

TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
 October 30, 2017

<p>Call to Order at <u>6:33 pm</u></p>	<p>Call to Order</p>
<p>Roll Call: Present: Chairman Ray DeLeo, Tom Mourmouras, Ron Regis, Mikaela Nadeau, and Owen Stoddard. Absent: Mark Lindquist, Paul Weinstein.</p> <p>Staff: Valdine Camire; Administrative Assistant. Others Present: Richard Lambert, Saco Code Enforcement Officer.</p>	<p style="text-align: center;">PUBLIC HEARING</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: Tina Kelly 41 School Street Map 206 Block 24 Lot 45 Zone: R-1</p> <p><u>Removing (2) old cottages, replacing with new cottages, same dimensions. Requesting (2) adjustments. 1.) Front porch across the width of each cottage 15-16' and 2.) Moving cottages towards the rear of the property 13' to provide more frontage.</u></p> <p>Owner Tina Kelly introduced herself to the Board Members. Ms. Kelly stated that her request is to move 2 cottages back 13' and add porches across the front.</p> <p>The Public hearing opened at 6:36 pm. There was no one speaking for or against this item. The Public Hearing closed at 6:37pm.</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: Cottages erected 1960'a (2).</p> <p>Mikaela Nadeau - Agree Owen Stoddard – Agree Ron Regis – Agree Tom Mourmouras - Agree Chair Ray DeLeo– 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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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: **The new cottages would allow for more yard space environment. Similar properties located at #s 36, 38 and 40 School Street are currently operating as rentals. Same use/unchanged.**

Mikaela Nadeau - Agree
Owen Stoddard – Agree
Ron Regis – Agree
Tom Mourmouras - Agree
Chair Ray DeLeo– Agree

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

Response: **The only option is to move the cottages back 13’ to provide more frontage thus enhancing on the current setbacks but within the 50% reduction allowed under the limited reduction of yard size variance.**

Mikaela Nadeau - Agree
Owen Stoddard – Agree
Ron Regis – Agree
Tom Mourmouras - 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: **This proposal will not be substantially different than current/existing use. Conforming with the neighborhood of small lots, multi-use dwellings and impervious surfaces.**

Mikaela Nadeau - Agree
Owen Stoddard – Agree
Ron Regis – Agree
Tom Mourmouras - Agree
Chair Ray DeLeo– Agree

MOTION:

Owen Stoddard made a motion to approve the Miscellaneous Appeal for Tina Kelly, 41 School Street, Map 206 Block 24 Lot 45 Zone: R-1 to move the 2 cottages back 13’ and the porches shall remain open. Seconded by Ron Regis.

MOTION

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<p><u><i>Saco Code Enforcement Officer Richard Lambert called for the vote:</i></u></p> <p>Ron Regis – Agree Paul Weinstein - Agree Tom Mourmouras – Agree Mark Lindquist – Agree Chair DeLeo – Agree</p> <p>VOTE: (5-0)</p>	<p style="text-align: center;"><u>VOTE</u> <u>(5-0)</u></p>
<p><u>ITEM 2: Miscellaneous Appeal</u></p> <p>Owner: Richard M. Sturgeon 34 Date Street Map 403 Block 14 Lot 16 Zone: R-5</p> <p><u>Non-conforming Deck on the right side. Deck is 3’ over setback built by previous owner.</u></p> <p>Owner Richard Sturgeon introduced himself to the Board Members. Mr. Sturgeon explained that he is getting ready to sell the property and after 15 years of living there he found out that the previous owner built a deck (one corner) that is 3’ too close to the setback. The deck is 29’ x 12’ and is too massive to move. It was there prior to buying the property. Looking for an approval to leave it the way it is now.</p> <p>The public hearing opened at 6:45 pm. There being no one speaking for or against the item, the public hearing closed at 6:46 pm.</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: Deck added by previous owner within setbacks.</p> <p>Mikaela Nadeau - Agree Owen Stoddard – Agree Ron Regis – Agree Tom Mourmouras - Agree Chair Ray DeLeo– Agree</p> <p>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</p>	<p style="text-align: center;"><u>ITEM 2</u></p> <p style="text-align: center;"><u>MISC.</u> <u>APPEAL</u></p>

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manner as other similar properties are utilized in the zoning district.

Response: It is part of the pool. Only a portion is over the setback.

Mikaela Nadeau - Agree
Owen Stoddard – Agree
Ron Regis – Agree
Tom Mourmouras - Agree
Chair Ray DeLeo– Agree

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

Response: Concrete patio hinder the moving of the deck.

Mikaela Nadeau - Agree
Owen Stoddard – Agree
Ron Regis – Agree
Tom Mourmouras - 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: The deck is 3’ over the setback that was built by the previous owner.

Mikaela Nadeau - Agree
Owen Stoddard – Agree
Ron Regis – Agree
Tom Mourmouras - Agree
Chair Ray DeLeo– Agree

MOTION: Ron Regis made a motion to approve the Miscellaneous Appeal for Richard M. Sturgeon, 34 Date Street, Map 403 Block 14 Lot 16, Zone: R-5 to leave the non-conforming 3’ setback as is. Seconded by Owen Stoddard.

MOTION

Saco Code Enforcement Officer Richard Lambert called for the vote:

Ron Regis – Agree
Paul Weinstein - Agree
Tom Mourmouras – Agree
Mark Lindquist – Agree
Chair DeLeo – Agree

VOTE: (5-0)

VOTE

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<p><u>ITEM 3: Administrative Appeal</u></p> <p>Applicant: Attorney Neal F. Pratt representing John R. Cloutier and Beachwood Realty, LLC</p> <p>Appeal: Administrative Appeal of the Old Orchard Beach Planning Board decision to conditionally approve Palace Playland Associates. LLC petition for expansion of the Amusement Overlay District for the property located at 25 West Grand Ave., MBL: 307-1-2 through their fact determination and finding that the petition acceptably certified that the proposed operation conforms to all sections of Ch. 78, Art. VI, Division 15 of the Town of Old Orchard Beach Code of Ordinances.</p> <p>The applicant stated that they needed more time to get information. This item was not because the applicant stated that they needed more time to get additional information.</p>	<p style="text-align: center;"><u>ITEM 3</u></p> <p style="text-align: center;"><u>ADMIN.</u></p> <p style="text-align: center;"><u>APPEAL</u></p>
<p><u>ITEM 4: Acceptance of the minutes August 28, 2017</u></p> <p>Owen Stoddard made a motion to approve the August 28, 2017 meeting minutes, seconded by Ron Regis.</p> <p>All Approved (5-0)</p>	<p style="text-align: center;"><u>ITEM 4</u></p> <p style="text-align: center;"><u>MEETING</u></p> <p style="text-align: center;"><u>MINUTES</u></p> <p style="text-align: center;"><u>APPROVED</u></p>
<p>GOOD AND WELFARE ADJOURNMENT</p> <p>Ron Regis made a motion to adjourn the meeting at 6:50 pm. seconded by Owen Stoddard.</p> <p>CHAIRMAN</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 five (5) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on October 30, 2017.

Valdine Camire