

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

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



<p> <b>Mr. Weyenberg</b> agreed.  <b>Mr. Quinn</b> agreed.  <b>Ms. Higgins</b> agreed.  <b>Mr. Evans</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 request is for a canvas garage for automobiles and other items.  <b>Mr. Weyenberg</b> agreed.  <b>Mr. Quinn</b> agreed.  <b>Ms. Higgins</b> agreed.  <b>Mr. Evans</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 because of the layout of the land, it is too narrow to fit within guidelines.  <b>Mr. Weyenberg</b> agreed.  <b>Mr. Quinn</b> agreed.  <b>Ms. Higgins</b> agreed.  <b>Mr. Evans</b> agreed.  <b>Chairman DeLeo</b> agreed.  <b>With regards to part D.</b> 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.  <b>Mr. Weyenberg</b> agreed.  <b>Mr. Quinn</b> agreed.  <b>Ms. Higgins</b> agreed.  <b>Mr. Evans</b> agreed.  <b>Chairman DeLeo</b> agreed.  <b>Mr. Quinn</b> moves to approve the miscellaneous appeal  <b>Ms. Higgins</b> seconded.  <i>Motion carries unanimously.</i> </p>	<p><b>Motion</b></p> <p><b>Vote</b></p>
<p><b>GOOD &amp; WELFARE</b> -- Mike N. made the Board aware of the Charter Revision Committee and the Ordinance Revision Committee that are currently being formed.</p>	
<p> <u><b>ITEM 6: Approval of Minutes:</b></u>                  May 18, 2008 and June 29, 2009  <b>Mr. Weyenberg</b> moved to approve the minutes from May 18, 2009.  <b>Ms. Higgins</b> seconded.  <i>Motion carries unanimously.</i>  <b>Ms. Higgins</b> moved to approve the minutes from June 29, 2009.  <b>Mr. Evans</b> seconded.  <b>Mr. Quinn</b> abstained.  <i>Motion carries 4-0</i>  <b>Ms. Higgins</b> moved to adjourn.             </p>	<p><b>Motion</b></p> <p><b>Vote</b></p> <p><b>Motion</b></p> <p><b>Vote</b></p>
<p>Meeting adjourned 7:38 pm</p>	<p><b>Adjournment</b></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 July 27, 2009.*