

**TOWN OF OLD ORCHARD BEACH  
ZONING BOARD OF APPEALS MEETING MINUTES May 23, 2011**

<b>Call to Order at 7:05 pm</b>	<b>Call to Order</b>
<b>Pledge to the Flag</b>	
<p><b>Roll Call:</b> Present: Philip Weyenberg, Chairman DeLeo, Tianna Higgins, and Ron Regis. Owen Stoddard and J. Philip Denison were excused.</p> <p><b>Staff:</b> Alan Borg, Assistant Code Enforcement Officer. Tori Geaumont, Secretary.</p>	
<p><b>ITEM 1: Miscellaneous Appeal:</b> Lori Johnson, owner of 22 Odessa Avenue, #5, MBL 315-6-7-5 in the R3 Zone to permit the adjustment rear yard setback. The owner is the appellant.</p>	<p style="text-align: center;"><b><u>Item 1:</u></b> <b><u>Miscellaneous</u></b> <b><u>Appeal: Lori</u></b> <b><u>Johnson, 22</u></b> <b><u>Odessa Ave #5,</u></b> <b><u>MBL 315-6-7-5</u></b></p>
<p><b>Dave Cantara</b>, the contractor, represented the owner. He explained the applicants desire to construct a room on an already existing 8’x12’ slab that is located behind the condominium. Several of the other units have come to the Zoning Board and were granted approval for this.</p> <p><b>Ms. Higgins</b> asked what the slab was originally for.</p> <p><b>Mr. Cantara</b> stated a patio.</p> <p><b>Chairman DeLeo called for any abutters or correspondence.</b></p> <p><b>PUBLIC HEARING WAS CLOSED AT 7:09 pm</b></p> <p><b>Chairman DeLeo</b> read the criteria for number one.</p> <p><b>With regards to part A.</b> 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 building was constructed in 1986.</p> <p><b>Mr. Weyenberg</b> agreed.</p> <p><b>Ms. Higgins</b> agreed.</p> <p><b>Mr. Regis</b> agreed.</p> <p><b>Chairman DeLeo</b> agreed.</p> <p><b>With regards to part B.</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 in this condominium project there have been two similar additions which were allowed by the ZBA.</p> <p><b>Mr. Weyenberg</b> agreed.</p> <p><b>Ms. Higgins</b> agreed.</p> <p><b>Mr. Regis</b> agreed.</p> <p><b>Chairman DeLeo</b> agreed.</p> <p><b>With regards to part C.</b> 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 there is physically no other possible way to increase the living space of the unit as is.</p> <p><b>Mr. Weyenberg</b> agreed.</p> <p><b>Ms. Higgins</b> agreed.</p> <p><b>Mr. Regis</b> agreed.</p> <p><b>Chairman DeLeo</b> agreed.</p> <p><b>With regards to part D.</b> The hardship is not the result of action taken by the appellant or a prior owner the appellant stated ZBA has allowed this type of addition to be built on this property.</p>	

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<p>Mr. Weyenberg agreed.  Ms. Higgins agreed.  Mr. Regis agreed.  Chairman DeLeo agreed.  Ms. Higgins moved permit the adjustment rear yard setback to allow for an 8' x 12' addition.  Mr. Weyenberg seconded.  <i>Motion passes unanimously.</i></p>	<p><u>Motion</u></p> <p><u>Vote</u></p>
<p><b><u>ITEM 2: Miscellaneous Appeal:</u></b> Arthur Shepard, owner of 6 Graham Street, MBL 302-2-8 in the BRD Zone to permit the adjustment of the front yard setback to allow for the reconstruction and expansion of the existing staircase. The owner is the appellant.</p>	<p><u>Item 2:</u>  <u>Miscellaneous</u>  <u>Appeal: Arthur</u>  <u>Shepard, 6</u>  <u>Graham Street,</u>  <u>MBL 302-2-8</u></p>
<p><b>Arthur Shepard</b> owner of 6 Graham Street explained the need for the miscellaneous appeal was due to demolishing and then rebuilding the home and wanting to configure the stairs in a more safe and asthetically pleasing way. As they are now they come out into the street. He then presented the board with pictures showing the proposal.  <b>Chairman DeLeo called for any abutters or correspondence.</b>  <b><i>PUBLIC HEARING WAS CLOSED AT 7:15 pm</i></b>  <b>Chairman DeLeo</b> read the criteria for number one.  <b>Ms. Higgins</b> asked if it was larger.  <b>Mr. Shepard</b> stated no.  <b>Mr. Weyenberg</b> asked if changing the direction of the stairs was due to safety.  <b>Mr. Shepard</b> stated yes.  <b>With regards to part A.</b> 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 new structure is located in the footprint of the old structure which was approximately 85 years old.  <b>Mr. Weyenberg</b> agreed.  <b>Ms. Higgins</b> agreed.  <b>Mr. Regis</b> agreed.  <b>Chairman DeLeo</b> agreed.  <b>With regards to part B.</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 front porch is 2-3 feet from front property line. The exit from the porch is approximately 6 feet from the property line. The exit and exterior staircase must be located less than the 15 foot minimum setback.  <b>Mr. Weyenberg</b> agreed.  <b>Ms. Higgins</b> agreed.  <b>Mr. Regis</b> agreed.  <b>Chairman DeLeo</b> agreed.  <b>With regards to part C.</b> 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 with the new structure in the footprint of the previous structures there is no porch exit that can meet the minimum setbacks.  <b>Mr. Weyenberg</b> agreed.  <b>Ms. Higgins</b> agreed.  <b>Mr. Regis</b> agreed.</p>	<p><u>PUBLIC</u>  <u>HEARING</u></p>

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<p><b>Chairman DeLeo</b> agreed.</p> <p><b>With regards to part D.</b> The hardship is not the result of action taken by the appellant or a prior owner the appellant stated the new stairway will be less intrusive than the old stairway since the steps lead away from the front property line.</p> <p><b>Mr. Weyenberg</b> agreed.</p> <p><b>Ms. Higgins</b> agreed.</p> <p><b>Mr. Regis</b> agreed.</p> <p><b>Chairman DeLeo</b> agreed.</p> <p><b>With regards to non-conforming means of egress; part A.</b> The requested stairway or ramp is the minimum structure, dimensionally, as required by the Town of Old Orchard Beach Building Code the appellant stated the requested stairway meets the OOB building code.</p> <p><b>Mr. Weyenberg</b> agreed.</p> <p><b>Ms. Higgins</b> agreed.</p> <p><b>Mr. Regis</b> agreed.</p> <p><b>Chairman DeLeo</b> agreed.</p> <p><b>With regards to part B.</b> Due to the physical features of the lot or location of structures on the lot, it would not be practical to construct the proposed stairway or ramp in conformance with applicable space and bulk requirements the appellant stated the only feature of the porch stairway that does not meet the applicable requirement is front setback.</p> <p><b>Mr. Weyenberg</b> agreed.</p> <p><b>Ms. Higgins</b> agreed.</p> <p><b>Mr. Regis</b> agreed.</p> <p><b>Chairman DeLeo</b> agreed.</p> <p><b>Ms. Higgins</b> moved permit the adjustment rear yard setback to allow for an 8' x 12' addition.</p> <p><b>Mr. Weyenberg</b> seconded.</p> <p><i>Motion passes unanimously.</i></p>	<p style="text-align: center;"><u><b>Motion</b></u></p> <p style="text-align: center;"><u><b>Vote</b></u></p>
<p><b><u>ITEM 3: Miscellaneous Appeal:</u></b> Roger Stevens, owner of 4 Woodland Avenue, MBL 315-1-1 in the R2 Zone to permit the adjustment of the front side setback to allow the reconstruction of existing deck with lateral expansion. The owner is the appellant.</p>	<p style="text-align: center;"><u><b>Item 3:</b></u> <u><b>Miscellaneous</b></u> <u><b>Appeal: Roger</b></u> <u><b>Stevens, 4</b></u> <u><b>Woodland</b></u> <u><b>Avenue, MBL</b></u> <u><b>315-1-1</b></u></p>
<p><b>Roger Stevens, owner</b> explained the expansion of the deck.</p> <p><b>Chairman DeLeo called for any abutters or correspondence.</b></p> <p><b><i>PUBLIC HEARING WAS CLOSED AT 7:23 pm</i></b></p> <p><b>Chairman DeLeo</b> read the criteria for number one.</p> <p><b>With regards to part A.</b> 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 house was built in the 1920's.</p> <p><b>Mr. Weyenberg</b> agreed.</p> <p><b>Ms. Higgins</b> agreed.</p> <p><b>Mr. Regis</b> agreed.</p> <p><b>Chairman DeLeo</b> agreed.</p> <p><b>With regards to part B.</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 our current deck no longer suits the needs of our family.</p> <p><b>Mr. Weyenberg</b> agreed.</p>	<p style="text-align: center;"><u><b>PUBLIC</b></u> <u><b>HEARING</b></u></p>

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<p>Ms. Higgins agreed.          Mr. Regis agreed.          Chairman DeLeo agreed.  <b>With regards to part C.</b> 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 because of the design of the house and the shallow depth of the lot there is no other place to put the deck.          Mr. Weyenberg agreed.          Ms. Higgins agreed.          Mr. Regis agreed.          Chairman DeLeo agreed.  <b>With regards to part D.</b> The hardship is not the result of action taken by the appellant or a prior owner the appellant stated the replacement of the deck will improve the appearance of the property.          Mr. Weyenberg agreed.          Ms. Higgins agreed.          Mr. Regis agreed.          Chairman DeLeo agreed.          Mr. Regis moved to permit the adjustment of the front side setback to allow the reconstruction of existing deck with lateral expansion.          Mr. Weyenberg seconded.  <i>Motion passes unanimously.</i></p>	<p style="text-align: center;"><u>Motion</u>  <u>Vote</u></p>
<p><b><u>ITEM 4:</u></b>          Acceptance of Minutes: May 2, 2011          Ms. Higgins moved to accept the minutes from May 2, 2011.          Mr. Weyenberg seconded.  <i>Motion passes unanimously.</i></p>	<p style="text-align: center;"><u>Motion</u> <u>Vote</u></p>
<b>GOOD &amp; WELFARE</b>	
<p>Ms. Higgins moved to adjourn.          Mr. Weyenberg seconded.  <i>Motion passes unanimously.</i></p>	<p style="text-align: center;"><u>Motion</u> <u>Vote</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 four(4) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting on May 23, 2011*

*Tori Geaumont*