

TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
 November 27, 2017

<p>Call to Order at <u>6:30 pm</u></p>	<p>Call to Order</p>
<p>Roll Call: Present: Chairman Ray DeLeo, Tom Mourmouras, Ron Regis, Mikaela Nadeau, and Mark Lindquist. Absent: Owen Stoddard, Paul Weinstein.</p> <p>Staff: Valdine Camire; Administrative Assistant. Others Present: Richard Lambert, Saco Code Enforcement Officer. Town Attorney Phil Saucier.</p>	
<p><i>Chair DeLeo read the criteria for the Public Hearing.</i></p>	
<p>Pledge to the Flag</p>	
<p><u>ITEM 1: Miscellaneous Appeal</u> Owner: John & Tarryn Melkonian 9 Weymouth Avenue Map 324 Block 11 Lot 5 Zone: R-3</p> <p>Adam Goodwin from Carl A. Goodwin, Inc. here representing the applicants introduced himself. Mr. Goodwin explained that this is a small existing lot of record. It is 40' x 60' with a small single family 3 season cottage. There is a 13' x 10' deck on back. They are looking for a reduction of setbacks on both sides from a 15' x 12.3" setback on the left and 15' x 14'9" on the right side and a reduction on the rear setback from 20' to 13'9". The stairs will be rebuilt in the same footprint with new materials.</p> <p><i>The public hearing opened at 6:35 pm.</i></p> <p>Julie Moore is an abutter to this property and they are here to support this proposal.</p> <p><i>The public hearing closed to the public at 6:35 pm.</i></p> <p><u>Chair DeLeo read the Misc. Appeals criteria and responses:</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 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>Response: The existing house as it sits on the lot was built in 1935, which is prior to the adoption of this provision.</p> <p>Mikaela Nadeau - Agree</p>	<p style="text-align: center;"><u>ITEM 1</u></p> <p style="text-align: center;"><u>MISC.</u> <u>APPEAL</u></p>

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

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.

Response: An open deck is a common feature on many R-3 located homes. Due to the small size of the lot, even with the small footprint of the existing house, it is not possible to build an open deck without a reduction to the rear and right yard line setbacks.

Mikaela Nadeau - Agree
Ron Regis – Agree
Tom Mourmouras – Agree
Mark Lindquist - Agree
Chair Ray DeLeo- Agree

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.

Response: The house sits nearly on the front yard line. The depth of the structure excluding the rear stoop is 34'-9". The lot is 60' deep x 40' wide. 60' less the structure (34'-9") equals 25'-3" less the R3 rear set back (20') equals 5'-3". Using current setback requirements only allow room for a stoop as exists and anything larger requires approval of this miscellaneous appeal.

Mikaela Nadeau - Agree
Ron Regis – Agree
Tom Mourmouras – Agree
Mark Lindquist - Agree
Chair Ray DeLeo- 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.

Response: Because the expansion of the deck is in the rear yard, then there will be no visual difference of the property from the street. The structure is currently a single family use. After the deck is built the house will remain a single family use. No difference from the existing use in the neighborhood.

Mikaela Nadeau - Agree
Ron Regis – Agree

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by the Ocean Park Association and has a non-profit status, a “reasonable rate” of return is not a part of the thought process behind building a summer concert series band stand. The band stand would be an element for the community and bring the neighborhood together.

Mikaela Nadeau - Agree
Ron Regis – Agree
Tom Mourmouras – Agree
Mark Lindquist - Agree
Chair Ray 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.

Response: While the overlay Shoreland zone happens to incorporate a portion of this property, it is not the general condition in the neighborhood. A majority of the neighborhood across Seaside Ave. is not in Shoreland zoning, nor are the majority of properties across the street at Temple Ave. and Randall Ave. These properties sit outside of the HAT line. These unique circumstances place this particular lot in a non-conforming status.

Mikaela Nadeau - Agree
Ron Regis – Agree
Tom Mourmouras – Agree
Mark Lindquist - Agree
Chair Ray DeLeo-Agree

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

Response: The proposed Ocean Park Band Stand has been designed to integrate with the local architecture of the town square and the neighboring residential structures. The design intent is patterned after architecture of the American Summer style, typical in towns like Old Orchard Beach in the 1880’s to 1920’s. The new band stand will foster a sense of community for town’s people and all those who visit this part of Maine in the summer. The vast majority of the library lawn in Furber Park will remain as is on the site. The attending members of the Ocean Park Association voted strongly I favor of the bandstand project at their annual meeting in July.

Mikaela Nadeau - Agree
Ron Regis – Agree
Tom Mourmouras – Agree
Mark Lindquist - Agree
Chair Ray DeLeo-Agree

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

Response: The property of the proposal has been deeded to the Ocean Park Association since 1881. This variance request is not a result of prior owners.

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Mourmouras. CHAIRMAN	
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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 Seven (7) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on November 27, 2017.

Valdine Camire