

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
February 26, 2018**

<p>Call to Order at <u>6:32 pm</u></p>	<p>Call to Order</p>
<p>Roll Call: Present: Chairman Ray DeLeo, Mikaela Nadeau, and Tom Mourmouras. Absent: Ron Regis, Mark Lindquist</p> <p>Staff: Valdine Camire; Administrative Assistant, Saco Code Officer Richard Lambert.</p>	<p>PUBLIC HEARING</p>
<p>Pledge to the Flag</p>	
<p><i>Chair Ray DeLeo read the criteria for the Public Hearing.</i></p>	
<p>ELECT OFFICERS</p> <p>ZBA will wait until all members are present to elect officers.</p>	
<p><u>ITEM 1: Miscellaneous Appeal</u></p> <p>Owner: Francis and Victoria Lemelin 5 Ladd Ave MBL: 302-3-10 Zone: BRD</p> <p>Front Yard Setback: Proposal is for the connection of existing decks that are already within the front yard setback. Construction includes filling in gaps between existing decks so it is one continuous deck. There will be no further encroachment into the setback than what exists. Existing structure setback: 6.3'; proposed structure setback 6.3'.</p> <p>Francis Lemelin introduced himself and stated that he bought the property 2 summers ago and he has 2 existing decks on the front which are very small and would like to attach these 2 decks. Maintaining the distance to the property line.</p> <p><u>Chair Ray DeLeo read the criteria for a Miscellaneous Appeal.</u></p> <p><u>1. LIMITED REDUCTION OF YARD SIZE/LIMITED EXPANSION OF LOT COVERAGE.</u></p> <p>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.</p> <p>The existing home was constructed in 1935 prior to the ordinance standards of February 3, 1998.</p> <p>VOTE: Tom Mourmouras - Approve Chair Ray DeLeo - Approve Mikaela Nadeau - Approve</p>	<p><u>ITEM 1 MISC. APPEAL</u></p>

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B. The requested reduction is reasonably necessary to permit the owner 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.

An open deck is a feature of many of the homes in the area of this lot. The existing improvements do not meet setback requirements, given the odd shape of this lot and the date of construction. It is not possible to build an open deck without reduction to the side setback requirements.

VOTE:

Tom Mourmouras - Approve

Chair Ray DeLeo - Approve

Mikaela Nadeau - Approve

C. Due to the physical features of the lot and/or the location of the 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 lot coverage requirements.

Given the odd shape of this lot and the required setbacks, development on this lot is extremely limited. See Existing Condition Sketch. Development is not practical on the lot without the relief requested.

VOTE:

Tom Mourmouras - Approve

Chair Ray DeLeo - Approve

Mikaela Nadeau - Approve

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.

Most abutting parcels are fully developed and those improvements do not meet required setbacks. The impacts and effects of this expansion on existing uses will be no different than the impacts and effects of neighborhood improvements on this property.

VOTE:

Tom Mourmouras - Approve

Chair Ray DeLeo - Approve

Mikaela Nadeau - Approve

MOTION:

Tom Mourmouras made a motion to approve the Miscellaneous Appeal for Francis and Victoria Lemelin, 5 Ladd Ave, MBL: 302-3-10 Zone: BRD for a front yard setback proposal for the connection of existing decks that are already within the front yard setback. Construction includes filling in gaps between existing decks so it

MOTION

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is one continuous deck, seconded by Mikaela Nadeau.

Saco Code Officer Richard Lambert called for the vote:

VOTE:

Tom Mourmouras - Approve

Chair Ray DeLeo - Approve

Mikaela Nadeau – Approve

APPROVED:

(3-0)

**VOTE
Approved
(3-0)**

ITEM 2: Variance

Owner: Dave and Gale Donovan

15 Seaview Ave

MBL: 315-8-5 Zone: R-2

Rear and Side Yard Setback: Proposal is for the construction of an addition that will encroach within the rear setback and add additional square footage to an already nonconforming side setback without further encroachment. The purpose of this addition is to provide a 1st floor bedroom and shower for a disabled family member. The location of the home and property lines does not allow for an addition that meets setback standards. R2 rear setback: 20'; proposed: 5'. Side setback:15'; proposed: 13' (note: 13' already exists, this proposal will include new square footage in the 13' setback).

The Donovan's have requested that this agenda item be postponed until next month's ZBA meeting.

**ITEM 2
VARIANCE**

ITEM 3: Miscellaneous Appeal

Owner: Mike and Tonya Robles

10 Connecticut Ave

MBL: 322-3-11 Zone: R-3

Rear Yard Setback: Proposal is for the construction of an addition that will create a 5' rear setback encroachment. R3 rear setback: 20'; Proposed setback: 15'.

John DeGeorge from Elite Construction and contractor for the owners introduced himself and explained that the existing home was lifted off of the ground and a new foundation was put in. At the time it had a back porch 5' x 14' running the length of the house and also included an outdoor shower. When the house was lifted up a tree hit the house so there is damage to the front of the house and back roof. When they laid the house back down on the foundation, they wanted to include a closed

**ITEM 3
MISC.
APPEALS**

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porch. They are requesting to build an 8' x 8' mudroom (8' x 7' with a 1' overhang) and will only be on the first floor.

Chair Ray DeLeo read the criteria for a Miscellaneous Appeal.

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.

With the higher level of the stairs to the new foundation, the original stairs and landing would not function.

VOTE:

Tom Mourmouras - Approve
Chair Ray DeLeo - Approve
Mikaela Nadeau - Approve

B. The requested reduction is reasonably necessary to permit the owner 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.

The cottage was sinking and was becoming unstable. The foundation improvement fixed the problem. Now needs to build a mudroom to get into the house.

VOTE:

Tom Mourmouras - Approve
Chair Ray DeLeo - Approve
Mikaela Nadeau - Approve

C. Due to the physical features of the lot and/or the location of the 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 lot coverage requirements.

The existing back porch would need to be increased to create a small mudroom in the back.

VOTE:

Tom Mourmouras - Approve
Chair Ray DeLeo - Approve
Mikaela Nadeau - Approve

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

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<p><i>Saco Code Officer Richard Lambert called for the vote:</i></p> <p>Tom Mourmouras - Approve Chair Ray DeLeo - Approve Mikaela Nadeau – Approve</p> <p>VOTE: Approved (3-0)</p> <p>The January 29, 2018 meeting minutes could not be voted on as there were not enough members to vote.</p>	<p><u>VOTE</u> <u>Approved</u> <u>(3-0)</u></p>
<p><u>OTHER BUSINESS:</u></p> <p>Chair DeLeo stated that we are looking for 2 new members to serve on the ZBA Board. If interested they can contact Town Clerk Kim McLaughlin to fill out an application.</p>	
<p>ADJOURN</p> <p>There being no further business to conduct, the meeting adjourned at 6:59 pm</p>	
<p>GOOD AND WELFARE</p>	

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 Six (6) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on February 26, 2018.

Valdine Camire