ZONING BOARD OF APPEALS
Monday, December 28, 2020, IN THE TOWN
COUNCIL CHAMBERS -6:30 p.m.
MEETING MINUTES

CALL TO ORDER 6:30 pm
ROLL CALL:
Present:

Vice Chair Ray DeLeo
Sam Dupuis
Stan Defreese
Tom LaCasse
Absent:

Chair Ron Regis
Tom Mourmouras

PLEDGE TO THE FLAG

Vice Chair Ray DeLeo read the criteria for an appeal.

Item 1: Miscellaneous Appeal (front and rear setbacks) and Public Hearing
Owner: Carter Ocean Park Irrevocable Trust
Location: 30 Randall Avenue, MLB; 323-9-6
Zone: R-3, Shoreland Residential Activity, AE Flood Zone
Miscellaneous Appeal request for reduction in the Clover Street front setback from a required 20' to a proposed 16 9"'and a reduction of the rear setback from the required 20' to a proposed 11'7'.

Michael Richman, Architect from Custom Concepts Inc. introduced himself. He is here on behalf of owners Carter Ocean Park Irrevocable Trust of 30 Randall Ave.

The owners would like to remove the existing cottage a replace with new year-round single-family dwelling.
He is preparing to submit to the DEP and he has already submitted to the Planning Board depending on how this meeting goes tonight.
All within the 25 percent allotment within the limited setback reduction.
Code Officer Rick Haskell said to be clear, the required rear setback is 20'.
They are trying to squeeze all four sides of the house inward on the lot. There will be no entrance on Randall Avenue; the entrance will be towards the back of Clover Street to get away from the intersection as much as possible.

Code Officer Rick Haskell explained that any corner lot has two fronts. Whatever side separates a dwelling from a street is considered a front. Their front is Randall and Clover. Their address is on Randall Ave. and their access is on Clover. They would not be allowed to put a driveway on the Randall side because of the 50' intersection. They are actually improving the situation by moving the driveway further back from that existing intersection.

The Public Hearing opened to the public at 6:47 pm.
There being no one for or against the appellant, the Public Hearing closed at 6:47 pm.

Vice Chair DeLeo read a letter into the minutes:

We have no objections to 30 Randall Avenue construction.

Steve and Judy Breitmaier
31 Randall Avenue

Vice Chair Ron Regis read the Justification of Misc. Appeals:

1. **LIMITED REDUCTION OF YARD SIZE/LIMITED EXPANSION OF LOT COVERAGE**

A.The existing buildings or structures on the lot for which the limited reduction of yard size/limited expansion of lot coverage is requested were erected prior to the date of adoption of this provision or the lot is a vacant nonconforming lot of record.
Applicants Response: Correct. According to a conversation with the Code Officer the structure was erected prior to the date of this provision.

Sam Dupuis- Agree
Stan DeFreese – Agree
Vice Chair Ray DeLeo – Agree
Tom LaCasse - Agree

B.The requested reduction is reasonably necessary to permit the owner or occupant of the property to use and enjoy the property in essentially the same manner as other similar properties are utilized in the zoning district.
Applicants Response: Yes it is. The existing cottage is quite old, and many other similar properties in the neighborhood and in this zoning district have been re-developed to allow for larger year round structures. Please see ten attached image from the Town GIS site as well as aerial photographs to see the scale of other similar properties in the area.

Sam Dupuis- Agree
Stan DeFreese – Agree

Vice Chair Ray DeLeo – Agree
Tom LaCasse - Agree

C.Due to the physical features of the lot and/or location of existing structures on the lot, it would not be practical to construct the proposed expansion, enlargement or new structure in conformance with the currently applicable yard size or coverage requirements.
Applicants Response: Correct. The allowable building envelope would permit a structure that is 15' wide by 28' deep. This narrow envelope would force us to design a home with multiple stories and the stairway would take up a substantial portion of this space. With an outside dimension of 13' account for approximately 6" for exterior walls on each side, this would leave 12' of width on the interior. This would be challenging to accomplish with any efficiency.

Sam Dupuis- Agree
Stan DeFreese – Agree
Vice Chair Ray DeLeo – Agree
Tom LaCasse - Agree

D.The impacts and effects of the enlargement, expansion or new principal building or structure on existing uses in the neighborhood will not be substantially different from or greater than the impacts and effects of a building or structure which conforms to the yard size requirements.
Applicants Response: No, they will not. In fact, I would point out that if we are not granted some relief we would be forced to design a tall and narrow home as shown on the attached image. Most of the existing structure in the area have nice proportions and without this relief I would be concerned that this structure would look different.

Sam Dupuis- Agree
Stan DeFreese – Agree
Vice Chair Ray DeLeo – Agree
Tom LaCasse - Agree

MOTION:

Code Official Rick Haskell called for the vote: Stan Defreese made a motion to approve the Miscellaneous Appeal for reduction in the Clover Street front setback from a required 20' to a proposed 16 9"'and a reduction of the rear setback from the required 20' to a proposed 11'7'.

Sam Dupuis- Yes
Stan DeFreese – Yes
Vice Chair Ray DeLeo – Yes
Tom LaCasse - Yes

VOTE:
Passed (4-0)

ITEM 2: Acceptance of November 30, 2020 Meeting Minutes.

MOTION:
Sam Dupuis made a motion to approve the November 30, 2020 meeting minutes, seconded by Stan DeFreese.

VOTE:
Sam Dupuis- Yes
Stan DeFreese – Yes
Vice Chair Ray DeLeo – Yes
Tom LaCasse – Yes

PASSES:
(4-0)

GOOD & WELFARE
ADJOURNMENT 7:30 pm
Chairman

I, Valdine Camire, Secretary to the Zoning Board of Appeals of the Town of Old Orchard Beach, do hereby certify that the foregoing document consist of Fourteen (14) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on September 28, 2020.

Valdine Camire