

**TOWN OF OLD ORCHARD BEACH  
ZONING BOARD OF APPEALS MEETING MINUTES  
December 29, 2008**

Call to Order at 7:04 pm	Call to Order
<b>Pledge to the Flag</b>	
<b>Roll Call:</b> Mr. Ray DeLeo, Mr. Phillip Weyenberg, Mr. Howard Evans, Mr. Phillip Denison, and Ms. Tianna Higgins <b>Staff:</b> Mike Nugent Code Enforcement Officer, Tori Geaumont ZBA Clerk	
<b>ITEM 1: Miscellaneous Appeal:</b> 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.	<b><u>ITEM 1:</u></b> <b><u>Miscellaneous</u></b> <b><u>Appeal:</u></b> <b>Mark Lippa,</b> <b>Unit 6 at 22</b> <b>Oceana Ave.,</b> <b>MBL 321-19-2</b> <b>R-3 Zone</b>
Remained on table, Awaiting accurate plot plan	
<b>ITEM 2: Miscellaneous Appeal:</b> 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.	<b><u>ITEM 2:</u></b> <b><u>Miscellaneous</u></b> <b><u>Appeal:</u></b> <b>John Dixon,</b> <b>12 Highland</b> <b>Ave.</b> <b>MBL 312-3-4 R-</b> <b>2 Zone</b>
<p><b>Chairman DeLeo read the appeal.</b></p> <p><b>Mr. Dixon</b> explained the house had been raised 7 feet.  <b>Mr. Denison</b> questioned why the stairs needed to be moved.  <b>Mr. DeLeo</b> questioned how much different the footprint would be.  <b>Mr. Dixon</b> stated the footprint had not changed. He stated the stairs were initially in a “goofy” shape. He stated the stairs had not changed except for the height.  <b>Mr. Weyenberg</b> questioned the reason why the stairs were coming out from the house.  <b>Mr. Dixon</b> stated he did not wish for water to drip down on the stairs and cause another hazard.</p> <p><b>Chairman DeLeo called for Abutters or correspondence.</b>  No abutters were present. Mr. Nugent stated he had not had any correspondence.</p> <p><b>Chairman Evans</b> questioned if the stairs were the minimum required by code and asked Mr. Nugent for clarification.  <b>Mr. Nugent</b> stated they were to code and only 36 inches of the stair was within the setback, the minimum width required by the building code.</p> <p><b>Chairman DeLeo read the 2 criteria of approval for a Misc. Appeal for a non conforming means of egress</b></p>	



TOWN OF OLD ORCHARD BEACH  
ZONING BOARD OF APPEALS MEETING MINUTES  
December 29, 2008

**Mr. Nugent** stated the other houses in the neighborhood are similar, and the structure would be in character with the other homes.

**Mr. Weyenberg** asked for explanation of some of the set-up dimensions on the plot plan. Mr. Nugent and Mr. Christensen explained which dimensions were correct.

**Mr. Weyenberg** then asked if the problem was fixed without the variance would the structure we sound.

**Mr. Nugent** stated the there is a frostwall and footing, not just a slab and that cutting this and relocating it to the the correct dimensions would make the structure unsound.

**Mr. Denison** asked if the building was currently structurally sound.

**Mr. Nugent** stated there was no way to know, as there were no inspections done during the work process. He then stated that the town would not be liable if there were problems with the structure thus far, as there were no inspections arranged by the builder or owner.

**Mr. Weyenberg** then questioned if the contractor would be responsible for the changes in the foundation.

**Mr. Nugent** explained that most of the time contractors will pass on the expense of change to the homeowner. He then stated that the particular contractor had done this in other instances in other towns.

**Chairman DeLeo called for Abutters and any correspondence.**

No Abutters were present. Mr. Nugent had not received any correspondence.

**Chairman DeLeo** read the 4 criteria for a Limited Yard Reduction approval:

With regard to the first criteria, **Mr. Nugent** stated the house was build in 1992, prior to the 1998 date specified in the Ordinance. The Board agreed that many of the homes had garages in this area positioned similarly and that the request was reasonably necessary for the owners to use their property in a similar nature. The also agreed that due to the configuration of the lot and zoning restrictions, there are not other options that would comply with the Ordinance.

The Board also agreed that the pattern of development in the area includes garages on the Street side of the properties and that the

**Motion**

**Vote**

TOWN OF OLD ORCHARD BEACH  
**ZONING BOARD OF APPEALS MEETING MINUTES**

December 29, 2008

<p>impact of this project would not be substantially different from conforming buildings.</p> <p><b>Mr. DeLeo</b> questioned if the existing house is being changed. Mr. Christensen stated it is not.</p> <p><b>Mr. Weyenberg</b> motioned to approve.  <b>Ms. Higgins</b> seconded the Motion.</p> <p><i>Motion passes unanimously</i></p>	
<p><b>ITEM 5: Approval of Minutes:</b> October 27, 2008 and November 24, 2008</p>	<p><b>ITEM 5 Approval On October and November 2008 Minutes</b></p>
<p><b>October 27, 2008 Minutes</b></p> <p><b>Mr. Denison</b> motioned to approve the minutes.  <b>Ms. Higgins</b> seconded the motion.</p> <p><i>Motion passes unanimously</i></p> <p><b>November 24, 2008 Minutes</b></p> <p><b>Mr. Evans</b> motioned to approve the minutes.  <b>Mr. Weyenberg</b> seconded the motion.</p> <p><i>Motion passes unanimously</i></p>	<p><b>Motion Vote</b></p> <p><b>Motion Vote</b></p>
<p><b>GOOD &amp; WELFARE</b></p>	
<p><b>Mr. Nugent</b> questioned if Monday nights were still good. Everyone stated yes that was fine. The only meeting which conflicted was on Memorial Day, 05/25/09. Discussion about what to do. <b>Mr. Nugent</b> stated we would put the memorial day meeting as “to be announced”, and we will take care of it in April.</p> <p><b>Mr. Nugent</b> talked about the need to have new members sworn in. Mike stated that he would get confirmation and if people needed to see Kim that he would let them know.</p>	
<p>Meeting adjourned at 7:37 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 four (4) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting on December 29, 2008.*