

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
January 29, 2018**

<p>Call to Order at <u>6:55 pm</u></p>	<p>Call to Order</p>
<p>Roll Call: Present: Mark Lindquist Mikaela Nadeau, and Tom Mourmouras. Absent: Ron Regis, Chairman Ray DeLeo</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>Mark Lindquist read the criteria for the Public Hearing.</i></p>	
<p><u>ITEM 1: Miscellaneous Appeal</u></p> <p>Owner: Daniel B. Chasse 18 Tioga Ave MBL: 321-26-3 Zone: R3</p> <p>Side Yard Setback: Proposal is for the construction of a 17’7” x 18’10” sunroom addition which will be setback 13’ from the side (northeast) property line. R3 District side yard setback is 15’</p> <p>Michael Skolnick, Civil Engineer Technician from Northeast Civil Solutions, here representing Daniel B. Chasse introduced himself.</p> <p>Mr. Skolnick explained that because this is in a Shoreland Zone, they will also be going before the Planning Board for approval. The owners want to build a 17’7” x 18’10” sunroom addition on the side of his home.</p> <p>The proposed addition will be under the 30% expansion requirements that are within the Shoreland Zone.</p> <p>The house was constructed in the 1900’s and predates town zoning. This is a legal non-conforming lot.</p> <p>The owners got a boundary line agreement with the immediate abutter as well as their water line and an easement for the house which was actually moved as well to the abutting street from Tioga. They are asking for a 2’ reduction on the side setback.</p> <p><u>Mark Lindquist read the criteria for a Miscellaneous Appeal.</u></p> <p>1. LIMITED REDUCTION OF YARD SIZE/LIMITED EXPANSION OF LOT COVERAGE.</p> <p>A. The existing buildings or structures on the lot for which the limited</p>	<p><u>ITEM 1</u> <u>MISC.</u> <u>APPEAL</u></p>

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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.

The lot on which the house sites was created in 1899, the house was built in 1900; both predate zoning. This lot was originally a homestead servicing a farm. The way the house was constructed, pre-dating town zoning, eliminates the feasibility of the addition without the requested variance. While the existing structure is grandfathered, the existing access which would be utilized for the proposed sunroom will not allow for the expansion to be located in a different location. Good building practices would require the proposed addition to be located as proposed, therefore forcing non-conformance with the 15' side setback.

Saco Code Officer Richard Lambert called for the vote:

Tom Mourmouras - Approve
Mark Lindquist – 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.

When comparing the locus parcel to the abutting properties we notice that the existing building cover is similar to the surrounding dwellings; however the lot size is much larger. If not burdened by the zoning setbacks and expansion limitations implemented after the structure was built, the existing dwelling would be allowed to expand far beyond the proposed 25% building coverage. The requested dimensional reduction will allow the property to sustain a yield in comparison with the abutting properties. The proposed addition will further allow the owner to use and enjoy the property in essentially the same manner as similar properties are utilized in the zoning district and surrounding areas.

Saco Code Officer Richard Lambert called for the vote:

Tom Mourmouras - Approve
Mark Lindquist – 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.

Due to the location of the existing dwelling on the lot, it would not be practical to construct the proposed addition in the conformance with the applicable side yard setback due to the necessity to conform to good building practices. The history of this dwelling on the lot explains why the design cannot stay entirely within the

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<p>building setbacks. The existing entrance to the dwelling is located in such a way that the proposed addition would not be able to shift along the face of the building to avoid encroachment into the setback. Moving the existing access would cause undue hardship and force unfavorable building practices. The design stays within the setback to the maximum extent possible.</p> <p><u>Saco Code Officer Richard Lambert called for the vote:</u></p> <p>Tom Mourmouras - Approve Mark Lindquist – Approve Mikaela Nadeau - Approve</p> <p>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.</p> <p>There will be no adverse effects on the existing uses in the neighborhood due to the proposed addition. Granting a variance will enhance the value of the locus parcel, as well as enhancing the value of neighboring parcels, and it will not negatively alter the essential character of the locality.</p> <p><u>Saco Code Officer Richard Lambert called for the vote:</u></p> <p>Tom Mourmouras - Approve Mark Lindquist – Approve Mikaela Nadeau – Approve</p> <p>MOTION: Mikaela made a motion to approve this Miscellaneous Appeal for Daniel B. Chasse, 18 Tioga Avenue, MBL: 321-26-3, Zone R3 to construct a 17’7” x 18’10” sunroom addition which will be setback 13’ from the side (northeast) property line, seconded by Tom Mourmouras.</p> <p>VOTE: <u>Saco Code Officer Richard Lambert called for the vote:</u></p> <p>Tom Mourmouras - Approve Mark Lindquist – Approve Mikaela Nadeau – Approve</p>	<p style="text-align: center;"><u>MOTION</u></p> <p style="text-align: center;"><u>VOTE</u></p> <p style="text-align: center;"><u>(3-0)</u></p>
<p><u>ITEM 2: ACCEPTANCE OF DECEMBER 18, 2017 MEETING MINUTES</u></p> <p>The December 18, 2017 meeting minutes could not be voted on as there were not enough members to vote.</p>	<p style="text-align: center;"><u>ITEM 2</u> <u>MINUTES</u></p>

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<u>OTHER BUSINESS:</u>	
ADJOURN There being no further business to conduct, the meeting adjourned at 7:09 pm	
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 January 29, 2018.

Valdine Camire