Monday, November 24, 2008	
Roll Call: Mr. Ray DeLeo, Mr. Phillip Weyenberg, Mr. Howard Evans were present and Mike Nugent was present as Staff Support	Roll Call
ITEM 1: Variance: Mark Lindquist, Owner of 8 Eden Lane, MBL 206-7-2 in the R-2 zone; to allow the legalization of an existing garage apartment. This request requires a variance in the density requirement. Owner is the appellant.	Item 1 Variance Mark Linquist 8 Eden Lane. 206-7-2 R2 Zone
Chairman DeLeo read the appeal.	
Mr. Lindquist explained that he purchased the property 15 months ago and that he looked at the property there was a kitchen in the garage that had been used for rentals. He stated that he checked it out in the Town Office with the realtor. The assessor's office had a record of the apartment. He went ahead and purchased the property.	Public Hearing
He advised that he had renovated the building and upon inspection by the Code Office, the zoning issue was discovered and that he received a letter to stop work. The unit was almost complete.	
Mr. Weyenberg asked if he had tenants in the unit. The appellant stated that he did not.	
Mr. Evans asked if the appellant lived there year round. The appellant stated that he did. Mr. Evans asked if the unit has been rented. The appellant advised that he has not rented the unit, but that it had been a summer rental in the past.	
Mike Nugent explained the assessor's records and that the unit was in the records in the 1980's	
Mr. DeLeo asked if the only thing that was making this "not legal" was the fact that it had no license.	
Mike Nugent advised that there was also no change of use permit to make it legal for zoning purposes.	
Mr. DeLeo asked if the unit was livable.	
Mike Nugent replied that it had been nicely renovated.	
Discussion ensued regarding procedure	

Chairman DeLeo called for Abutters.	
No Abutters were present	
Chairman DeLeo read the 4 criteria of approval for a Variance	
The Board agreed that because the purchase of the property was dependent on the use of the existing second unit, the land in question will not yield this reasonable use without a variance. Mr. Evans wanted to clarify that the unit was not being created, but updated, and it was bought as two units. They also agreed that the need for the variance was due to the unique circumstances of the property and general conditions of the neighborhood due to the fact that the apartment had existed and was in the assessor's records. The board felt that the granting of the variance would not alter the character of the locality as the unit had been rented by the previous owner; there is sufficient off street parking and that there are two unit properties in the neighborhood and that because the use predates zoning; the need for a variance was not a result of action taken by the owner.	
Mr. Weyenberg moved to grant the appeal as presented	Motion
Mr. Evans seconded the Motion	
Motion carries Unanimously	Vote
ITEM 2: Miscellaneous Appeal: Mark Lindquist, Owner of 8 Eden Lane, MBL 206-7-2 in the R-2 zone; to permit the adjustment to the right side and rear setbacks and lot coverage to allow the construction of walkways and decking. Owner is the appellant.	Item 2 Miscellaneous Appeal Mark Linquist 8 Eden Lane. 206-7-2 R2 Zone

Monday, November 24, 2008		
Chairman DeLeo read the appeal.	Public	
	Hearing	
Mr. Lindquist explained that he needed this walkway area to bridge an area that used to sink.		
Mr. Weyenberg expressed concern about building inside of the open area that the walkway area surrounds.		
Mike Nugent advised that there would be the need for permits and there may be lot coverage issues; further that the ZBA could attach a condition that would require that this are remain open and never enclosed.		
Chairman DeLeo called for Abutters.		
No other abutters were present.		
Chairman DeLeo read the 4 criteria of approval for a Misc. Appeal The Board agreed that the building on the lot was erected in 1950, prior to the date specified for a limited yard reduction (2/3/98). They also agreed that due to the presence of the sinking area, the requested construction makes this area safe and usable and is reasonably necessary for the applicant to enjoy their property similar to other properties in the zone. Mr. DeLeo asked if this corrects the sinking problem. The appellant feels that the area is not stable after repeated filling. They agreed that it would not be practical to build this in a conforming area because the sinking area is in an area of nonconformity. Finally the Board agreed that the effects of the enlargement would not be substantially different from structures built in conformity with the yard size requirements. Mr. Evans moved to grant the appeal as presented with the condition that the structure remains an open walkway and cannot be enclosed in any way Mr. Weyenberg seconded the Motion	Motion	
Motion carries Unanimously	Vote	
ITEM 3: Miscellaneous Appeal: Allison Vannah, Owner of 7 Bridge St., MBL 322-7-9 in the R-3 zone; to permit the demolition of the building and replace with a new structure within the existing footprint with expansions, all of which would meet the percentages allowed for a limited yard reduction. This request requires a reduction in the front, side; rear yard setback .Owner is the appellant.	Item #3 Miscellaneous Appeal Allison Vannah 7 Bridge St. 322-7-9 R-3 Zone	

Monday, November 24, 2008

Chairman DeLeo asked the appellant to explain the appeal.

Public Hearing

Tom Rutka, representing the owner, clarified that the existing structure would remain and be lifted, "Raised" not "Razed" and that there would be additions on the right side and rear (facing the property from Maine Ave.) A new box bay window on the Maine Ave. side; all of which would meet the percentages allowed for a limited yard reduction. The approval also included code compliant means of egress stairs on the Maine Ave. side, the Bridge St. side The Bridge St stair has an 8' x 3' 8" roofed platform, and on the left side of the building (facing the property from the Bridge St. side) This request requires a reduction in the front, side, and rear yard setback. A survey has been performed and submitted. Tom Rutka explained the different segments of the projects and the improvements and expansions to the building and means of egress. The stairs would need adjustment to accommodate the vertical expansion. The entry way stairs would remain open with an overhand type covering.

Mr. Weyenberg asked if the steps on the Bridge St. side, with the new footprint fall into the variance category. Mike Nugent advised that there is a separate miscellaneous appeal for code compliant means of egress or handicap access ramp.

The Builder advised that the bow window on the Maine Ave. side of the building is with in the limited yard reduction standard.

Mr. Weyenberg asked about the third set of step on the "rear" of the building. Mr. Rutka indicated that there was a set of stairs there as well but included that in the Miscellaneous appeal for limited yard reduction on the rear.

Mr. Evans asked about lot coverage, as it exists now.

Mr. Rutka advised that it is currently 604 sq.ft. (20.13%) and the proposed is 1004.4 sq.ft (33.48%) and 40% is allowed

The Board had no further questions.

Chairman DeLeo read the 4 criteria of approval for a Miscellaneous Appeal:

The Board agreed that the building on the lot was erected in 1947 prior to the date specified for a limited yard reduction (2/3/98). They also agreed that because the request is within the limited yard reduction allowable set backs it is reasonably necessary for the applicant to enjoy their property similar to other properties in the zone.

They agreed that it would not be practical to build this in a conforming area because the allowable building envelope is smaller than the

existing building. Finally the Board agreed that because the structure will be no closer to either front line and the application includes the replacement of two	
either front line and the application includes the replacement of two	
dengarous starryous the attacts of the enlargement would not be	
dangerous stairways, the effects of the enlargement would not be	
substantially different from structures built in conformity with the yard	
size requirements. Mr. Evans and Mr. Weyenberg indicated that the	
building would be bigger, but would not encroach further of the street	
sides.	Motion
Mr. Weyenberg moved to grant the Miscellaneous Appeal.	
Mr. Evans seconded the Motion	Vote
Motion carries Unanimously	
Items 4 and 5 were moved to the end of the agenda as the applicants were	
not present.	
ITEM 6: Miscellaneous Appeal: Dennis and Catherine Mondor, Owners of	Item 6
adjustment of the front yard setback to allow the construction of a code	Miscellaneous
compliant stairway. Owner is the appellant.	Appeal
compliant stan way. Owner is the appenant.	Dennis &
	Catherine
	Mondor
	74 Central
	74 Central Park Ave.,

Monday, November 24, 2008

Chairman DeLeo advised that he served on the Chamber of Commerce with the appellant, but felt that he could hear the appeal and it would not make a difference. The Board expressed no concern, nor did the appellant. Public Hearing

Chairman DeLeo read the appeal.

Mike Nugent clarified that the rear steps would comply with setbacks so the Board would only have to act on the front steps.

Mrs. Mondor explained that the foundation for the building was crumbling so they lifted the building and poured a new one. The new sill elevation is higher than the original, and they are proposing to have the landing within the footprint of the former stairs and landing and then have the stair go toward the left (facing the building from Central Park Ave) no closer to the front lot line than the original stairs and landing just longer within the plain of existing non conformity.

Mr. DeLeo wanted to clarify if the new stairs would come out closer that the old. The appellant stated that they would not.

The Board and staff reviewed the submissions and configuration of the steps. Mike Nugent advised that it was a safer stair, as it doesn't bring someone onto the street that is using them.

Chairman DeLeo called for abutters.

No Abutters were present.

Chairman DeLeo read the 2 criteria of approval for a Misc. Appeal for a non conforming means of egress

The Board agreed the new setback encroachment was the same as the old one, longer along the building, but no closer to the lot line. The Board also agreed that the stairs could not be relocated to a conforming location due to the building use and location on the lot.

Mr. Wevenberg moved to approved the appeal as presented

Motion

Mr. Evans seconded the Motion

Motion carries Unanimously

Vote

Monday, November 24, 2008	-
ITEM 4: Miscellaneous Appeal: Mark Lippa, Owner of Unit 6 at 22 Oceana Ave., MBL 321-19-2 in the R-3 Zone, to permit the adjustment of the rear yard setback to allow the construction of a code compliant stairway. Owner is the appellant.	Items 4 and 5 Tabled to the December 29, 2008
ITEM 5: Miscellaneous Appeal: John Dixon, Owner of 12 Highland Ave., MBL 312-3-4 in the R-2 Zone, to permit the adjustment of the front yard setback to allow the construction of a code compliant stairway. Owner is the appellant.	Meeting
Mr. Evans Moved to Table Item 5 Mr. Weyenberg seconded the Motion	
Mr. Weyenberg moved to Table Item 4 Mr. Evans seconded the Motion	
Unanimous in Favor	
The Minutes from the October 24, 2008 meeting were not finished.	
Mike Nugent advised that Mr. Denison has requested to be moved to a regular member status from an alternate. Tianna Higgins should be available to return in December as well. A copy of all of the term expirations would be provided to the board at the next meeting.	
Mr. Evans moved to adjourn @ 8:45 pm Mr. Weyenberg seconded.	Adjournment
Motion carries Unanimously	

TOWN OF OLD ORCHARD BEACH ZONING BOARD OF APPEALS Monday, November 24, 2008

I, Mike Nugent, Acting Secretary to the Zoning Board of Appeals, do hereby certify that the foregoing document consisting of eight (8) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting of November 24, 2008.