

**ZONING BOARD OF APPEALS**  
**Monday, February 25, 2019**  
**COUNCIL CHAMBERS -6:30 p.m.**  
**MEETING MINUTES**

**CALL TO ORDER AT 6:30 PM**

**Present:** Mikaela Nadeau  
Ryan Howe  
Vice Chair Ron Regis  
Chair Ray DeLeo

**Absent:** Tom Mourmouras  
Mark Lindquist

**PLEDGE TO THE FLAG**

*Chair Ray DeLeo read the Appeals Criteria.*

**ITEM 1: Acceptance of November 26 2018 and January 28 2019 Meeting Minutes.**

Vice Chair Ron Regis made a motion to accept the November 26, 2018 meeting minutes, seconded by Mikaela Nadeau.

*CEO Rick Haskell called for the vote:*

Ryan Howe - Agree  
Vice Chair Ron Regis - Agree  
Mikaela Nadeau – Agree  
Chair Ray DeLeo - Agree

Vice Chair Ron Regis made a motion to accept the January 28, 2019 meeting minutes, seconded by Mikaela Nadeau.

*CEO Rick Haskell called for the vote:*

Ryan Howe - Agree  
Vice Chair Ron Regis - Agree  
Mikaela Nadeau – Agree  
Chair Ray DeLeo - Agree

**ITEM 2: Acceptance of Findings of Fact and Conclusions of Law: Jay and Patricia Oliveira, 1 West Casco Ave, MBL: 320-9-11, Variance to construct a single-family home that will encroach into Shoreland setback and side setback.**

Board Members signed the adoption of findings of fact and conclusions.

**ITEM 3: Variance Consideration (Minimum Net Lot Area Per Family Unit) and Public Hearing**

**Owner: Chantel Adorno**

**Location: 4 Myrtle Ave; MBL: 308-4-6 Zone: R2**

Proposal to add a second dwelling unit that does not conform to minimum net lot area per family unit requirement. Current property use is single-family. R2 minimum net lot area per family unit is 10,000 sq. ft. (Sec. 78-519). Minimum net lot area required for 2 dwelling units is 20,000 sq. ft. Total existing net lot area is 4,905 sq. ft. Variance is requesting relief from the 20,000 sq. ft. (10,000/unit) minimum net lot area required for 2 dwelling units.

Owner Chantel Adorno has decided to postpone this proposal at this time.

**ITEM 4: Variance Consideration (Minimum Net Lot Area Per Family Unit) and Public Hearing**

**Owner: Catherine Hubert**

**Location: 7 Center St; MBL: 211-13-4**

**Zone: R4**

Proposal to add a second dwelling unit that does not conform to minimum net lot area per family unit requirement. Current property use is single-family. R4 minimum net lot area per family unit is 5,000 sq. ft. (Sec. 78-579). Minimum net lot area required for 2 dwelling units is 10,000 sq. ft. Total existing net lot area is 8,925 sq. ft. Variance is requesting relief from the 10,000 sq. ft. (5,000/unit) minimum net lot area required for 2 dwelling units.

Owner Catherine Hubert introduced herself to the Board Members.

She explained that she would like to add a 570 sf addition over what used to be the attached garage with a 12 x 12 ft. enclosed deck on the same level as the second floor addition. There will be no additional parking.

She needs 10,000 sf. ft. and she only has 8,925 sf. She explained that she would live in the addition and her family will live in the existing house. These buildings will be attached.

Opened the Public Hearing at 6:40 PM. There being no one speaking for or against this item, the Public Hearing closed at 6:40 PM.

**Chair Ray DeLeo read the Justification of Variance:**

JUSTIFICATION OF VARIANCE: In order for a variance to be granted, the appellant must demonstrate to the Board of Appeals that the strict application of the terms of the Zoning Ordinance would cause undue hardship. There are four criteria, ALL of which must be met before the Board can find that a hardship exists. Please explain how your situation meets each of these criteria listed below:

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

**Applicant's response:** Other homes in the area have 2 dwellings.

Catherine Hubert explained that there are 2 dwelling homes on Murphy Avenue, Center Street, and Harmon Street.

Chair DeLeo stated that there is no hardship.

Mikaela Nadeau stated that the reasonable return is pretty much met now. Personal family circumstances cannot necessarily be looked at in consideration for these type of Variances. This does have a reasonable return of value where it stands now.

CEO Rick Haskell stated that a 2 family residence is a permitted use in that zone.

Ryan Howe – Disagree  
Vice Chair Ron Regis - Disagree  
Mikaela Nadeau – Disagree  
Chair Ray DeLeo - Disagree

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

**Applicant’s response:** Just short of required square footage.

Ryan Howe - Agree  
Mark Lindquist – Agree  
Vice Chair Ron Regis - Agree  
Mikaela Nadeau – Disagree

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

**Applicant’s response:** No other homes in the area already have this.

Ryan Howe – Disagree  
Vice Chair Ron Regis - Agree  
Mikaela Nadeau – Disagree  
Chair Ray DeLeo - Disagree

**D. The hardship is not the result of action taken by the appellant or a prior owner.**

**Applicant’s response:** No.

Ryan Howe - Agree  
Vice Chair Ron Regis - Agree  
Mikaela Nadeau – Agree  
Chair Ray DeLeo - Agree

**MOTION:**

Vice Chair Ron Regis made a motion to deny this proposal due to the fact that this did not meet the requirements set forth for the Variance, seconded by Mikaela Nadeau.

**Code Official Rick Haskell called for the vote:**

**VOTE:**

Ryan Howe - No  
Vice Chair Ron Regis - No  
Mikaela Nadeau – No  
Chair Ray DeLeo - No

**VOTE PASSES (4-0)**

**GOOD & WELFARE  
ADJOURNMENT 6:55 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 consisting Four (4) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on February 25, 2019.*

*Valdine Camire*