - Agree

C. The granting of a variance will not alter the essential character of the locality.

A covered porch will have beautiful curb appeal and will correct a safety issue and

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<p>will give us handicap access should the disabled homeowner needs it in the future. There are dozens of homes in our neighborhood that are less than the 20' frontage requirement, and our home will not look out of place. We are on a very short dead end street with very little traffic.</p> <p>Ron Regis – Agree Mark Lindquist – Agree Tom Mourmouras – Agree Chair DeLeo - Agree</p> <p>D. The hardship is not the result of action taken by the appellant or a prior owner.</p> <p>Our land was split by a previous owner. We are the only ones on Idlewild Avenue that doesn't have our property go back to Arbutus Avenue. We have neighbors behind us. The only other way to correct this issue is to completely change the truss system to better insulate.</p> <p>Ron Regis – Agree Mark Lindquist – Agree Tom Mourmouras – Agree Chair DeLeo – Agree</p> <p>Mark Lindquist made a motion for Myron and Denise Hutchinson at 1 Idlewild Avenue, MBL: 206-16-5 in Zone R-1 to construct a roof over the existing deck for handicapped accessibility as proposed in the materials submitted to the Zoning Board to create visual appeal and also for safety issues. Seconded by Tom Mourmouras.</p> <p><i>Administrative Assistant Valdine Camire called for the vote:</i></p> <p>Ron Regis – Yes Mark Lindquist – Yes Tom Mourmouras – Yes Chair DeLeo – Agree</p>	<p style="text-align: center;">MOTION</p> <p style="text-align: center;">VOTE (4-0)</p>
<p><u>ITEM 5: Variance</u> Owner: Samuel Geisinger Location: 203 Saco Avenue, Map 211 Block 8 Lot 4 Zone GB-1 Location of two sheds in frontage areas one does not meet setback</p> <p>This Variance was put on hold by the Code Official Dan Feeney as the owner/applicant needed more time to fill out the variance application. This item is proposed to be on the next ZBA agenda.</p>	<p style="text-align: center;"><u>ITEM 5</u></p>

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<u>OTHER BUSINESS:</u>	
ADJOURN Mark Lindquist made a motion to adjourn this meeting at 6:45 pm. Seconded by Ron Regis. Unanimous.	<u>MOTION</u> <u>VOTE</u> <u>(4-0)</u>
GOOD AND WELFARE	

I, Valdine Camire, Secretary to the Zoning Board of Appeals of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of four (4) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on May 23, 2016.

Valdine Camire