

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES August 31, 2009**

<p>Call to Order at 7:14 pm</p>	<p>Call to Order</p>
<p>Pledge to the Flag</p>	
<p>Roll Call: Present: Mr. Ray DeLeo, Mr. Robert Quinn, Mr. Howard Evans, and Mr. Philip Weyenberg. Ms. Tianna Higgins; Excused. Mr. Philip Denison; Excused. Ms. Eileen Payette; Absent. Staff: Mike Nugent, Tori Geaumont.</p>	
<p>ITEM 1: Variance: Richard & Jean MacDonald, owners of 11 Reggio Avenue, MBL 319-12-9 in the R3 Zone to permit the adjustment of the rear and side yard setback and lot coverage to reconfigure/rebuild the existing structure. Custom Concepts, Inc. is representing the owners.</p>	<p>ITEM 1: Variance: Richard & Jean MacDonald, 11 Reggio Ave; MBL 319-12-9</p>
<p>Chairman DeLeo read the appeal. Mike Richmond, architect for Custom Concepts. Mr. Richmond explained the addition and remodel project. The appellants wish to keep the property in keeping with the neighborhood and do not wish to make the structure more obtrusive. To be completely compliant the building would be very small. Mr. Richmond explained that the footprint of the home is not architecturally a good footprint and they would like the home to have good architectural design principals. The variance would simplify the structure. Chairman DeLeo asked for clarification as to which part of the structure would this appeal be applicable to. Mr. Richmond explained the only requirement for the variance is the blackened area on the displayed poster board. Mr. Nugent stated that this is actually a Miscellaneous Appeal and not a Variance. So this is less restrictive. This project will also need DEP approval. Mr. Weyenberg stated he noticed a pooling of water in the area and asked about this. Mr. Nugent stated they may need to elevate the structure. Mr. Richmond informed the board that the MacDonald's have an elevation certificate. There will be engineering. Mr. Weyenberg inquired if there will be a new foundation. Mr. Richmond replied they do not know yet. They would probably excavate from the side and put new footings. Chairman DeLeo called for Abutters or correspondence. Mr. Nugent stated he has had inquiries from several abutters, but none of the abutters had negative input about the appeal. PUBLIC HEARING CLOSED 7:19 p.m. 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 buildings were constructed prior to 1960. Mr. Weyenberg 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 approval of this reduction would allow us to create a simple cottage structure that is very similar to adjacent properties in the area, and in fact would allow more open space on the side yard that can be enjoyed by the</p>	<p>Public Hearing</p>

<p>owner's and allow them to interact with the neighbors. Mr. Weyenberg agreed. Mr. Quinn 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 the allowable area formed from the existing footprints and the allowable setbacks creates a very odd shaped geometry that is difficult to use and would force us to create a few different structures that are connected by a slim building. The resulting form would be out of place within its surrounds and look disorganized. It is certainly possible to construct, but it is not practical in terms of aesthetics and good use of space. 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 the overall project, once complete, would be smaller than many similar homes in the neighborhood. Allowing the building to extend back, instead of going up, will keep the scale of the roof down and blend in more to the fabric of the neighborhood. Mr. Quinn agreed. Mr. Evans agreed. Mr. Weyenberg agreed. Chairman DeLeo agreed. Mr. Quinn moved to approve the miscellaneous appeal of Richard & Jean MacDonald, 11 Reggio Avenue, MBL 319-12-9 in the R3 zone to permit the adjustment of the rear and side yard setbacks and lot coverage to reconfigure/rebuild the existing structure. Mr. Evans seconded. <i>Motion carries unanimously.</i></p>	<p>Motion</p> <p>Vote</p>
GOOD & WELFARE	
<p><u>ITEM 6: Approval of Minutes:</u> July 27, 2009 Mr. Weyenberg moved to approve the minutes from July 27, 2009. Mr. Evans seconded. <i>Motion carries unanimously.</i> <i>Motion carries 4-0</i> Mr. Evans moved to adjourn. Mr. Weyenberg seconded.</p>	<p>Motion</p> <p>Vote</p>
Meeting adjourned 7:30 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 two (2) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting on August 31, 2009