

TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES June 27, 2011

Chairman DeLeo called for any abutters or correspondence.

PUBLIC HEARING WAS CLOSED AT 7:15 pm

Chairman DeLeo read the criteria for number one.

Ms. Higgins asked if it was larger.

Mr. Shepard stated no.

Mr. Weyenberg asked if changing the direction of the stairs was due to safety.

Mr. Shepard stated yes.

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 new structure is located in the footprint of the old structure which was approximately 85 years old.

Mr. Weyenberg agreed.

Ms. Higgins agreed.

Mr. Regis 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 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.

Mr. Weyenberg agreed.

Ms. Higgins agreed.

Mr. Regis 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 with the new structure in the footprint of the previous structures there is no porch exit that can meet the minimum setbacks.

Mr. Weyenberg agreed.

Ms. Higgins agreed.

Mr. Regis 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 the new stairway will be less intrusive than the old stairway since the steps lead away from the front property line.

Mr. Weyenberg agreed.

Ms. Higgins agreed.

Mr. Regis agreed.

Chairman DeLeo agreed.

With regards to non-conforming means of egress; part A. 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.

Mr. Weyenberg agreed.

Ms. Higgins agreed.

Mr. Regis agreed.

Chairman DeLeo agreed.

With regards to part B. Due to the physical features of the lot or location of structures on

**PUBLIC
HEARING**

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES June 27, 2011**

<p>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>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 style="text-align: center;"><u>Motion</u></p> <p style="text-align: center;"><u>Vote</u></p>
<p><u>ITEM 3: Miscellaneous Appeal:</u> 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>Item 3:</u> <u>Miscellaneous</u> <u>Appeal: Roger</u> <u>Stevens, 4</u> <u>Woodland</u> <u>Avenue, MBL</u> <u>315-1-1</u></p>
<p>Roger Stevens, owner explained the expansion of the deck. Chairman DeLeo called for any abutters or correspondence. <i>PUBLIC HEARING WAS CLOSED AT 7:23 pm</i> 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 house was built in the 1920's. Mr. Weyenberg agreed. Ms. Higgins agreed. Mr. Regis 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 our current deck no longer suits the needs of our family. Mr. Weyenberg agreed. Ms. Higgins agreed. Mr. Regis 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 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.</p>	<p style="text-align: center;"><u>PUBLIC</u> <u>HEARING</u></p>

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES June 27, 2011**

<p>With regards to part D. 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><u>Motion</u></p> <p><u>Vote</u></p>
<p><u>ITEM 4:</u> 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><u>Motion</u></p> <p><u>Vote</u></p>
<p>GOOD & WELFARE</p>	
<p>Ms. Higgins moved to adjourn. Mr. Weyenberg seconded. <i>Motion passes unanimously.</i></p>	<p><u>Motion</u></p> <p><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 June 27, 2011

Tori Geaumont