TOWN OF OLD ORCHARD BEACH CONING BOARD OF APPEALS MEETING MINUTES July 27, 2009

ZONING BOARD OF APPEALS MEETING MINUTES July 27, 2009			
Call to Order at 7:04 pm	Call to Order		
Pledge to the Flag			
Roll Call: Mr. Ray DeLeo, Mr. Robert Quinn, Mr. Howard Evans, and Ms. Tianna Higgins,			
Mr. Philip Weyenberg. Mr. Philip Denison, Excused. Ms. Eileen Payette, Absent.			
Staff: Mike Nugent, Tori Geaumont.			
ITEM 1: Miscellaneous Appeal: Charles & Mary Ann Richards, owners of 50 West Old Orchard	<u>ITEM 1:</u> <u>Miscellaneous</u>		
Avenue, MBL 312-8-3 in the R2 Zone to permit the adjustment of the rear set backs to allow the	Appeal: Charles &		
construction of a deck. The owner is the appellant.	Mary Ann		
	Richards, 50 W. Old		
	Orchard Ave; MBL		
Chairman DeLeo read the appeal.	312-8-3 Public		
Charles Richards, 50 West Old Orchard Avenue. Mr. Richards stated they wish to put a small	Hearing		
deck on the back of their home, and the setback is too close to build an adequate deck.	Incaring		
Chairman DeLeo called for Abutters or correspondence.			
PUBLIC HEARING CLOSED			
Chairman DeLeo read requirement of limited reduction of yard size/limited expansion of lot			
coverage.			
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 1870.			
Mr. Weyenberg agreed.			
Ms. Higgins agreed.			
Mr. Evans agreed.			
Mr. Quinn 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 all other neighboring and			
abutting porches and decks are less than a 20ft setback.			
Mr. Weyenberg agreed.			
Ms. Higgins agreed.			
Mr. Quinn agreed.			
Mr. Evans agreed.			
Chairman DeLeo agreed. With regards to part C. Due to the physical features of the let and/or the leastion of existing			
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 if we built this deck under the setbacks it would be an unusable			
deck.			
Ms. Higgins agreed.			
Mr. Quinn agreed.			
Mr. Evans agreed.			
Mr. Weyenberg agreed.			
Chairman DeLeo agreed.			
With regards to part D. The impacts and effects of the enlargement, expansion or new			
principal building or structure on the 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 the appellant stated we want the same use of our property as our			
neighbors.			
Mr. Quinn agreed.			
Mr. Higgins agreed.			

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Mr. Evans agreed.	
Mr. Weyenberg agreed.	
Chairman DeLeo agreed.	
Steven Harris, 53 Cedar Avenue. He stated that he does not know what the plans are and he	
was concerned how encroaching this deck would be.	
Mr. Nugent approached Mr. Harris and showed him the plans.	
Mr. Harris stated it seemed very reasonable and he is in favor of this.	
Mr. Evans moved to approve the miscellaneous appeal to permit the adjustment of the rear set backs	Motion
to allow the construction of a deck.	WIOUI
Ms. Higgins seconded.	
Motion carries unanimously.	Vote
ITEM 2: Miscellaneous Appeal: Balmo, owner of 91 Union Avenue, MBL 314-15-3 in the R2 Zone	ITEM 2:
to permit the adjustment of the side and rear setbacks to construct a membrane structure. Peter Gammo is	Miscellanous
the appellant.	Appeal; Balmo, 91
the appendix.	Union Ave, MBL
	314-15-3
Chairman DeLeo read the appeal.	Public
Peter Gammo , 91 Union Avenue. He stated he is the president of Balmo Enterprises. He stated	Hearing
they wished to put a canvas garage for cars, etc.	
Mr. Evans asked if this would be temporary and come down in the winter.	
Mr. Nugent explained what a membrane structure was according to the town and how the set	
backs would apply. It would withstand snow load.	
Mr. DeLeo stated that they had a case like this before which had snow load problems.	
Mr. Nugent stated this is intended to be a year round structure and can withstand snow load.	
Mr. Evans asked if he is aware of any in Old Orchard.	
Mr. Nugent stated there are some in town that have been present for some time. He sited a	
prior ZBA appeal regarding the membrane structures.	
Mr. DeLeo asked if this would be any different if it was a garage.	
Mr. Nugent stated there would be a larger set back for a garage. This is treated more like a	
shed than a garage.	
Mr. Weyenberg asked if it is 10 feet.	
Mr. Nugent stated yes, he is asking for 50% reduction.	
Mr. Gammo noted there was another membrane structure around the corner form his home.	
Mr. Quinn asked if this is the size of a one-car garage.	
Mr. Gammo stated the dimensions. It is not a rounded structure, but has a peaked roof. It is a	
green colored structure. He stated he wished for it to be appealing looking.	
Mr. Weyenberg asked if the shed is going to stay on the lot.	
Mr. Gammo stated it will stay, but they will move it closer to the garage so they will blend	
together.	
Mr. Weyenberg asked if they would need a variance for the shed.	
Mr. Nugent stated no.	
Mr. Quinn asked if there was a concern about parking.	
Mr. Gammo stated that he would not lose parking, as the car would be inside the structure. If	
he places it without the variance in the area that is within setbacks now he will lose several	
parking spots. He wishes to be able to put equipment in the structure out of the elements.	
Chairman DeLeo called for Abutters or correspondence.	
PUBLIC HEARING CLOSED	
Chairman DeLeo read requirement of limited reduction of yard size/limited expansion of lot	
coverage.	
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 build in roughly 1800.	
Mr. Nugent stated they are trying to establish that the building was there before 1998.	

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Mr. Weyenberg agreed.	
Mr. Quinn agreed.	
Ms. Higgins agreed.	
Mr. Evans 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 request is for a	
canvas garage for automobiles and other items.	
Mr. Weyenberg agreed.	
Mr. Quinn agreed.	
Ms. Higgins agreed.	
Mr. Evans 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 layout of the land, it is too narrow to fit within	
guidelines.	
Mr. Weyenberg agreed.	
Mr. Quinn agreed.	
Ms. Higgins agreed.	
Mr. Evans agreed.	
Chairman DeLeo agreed.	
With regards to part D. The impacts and effects of the enlargement, expansion or new	
principal building or structure on the 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 the appellant stated it would improve the appearance of the	
property.	
Mr. Weyenberg agreed.	
Mr. Quinn agreed.	
Ms. Higgins agreed.	
Mr. Evans agreed.	
Chairman DeLeo agreed.	
Mr. Quinn moves to approve the miscellaneous appeal	Motion
Ms. Higgins seconded.	WIOUIUII
	Vata
Motion carries unanimously. GOOD & WELFARE Mike N. made the Board aware of the Charter Revision Committee and the	Vote
Ordinance Revision Committee that are currently being formed.	
ITEM 6: Approval of Minutes: May 18, 2008 and June 20, 2000	
May 18, 2008 and June 29, 2009 Mr. Weyenhard moved to approve the minutes from May 18, 2000	
Mr. Weyenberg moved to approve the minutes from May 18, 2009. Ms. Higgins seconded.	Motion
Motion carries unanimously.	
•	Vote
Ms. Higgins moved to approve the minutes from June 29, 2009. Mr. Evans seconded.	
Mr. Quinn abstained.	Motion
Motion carries 4-0	
Ms. Higgins moved to adjourn.	Vote
Meeting adjourned 7:38 pm	Adjournment

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 July 27, 2009.