Call to Order at 7:07 pm	Call to Order
Pledge to the Flag	
Roll Call : Present: Vice Chair Robert Quinn, Mr. Phil Denison, Mr. Philip Weyenberg, Chairman DeLeo, and Tianna Higgins.	
Staff: Mike Nugent, Code Enforcement Officer. Tori Geaumont, ZBA Clerk.	
ITEM 1: Tabled Variance: Pamela F. Francis, owner of 31 Wintergreen Street, MBL 205-8-10, in the R2 Zone to permit the reduction of the front and rear yard setback to allow the reconstruction and expansion of a garage. The owner is the appellant.	Item 1: Tabled Variance: Pamela Francis, 31 Wintergreen Street, MBL 205-8-10
Mr. Nugent advised the board that Ms. Francis contacted him earlier and stated she would be late to the meeting, and he requested the board move to the next item. The board agreed.	
ITEM 2: Administrative Appeal: Daniel Michael, owner of 6 Reggio Avenue, MBL 319-15-5, in the R3 Zone to review the determination that the structure cannot be converted from seasonal to year-round occupancy. The owner is the appellant.	Item 2: Administrative Appeal: Daniel Michael, 6 Reggio Avenue, MBL 319-15-5
Daniel Michael, owner of 6 Reggio Avenue. Mr. Daniel explained the request for the administrative appeal. He is selling the property and the buyer wishes to add heat to the second floor thus making this year round. Mr. Nugent explained the original division of property at this location. In the early 2000's, the lot was divided and conditions of approval were put on this specific structure to stay seasonal. This was done by the prior Planner and Code Enforcement Officer. He found that by doing this they had created some non-conforming lots. He does not have the authority to allow this, and that is why Mr. Michael is here. Chairman DeLeo questioned which cottage exactly this was pertaining to. Mr. Nugent approached the board and showed them on the plot plan. Chairman DeLeo asked if the issue is due to being able to add heat to the second floor. Mr. Nugent explained at the time of the approval there was a different ordinance for year-round structures. This was recently changed. Density was an issue at that time. Off-street parking would be an issue now if this is approved. Mr. Nugent responded no. Mr. Nugent responded no. Mr. Nugent explained he did not know. The appellant has not satisfied the parking requirements to him. That would be the next	PUBLIC HEARING

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step.

Chairman DeLeo questioned what the board is being asked.

Mr. Nugent explained they can either uphold Mr. Nugent's decision or reverse it and allow this to be converted from seasonal to year-round occupancy.

Mr. Michael explained that the house in question is on a separate lot and not part of the four cottages show. He stated this is a single-family home.

Ms. Higgins asked if Mr. Michael owned the cottages.

Mr. Michael stated now.

Mr. Nugent explained this should have originally been brought to the ZBA to approval the variance for the original division and then he would not need to be here.

Mr. Quinn asked Mr. Nugent what the dividing line between seasonal and year-round was.

Mr. Nugent explained it was a matter of whether the structure could be inhabited 12 months out of the year, not whether is actually is. The board tonight will only be stating the structure can be converted to year-round use. In order to get the permit from Mr. Nugent the appellant needs to satisfy all the issues of seasonal conversion, including parking requirements.

Chairman DeLeo asked if he could get the upstairs to be heated by not adding a separate heating system would he need to be here.

Mr. Nugent explained that to do anything he would need to get a change of use permit. He read from the Housing Ordinance explaining this.

Mr. Denison asked if there is anything that specifically states parking requirements.

Mr. Nugent read the actual ordinance in regards to change of use and parking requirements.

Chairman DeLeo called for any abutters or correspondence.

Nancy Moreshead, realty for buyers. Ms. Moreshead explained they feel that this should be allowed, as there is another home exactly like this which was allowed to do it, but the condition was put on for an unknown reason. It limits the use of the property severely.

PUBLIC HEARING CLOSED AT 7:24 P.M.

Ms. Higgins asked if the board should refer to this as lot#2 or as 6 Reggio Avenue.

Mr. Nugent stated 6 Reggio Avenue.

Mr. Quinn asked if this is approved did Mr. Nugent know if there were 2 parking spots.

Mr. Nugent responded he has not seen any proof of that. He will need 2 spaces and appropriate curb cuts from Department of Public Works.

Mr. Weyenberg stated this seems very similar to lot #1, and this was approved, but we do not know why, correct?

Mr. Nugent concurred.

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Ms. Higgins moved to approve the appeal and allow the seasonal	Motion
conversion of 6 Reggio Avenue.	MOIIOII
Mr. Weyenberg seconded.	Vote
Motion passes unanimously.	VOIC
ITEM 3:Variance: Erwin Bates c/o Edrice Bates, owner of 12 Lawn Avenue, MBL 309-2-4, in the R2 Zone to permit the adjustment of the	<u>Item 3:</u> <u>Variance, Edwin</u>
rear yard setback and lot coverage for the construction of a canopy over existing oil tank. The owner is the appellant.	Bates c/o Edrice Bates, 12 Lawn Avenue MBL 309-2-4
Edrice Bates, owner of 12 Lawn Avenue. Mrs. Bates explained she	
would like to build a canopy over the existing oil tank so to keep the snow and ice off of the tank for protection and to be able to read and see the tank level device. Chairman Deleo called for any abutters or correspondence.	
Mr. Nugent stated it was brought to his attention today by the owner that the oil tank had originally been on the porch of the house, but it failed, and when they were required to replace the tank the oil company would not install the tank on the porch. It needs to be on a concrete slab so they were forced to change the location of the	PUBLIC HEARING
tank due to the failure. Mr. Denison asked if they are granted this can they at some point in time enclose the tank?	
Mr. Nugent answered they could, unless a condition was placed on	
the approval.	
PUBLIC HEARING CLOSED 7:30 p.m.	
Chairman DeLeo read the criteria for number one.	
With regards to part A. The land in question cannot yield a reasonable return unless the variance is granted the appellant stated our oil tank needs protection from ice and snow. There is no way to do this and comply with the setbacks. Without the heat the house cannot be used. Without the protection the tank is exposed to damage.	
Mr. Weyenberg agreed.	
Mr. Denison agreed.	
Ms. Higgins agreed.	
Mr. Quinn agreed.	
Chairman DeLeo agreed.	
With regards to part B. The need for a variance is due to the unique	
circumstances of the property and not to the general conditions in	
the neighborhood the appellant stated the lot is very small and the	
building was built in the 1940's and is non-conforming to yard space	
requirements. The oil tank is on the rear of the house outside.	
Mr. Weyenberg agreed.	
Mr. Denison agreed.	
Ms. Higgins agreed.	
Mr. Quinn agreed.	
Chairman Deleo agreed.	

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With regards to part C. The granting of the variance will not alter the	
essential character of the locality the appellant stated it will improve	
the appearance.	
Mr. Denison agreed.	
Mr. Weyenberg agreed.	
Ms. Higgins agreed.	
Mr. Quinn 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 house was	
built before regulations. This minor roof structure will keep the oil tank	
safe. The owner or prior owner cannot control the ice and snow	
without this variance.	
Mr. Denison agreed.	
Mr. Weyenberg agreed.	
Ms. Higgins agreed.	
Mr. Quinn agreed.	
Chairman DeLeo agreed.	
Mr. Quinn moved to permit the adjustment of the rear yard setback	Motion
and lot coverage for the construction of a canopy over existing oil	
tank.	
Ms. Higgins seconded.	Vote
Motion passes unanimously	
ITEM 4: Variance: Michael & Rose Grimanis, owners of 15 Milliken	<u> ltem 4:</u>
Street, MBL 205-6-10, in the DD1 Zone to permit the adjustment of the	<u>Variance:</u>
rear yard, left side, and right side yard setback, as well as lot	Michael & Rose
and the second section of a standard section of the second section of the section of t	
coverage for the construction of a deck. The owner is the appellant.	Grimanis, 15
coverage for the construction of a deck. The owner is the appellant.	
	<u>Grimanis, 15</u> <u>Milliken Street,</u>
Rose Grimanis, 15 Milliken Street. Mrs. Grimanis explained the	<u>Grimanis, 15</u> <u>Milliken Street,</u>
Rose Grimanis, 15 Milliken Street. Mrs. Grimanis explained the variance request. She wished to create this deck to make it easier	<u>Grimanis, 15</u> <u>Milliken Street,</u>
Rose Grimanis, 15 Milliken Street. Mrs. Grimanis explained the variance request. She wished to create this deck to make it easier for handicap accessibility.	<u>Grimanis, 15</u> <u>Milliken Street,</u>
Rose Grimanis, 15 Milliken Street. Mrs. Grimanis explained the variance request. She wished to create this deck to make it easier for handicap accessibility. Mr. Weyenberg asked the height of the deck.	<u>Grimanis, 15</u> <u>Milliken Street,</u>
Rose Grimanis, 15 Milliken Street. Mrs. Grimanis explained the variance request. She wished to create this deck to make it easier for handicap accessibility. Mr. Weyenberg asked the height of the deck. Mrs. Grimanis answered 12"-18".	<u>Grimanis, 15</u> <u>Milliken Street,</u>
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ZOMING BOMED OF METERIES WILLIAMS WINTO TES Mugust 30, 2010	<i>,</i>
hardship.	
Mr. Nugent given the question the board can chose to table this	
and the applicant can come forward and redo the application.	
Mr. Quinn felt that would be the reason to not approve this, as the	
answers were based on this being wheelchair accessible, but the	
deck will have stairs.	
Ms. Higgins felt it was in the applicant's best interest to have this	
tabled and redo the application, as her answers tonight are	
different than what is on the application.	
···	
Ms. Higgins moved to table item #4 without prejudice.	Motion
Mr. Weyenberg seconded.	
Motion passes unanimously	Vote
ITEM 5: Variance: Edward & Mary Kaye Winslow, owners of 23 New	
	Item 5: Edward
Salt Road, MBL 325-6-4, in the R3 Zone to permit the adjustment of	& Mary Kaye
the right and front yard setbacks for the construction of a garage.	
The owner is the appellant.	Winslow, 23
	New Salt Road,
	MBL 325-6-4
Edward Winslow, 23 New Salt Road. Mr. Winslow explained the	
variance request.	
Ms. Higgins wanted to have clarification that there is no change in	
the size of the garage.	
Mr. Winslow concurred.	
Chairman DeLeo called for any abutters or correspondence.	
Edmond Boucher, 8 New Salt Road. Mr. Boucher stated he was in	
·	
favor of this variance. He felt the new garage would be an asset	PUBLIC
and was architecturally pleasing. He urged the board to approve.	HEARING
Mr. Winslow also clarified that there will be no sink or toilet in the	HEAKING
garage as there was on the original submission. The DEP requested	
,	
he remove this so there would be no chance of habituation.	
PUBLIC HEARING CLOSED AT 7:50 p.m.	
Mr. Nugent asked the appellant if the roof overhang was wider.	
Mr. Winslow stated it was not.	
Mr. Nugent advised the board that this would be confirmed prior to	
demolition of the existing garage.	
Chairman DeLeo read the criteria for number one.	
With regards to part A. The land in question cannot yield a	
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reasonable return unless the variance is granted the appellant stated	
the existing single-car garage was built in July of 1956, before the	
date of adoption of the existing set-back requirements. The current	
garage footprint is 13 feet from the front property line and 3 feet from	
the right property line. Out home does not have a basement or	
enough storage available in our current garage to allow for storage	
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I of autos a snow blower storm windows and screens yard furniture	·
of autos, a snow blower, storm windows and screens, yard furniture,	
yard and garden maintenance equipment, etc. We feel that to be	
,	
yard and garden maintenance equipment, etc. We feel that to be able to protect our vehicles and personal property in the winter	
yard and garden maintenance equipment, etc. We feel that to be	

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Mr. Denison agreed.

Ms. Higgins agreed.

Mr. Quinn agreed.

Chairman DeLeo agreed.

With regards to part B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood the appellant stated the set-back variance is necessary to permit us to use and enjoy our property in essentially the same manner as other properties are utilized in the same zoning district. The unique circumstances of the property (the garage was built in 1956, prior to our ownership) and not the general conditions in the neighborhood require the need for the variance.

Mr. Weyenberg agreed.

Mr. Denison agreed.

Ms. Higgins agreed.

Mr. Quinn agreed.

Chairman DeLeo agreed.

With regards to part C. The granting of the variance will not alter the essential character of the locality the appellant stated there are many other homes in our neighborhood that have 2-car garages. The proposed change in our garage structure will not alter the character of our neighborhood, and will definitely blend in with the surrounding houses. In fact, we believe the new structure to be an improvement over the existing one.

Mr. Denison agreed.

Mr. Weyenberg agreed.

Ms. Higgins agreed.

Mr. Quinn 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 parcel #2 was purchased in 1933 and added to parcel #1 (which was purchased in 1928). The existing single-car garage was built in July 1956 on what was parcel #2, before current set-back requirements and our ownership. We ask that the Variance Committee grandfather the existing garage right-side and front set-backs due to the original garage construction date.

Mr. Denison agreed.

Mr. Weyenberg agreed.

Ms. Higgins agreed.

Mr. Quinn agreed.

Chairman DeLeo agreed.

Ms. Higgins moved to permit the adjustment of the right and front yard setbacks for the construction of a garage.

Mr. Quinn seconded.

Motion passes unanimously.

ITEM 1: Miscellaneous Appeal: Pamela F. Francis, owner of 31

Motion

Vote

Item 1: Pamela Francis, 31

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reduction of the front and rear yard setback to allow the construction of a garage. The owner is the appellant. Pamela Francis, 31 Wintergreen Street. Ms. Francis explained her appeal. She wants to demolish the existing garage and rebuild a larger one more in the center of the open area on her property. Ms. Higgins wanted to clarify which property it was. She had a difficult time finding it when driving around. Ms. Francis explained where the house was located. Chairman DeLeo called for any abutters or correspondence. Tim Strohm, 31 Portland Avenue. Mr. Strohm stated he was happy to have the garage replaced, but he was concerned regarding living area above the garage. Ms. Francis rents to foreign work students, and there is a history of many young students staying at her property making a lot of noise and commotion. Ms. Higgins asked what the size of the existing garage is. Mr. Nugent stated it was 12' X 24'. Mr. Denison pointed out that there would be no facilities in the garage and that it could be specified not to be housing. Ms. Francis would need a license. Mr. Nugent stated that in that zone a boarding house kicks in after 2 tenants. Mr. Denison stated that if there are no facilities then she would not get a permit anyway. Mr. Nugent stated that rights go with the property unless the board was clear on conditions. That would be the only way the neighbor would be better protected. Ms. Francis stated she is not interested in having anyone stay on the second floor. This is only for storage above and vehicles below. She does have a license to rent for her home, but would not want to do that for the garage. Mr. Weyenberg asked if Ms. Francis would consider herself as having a business providing foreign housing. Ms. Francis stated no. She does have some students who have returned from a prior year. PUBLIC HEARING CLOSED 8:07 p.m. 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/l	Wintergraph Ctract ARI 200 0 10 in the DO 7 and to permit the	<u>Wintergreen</u>
Construction of a garage. The owner is the appellant. Pamela Francis, 31 Wintergreen Street. Ms. Francis explained her appeal. She wants to demolish the existing garage and rebuild a larger one more in the center of the open area on her property. Ms. Higgins wanted to clarify which property it was. She had a difficult time finding it when driving around. Ms. Francis explained where the house was located. Chairman Deleo called for any abutters or correspondence. Tim Strohm, 31 Portland Avenue. Mr. Strohm stated he was happy to have the garage replaced, but he was concerned regarding living area above the garage. Ms. Francis rents to foreign work students, and there is a history of many young students staying at her property making a lot of noise and commotion. Ms. Higgins asked what the size of the existing garage is. Mr. Nugent stated it was 12' X 24'. Mr. Denison pointed out that there would be no facilities in the garage and that it could be specified not to be housing. Ms. Francis would need a license. Mr. Nugent stated that in that zone a boarding house kicks in after 2 tenants. Mr. Denison stated that if there are no facilities then she would not get a permit anyway. Mr. Nugent stated that rights go with the property unless the board was clear on conditions. That would be the only way the neighbor would be better protected. Ms. Francis stated has is not interested in having anyone stay on the second floor. This is only for storage above and vehicles below. She does have a license to rent for her home, but would not want to do that for the garage. Mr. Weyenberg asked if Ms. Francis would consider herself as having a business providing foreign housing. Ms. Francis stated no. She does have some students who have returned from a prior year. PUBLIC HEARING CLOSED 8:07 p.m. 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	·	
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ordinances, codes and setback requirements.	ordinances, codes and setback requirements.	
Mr. Weyenberg agreed.	Mr. Weyenberg agreed.	
Mr. Denison agreed.	Mr. Denison agreed.	
Ms. Higgins agreed.	Ms. Higgins agreed.	
Mr. Quinn agreed.		

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Chairman DeLeo agreed.

With regards to part B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood the appellant stated the garage in its present state is unusable and beyond repair. As well, the garage is functionally obsolete in its size and shape. Rebuilding the garage will not alter the current character of the property or neighborhood. Many garages in the area are similar in character. Replacement of the garage will be a definite improvement and marked enhancement to the character of the surrounding residences and the neighborhood.

Mr. Quinn felt this was a stretch in regards to being reasonably necessary to use and enjoy the property. He disagreed.

Mr. Weyenberg agreed.

Mr. Denison agreed.

Ms. Higgins disagreed.

Chairman DeLeo disagreed.

With regards to part C. 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 due to the location of the existing home, size of the lot and its corner location the new proposed location for the garage is the only practical choice for construction. The garage cannot be constructed in compliance with codes that were adopted after the construction of my house and garage.

Mr. Denison agreed.

Mr. Weyenberg agreed.

Ms. Higgins agreed.

Mr. Quinn agreed.

Chairman DeLeo agreed.

With regards to part D. 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 the new construction of the proposed garage will be more conforming with existing set back requirements than the present garage location. The new garage will be similar/same in appearance and use to many other garages in the area.

Motion

Mr. Denison agreed.

Mr. Weyenberg agreed.

Ms. Higgins agreed.

Mr. Quinn disagreed.

Chairman Deleo disagreed.

Mr. Denison moved to permit the reduction of the front and rear yard setback to allow the construction of a garage with the condition that

Vote

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ZONING BOARD OF APPEALS MEETING MINUTES August 50, 2019	<u>J</u>
the second story will only be used for storage and not habitable	
space.	
Mr. Weyenberg seconded.	
Ms. Higgins disagreed.	
Mr. Quinn disagreed.	
Mr. Denison agreed.	
Chairman DeLeo agreed.	
Motion passes 3-2	
ITEM 6: Approval of minutes:	
June 28, 2010 and July 26, 2010.	
Mr. Denison moved to approve the minutes from June 28, 2010.	
Ms. Higgins seconded.	Motion
Motion passes unanimously.	
menen passes en anninces, y	
Mr. Weyenberg moved to approve the minutes from July 26, 2010.	
Mr. Quinn seconded.	
Mr. Weyenberg agreed.	
Mr. Quinn agreed.	
Mr. Denison agreed.	
Ms. Higgins abstained.	
Chairman DeLeo abstained.	
Mallana and 200	Vote
Motion passes 3-0.	
Good & Welfare	
Mr. Denison moved to adjourn.	
Ms. Higgins seconded.	Adjournment
Motion passed unanimously.	Adjournment
Meeting adjourned 8:10 pm	

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 nine (9) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting on August 30, 2010

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