

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES January 31, 2011**

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| <p>Call to Order at 6:58 pm</p> | <p>Call to Order</p> |
| <p>Pledge to the Flag</p> | |
| <p>Roll Call: Present: Mr. Philip Weyenberg, Chairman DeLeo, Mr. Phil Denison, Tianna Higgins, and Owen Stoddard. Ron Regis, alternate was in attendance, as well. Staff: Mike Nugent, Code Enforcement Officer. Tori Geaumont, Secretary to the ZBA.</p> | |
| <p>ITEM 1: Miscellaneous Appeal: Carole Smith, owner of 11 School Street, MBL 206-24-37 in the DD2 Zone to permit the reduction of the left side setback for construction of a bulkhead. Mike Romano is representing the owner.</p> | <p style="text-align: center;">Item 1: Miscellaneous Appeal: Carole Smith, 11 School Street MBL 206-24-37</p> |
| <p>Adam Smith, 11 School Street explained that he wanted to put a bulkhead in. When the mason poured the basement it just made sense to put the bulkhead in that that time. Mr. Denison asked if there was no egress. Mr. Smith answered only from the house. Chairman DeLeo called for any abutters or correspondence. <i>PUBLIC HEARING CLOSED AT 7:05 P.M.</i></p> | <p style="text-align: center;"><u>PUBLIC HEARING</u></p> |
| <p>Chairman DeLeo read the criteria for number one. With regards to part 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 the appellant stated the original house was built in 1910. Mr. Weyenberg agreed. Mr. Denison agreed. Mr. Stoddard agreed. Ms. Higgins agreed. Chairman DeLeo agreed. With regards to part B. The requested reduction is reasonably necessary to permit the owner or 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 appellant stated access to the basement is a common feature in many homes in the neighborhood. Mr. Weyenberg agreed. Mr. Denison agreed. Mr. Stoddard agreed. Ms. Higgins agreed. Chairman DeLeo agreed. With regards to part 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 structures in conformance with the currently applicable yard size or lot coverage requirements the appellant stated this location is the most practical location due to the deck location. Mr. Weyenberg agreed. Mr. Denison agreed. Mr. Stoddard agreed. Ms. Higgins agreed. Chairman DeLeo agreed. With regards to part D. The hardship is not the result of action taken by the appellant or a prior owner the appellant stated this enlargement will not adversely affect the neighborhood.</p> | |

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| <p>Mr. Weyenberg agreed. Mr. Denison agreed. Mr. Stoddard agreed. Ms. Higgins agreed. Chairman DeLeo agreed. Ms. Higgins moved to permit the reduction of the left side setback for construction of a bulkhead. Mr. Denison seconded. <i>Motion passes unanimously.</i></p> | <p><u>Motion</u></p> <p><u>Vote</u></p> |
| <p><u>ITEM 2: Miscellaneous Appeal:</u> John Girard, owner of 5 Echo Avenue, MBL 206-20-1 in the R1 Zone to permit the reduction of the rear yard setback to legalize a currently existing addition. The owner is the appellant.</p> | <p><u>Item 2:</u> <u>Miscellaneous</u> <u>Appeal, John</u> <u>Girard, 5 Echo</u> <u>Avenue</u> <u>MBL 206-20-1</u></p> |
| <p>John Girard, 5 Echo Avenue. Mr. Girard explained he built an addition in 2005 and received all the permits from the town. Recently, Mr. Nugent realized that the setbacks were not met, as the town at the time did not understand that his lot was a corner lot, therefore, making the setbacks different. Mr. Nugent wanted to help correct this. Ms. Higgins asked if this would have been a miscellaneous appeal at that time. Mr. Nugent was not sure if staff at that time knew the definition of a corner lot. He would have needed a miscellaneous appeal at that time. This is not an issue at this time, but could become one in the future if the appellant decides to sell or refinance his home. Staff wanted to be proactive and correct the oversight. Chairman DeLeo asked Mr. Nugent if he needed to read the cover letter. Mr. Nugent responded that this is a memo from him to give the board the background. It does not need to be read. Chairman DeLeo called for any abutters or correspondence. <i>PUBLIC HEARING CLOSED AT 7:05 P.M.</i></p> | <p><u>PUBLIC</u> <u>HEARING</u></p> |
| <p>Chairman DeLeo read the criteria for number one. With regards to part 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 the appellant stated this home was built in 1989. Mr. Weyenberg agreed. Mr. Denison agreed. Mr. Stoddard agreed. Ms. Higgins agreed. Chairman DeLeo agreed. With regards to part B. The requested reduction is reasonably necessary to permit the owner or 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 appellant stated the building was built to protect the automobiles and yard equipment due to having no basement and limited storage. Mr. Weyenberg agreed. Mr. Denison agreed. Mr. Stoddard agreed. Ms. Higgins agreed. Chairman DeLeo agreed. With regards to part 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 structures in conformance with the currently applicable yard size or lot coverage requirements the appellant stated it was the only practical spot to put the addition on the property.</p> | |

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| <p>Mr. Weyenberg agreed. Mr. Denison agreed. Mr. Stoddard agreed. Ms. Higgins agreed. Chairman DeLeo agreed. He asked the appellant if he knew at the time he needed a miscellaneous appeal would he have gone through with it and kept that size or reduced/changed the addition. Mr. Girard felt that he would probably have reduced or changed the addition to fit within the guidelines. With regards to part D. The hardship is not the result of action taken by the appellant or a prior owner the appellant stated it does not negatively impact the location. Mr. Weyenberg agreed. Mr. Denison agreed. Mr. Stoddard agreed. Ms. Higgins agreed. Chairman DeLeo agreed. Ms. Higgins moved to permit the reduction of the rear yard setback to legalize a currently existing addition. Mr. Stoddard seconded. Motion passes unanimously.</p> | <p><u>Motion</u></p> <p><u>Vote</u></p> |
| <p><u>ITEM 3: Variance:</u> Levi Andrew LLC, owner of 2 Arbutus Avenue, MBL 206-16-4 in the R1 Zone to permit the adjustment of the front and rear yard setback and lot coverage for the construction of an addition and the construction of a deck. David Girard is representing the owner.</p> | <p><u>Item 3: Variance:</u> <u>Levi Andrew LLC, 2 Arbutus Avenue</u> <u>MBL 206-16-4</u></p> |
| <p>Chairman DeLeo noted that the abutter letters were sent to the wrong group of abutters, therefore, the item needs to be tabled to the next meeting. Ms. Higgins moved to table Item III without prejudice. Mr. Weyenberg seconded. Motion passes unanimously.</p> | |
| <p><u>ITEM 4: Acceptance of Minutes:</u> November 29, 2010 Mr. Denison moved to accept the minutes from November 29, 2010. Mr. Weyenberg seconded. Motion passes unanimously</p> | <p><u>Item 4:</u> <u>Acceptance of Minutes</u></p> |
| <p><u>ITEM 5: Election of Officers:</u> Ms. Higgins moved to re-elect Chairman DeLeo as chairman. Mr. Weyenberg seconded. Motion passes unanimously</p> | <p><u>Item 5:</u> <u>Election of Officers</u></p> |
| <p>GOOD & WELFARE Mr. Nugent updated the board regarding shoreland zoning and ordinance revisions being made. He stated any proposed changes will be forwarded to the ZBA to keep them all informed. There could be a change regarding miscellaneous appeals and the ability for staff to approve these.</p> | |
| <p>Ms. Higgins moved to adjourn. Mr. Denison seconded. Motion passes unanimously.</p> | <p><u>Motion</u> <u>Vote</u></p> |
| <p>Adjourn 7:29 p.m.</p> | <p><u>Adjournment</u></p> |

I, Tori Geaumont, Secretary to the Zoning Board of Appeals of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of three(3) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting on January 31, 2010

