

TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
 September 24, 2018

<p>Call to Order at <u>6:34 pm</u></p>	<p>Call to Order</p>
<p>Roll Call: Present: Chair Ray DeLeo, Vice Chair Ron Regis, Mikaela Nadeau. Absent: Mark Lindquist, Tom Mourmouras. Staff Present: Code Official Rick Haskell, Administrative Assistant Valdine Camire.</p>	
<p>Pledge to the Flag</p>	
<p><i>Chair Ray DeLeo read the criteria for the Public Hearing.</i></p>	
<p><u>ITEM 1: Miscellaneous Appeal</u> Owner: Joseph and Kathleen Marshall Location: 81 Park Ave; MBL: 314-5-6 Zone: R2 Proposal to construct a 10 x 12 covered replacement deck that will encroach into the rear setback. Proposed rear setback: 10'; R2 rear setback: 20' (50% reduction).</p> <p>Applicant/Agent Michael Beaulieu introduced himself. He is the Agent for the Homeowners and he is seeking approval for a 10 x 12 covered replacement deck with a new set of steps which will be located on the side of the building.</p> <p>The Public Hearing opened at 6:40 pm. There being no one speaking or for against the Appellant, the Public Hearing closed at 6:40 pm.</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>Response: The residence is established on a lot size established in the late 1940's. the requested expansion in the back yard effects the limited reduction. The requested expansion of the existing deck changes the % of the lot coverage as noted on page 3.</p> <p>Mikaela Nadeau - Yes Ron Regis – Yes Chair Ray DeLeo – Yes</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 1</u> <u>MISC.</u> <u>APPEALS</u></p>

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

Response: The rear small deck 3' x 7' to be changed to a 10' x 12' deck. The expanded deck would allow a full enjoyment of the Spring-Summer-Fall season.

Mikaela Nadeau - Yes
Ron Regis – Yes
Chair Ray DeLeo – Yes

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 lot size (60' x 60') and the position of the house (20' x 30') does not readily allow additional usage in any other location except expansion of the existing deck.

Chair Ray DeLeo - Yes
Mikaela Nadeau – Yes
Ron Regis - Yes

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 impact and effect of the proposed expansion would not be substantially different from the existing rear deck from these in the neighborhood and will conform to the yard size requirements.

Mikaela Nadeau – Yes
Ron Regis - Yes
Chair Ray DeLeo - Yes

MOTION:

Mikaela Nadeau made a motion to approve the Miscellaneous Appeal to Joseph and Kathleen Marshall located at 81 Park Ave; MBL: 314-5-6 Zone: R2 with the understanding the stairs will not be coming straight off and will actually be located on the side and that it will not have a second story above the deck, seconded by Ron Regis.

Code Official Rick Haskell called for the vote:

Mikaela Nadeau – Agree
Ron Regis – Agree
Chair DeLeo – Agree

MOTION

VOTE
(3-0)

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<p>ITEM 2: Acceptance of August 27, 2018 minutes.</p> <p>The August 27, 2018 minutes could not be voted on as there were not enough voting members to approve.</p>	
<p>OTHER BUSINESS:</p>	
<p>GOOD AND WELFARE: Vice Chair Ron Regis welcomed Valdine Camire back.</p>	
<p>ADJOURN 6:45 PM Ron Regis made a motion to adjourn the meeting at 6:45 pm., seconded by Mikaela Nadeau.</p> <p>All in favor.</p>	<p><u>ADJOURN</u></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 Three (3) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on September 24, 2018.

Valdine Camire