Call to Order at 7:02 pm	Call to Order
Pledge to the Flag	
Roll Call: Present: Paul Weinstein, Ron Regis, Mark Lindquist, Owen Stoddard, David Boudreau, Chairman Ray DeLeo. Absent: Tianna Higgins. Staff: James Butler, Code Enforcement Officer, Val Helstrom, ZBA Clerk	PUBLIC HEARING
ITEM 1: Acceptance of the minutes of the June 24, 2013 meeting.	ITEM 1
Ron Regis made a motion to approve the June 24, 2013 meeting minutes, seconded by Paul Weinstein.	<u>MOTION</u>
James Butler called for the vote: Paul Weinstein – Yes Ron Regis – Yes Mark Lindquist - Yes Owen Stoddard – Abstained (was not present at June 24, 2013 meeting) Chairman Ray DeLeo - Yes	<u>VOTE</u> (4-0-1)
Chair DeLeo read the criteria for the Public Hearing.	
ITEM 2: Miscellaneous Appeal: Scott McLeod, Applicant for 6 Brown Street Owner AMS Brown Street Apartments, LLC, MBL 305-1-2 in the DD-2 Zone. Applicant is seeking Miscellaneous Appeal to reduce side yard setback to permit construction of nonconforming means of egress construction. This is required by the town fire prevention code. Applicant is Appellant on behalf of the owner.	ITEM 2
There was no one at the meeting speaking for the appellant. Code Officer Jim Butler informed the Board Members that he had met with Mr. McLeod and he was prepared to come to the meeting last month that was postponed.	
Mr. Butler explained that at 6 Brown Street, there was an old run down apartment that had to be torn down and rebuilt. The original plan was not to tear it completely down, but once they stripped the inside, they realized how bad it was structurally.	
Mr. Butler and the Town Planner, Jeffrey Hinderliter decided to issue them a permit to rebuild as it stood so that they wouldn't need any further approvals. But when they got going on the project to meet current code requirements for the egress on the side staircase coming down on the side onto Brown Street. They would have to extend past the original footprint which prompted this non-conforming means of egress to be approved.	
What they are proposing are the minimum requirements of the code.	

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There are no other options to where the stairs could go for the secondary means of egress.	
There are no other options to where the stans could go for the secondary means of egress.	
The abutting owners of 2 Brown Street introduced themselves to the Board Members.	
They are concerned that the drip line towards the back of the building is pretty close to	
their property line.	
Mr. Butler suggested that if there is a concern that they would be encroaching on their	
property, their best interest is to contact an attorney and address their concerns.	
Ron Regis made a motion to table this agenda item until the next meeting without	
prejudice, second by David Boudreau.	<u>MOTION</u>
All in favor.	
This in terror.	
	<u>VOTE</u>
	(5-0)
	(3-0)
WEEM 2. Washing A Alasson Angliand for 20 East Will Assess MDI 200	<u>ITEM 3</u>
ITEM 3: Variance: Kathleen A. Ahearn, Applicant for 29 Fort Hill Avenue, MBL 309-	IIEMI 5
9-10 in the R-2 Zone, to allow functional division so properties can be sold with a driveway, reducing minimum lot frontage and minimum lot size. Owner is Appellant.	
driveway, reducing minimum for frontage and minimum for size. Owner is Appenant.	
Kathleen Ahearn introduced herself to the Board Members and explained to them that she	
owns 2 lots (29 Fort Hill and 31 Fort Hill) She is trying to sell lot #31 so she would like to	
acquire a functional division of the two lots.	
There is a driveway on 29 Fort Hill but no driveway on 31 Fort Hill.	
Ma About passed out to the Doord Members a decrement of a prior 7DA approval on a	
Ms. Ahearn passed out to the Board Members a document of a prior ZBA approval on a split very similar to hers.	
split very similar to hers.	
Jim Butler stated that this wouldn't meet the criteria of a Miscellaneous Appeal and her	
attorney also recommended that she should apply for a Variance as well.	
There being no one speaking for or against this Appeal, the Public Hearing closed at 7:25	
p.m.	
Mr. Deleo reads off the four criteria of hardship:	
A. The land in question <u>cannot</u> yield a reasonable return unless the variance is	
granted.	
Response : Cannot be sold without a driveway.	
Paul Weinstein – Agree	
Ron Regis – Agree	
Mark Lindquist – Disagree	
Chair Ray DeLeo – Disagree	
Owen Stoddard - Agree	
B. The need for a variance is due to the unique circumstances of the property	
and not to the general conditions in the neighborhood	

Response: There is not driveway and is a unique circumstance to be sellable.	, 2013
Response. There is not driveway and is a unique circumstance to be senable.	
Paul Weinstein – Agree	
Ron Regis – Agree	
Mark Lindquist – Agree	
Chair Ray DeLeo – Agree	
Owen Stoddard - Agree	
C. The granting of a variance will not alter the essential character of the locality.	
Response: This will enhance the current use and not alter the character of the neighborhood. The space in question is now being used as a driveway and will continue to solve this problem.	
Paul Weinstein – Agree	
Ron Regis – Agree	
Mark Lindquist – Agree	
Chair Ray DeLeo – Agree	
Owen Stoddard – Agree	
D. The hardship is not the result of action taken by the appellant or a prior owner.	
Response: No.	
Paul Weinstein – Agree	
Ron Regis – Agree	
Mark Lindquist – Agree	
Chair Ray DeLeo – Agree	
Owen Stoddard – Agree	
Owen Stoddard made a motion to approve the Variance for Applicant Kathleen Ahearn, 29 Fort Hill Avenue, MBL 309-9-10 in the R-2 Zone to allow functional division so that the property can be sold with the driveway reducing minimum lot frontage and minimum lot size. Seconded by Paul Weinstein.	<u>MOTION</u>
Jim Butler called for the vote:	<u>VOTE</u>
Paul Weinstein – Agree	<u>(5-0)</u>
Ron Regis – Agree	
Mark Lindquist – Agree	
Chair Ray DeLeo – Agree Owen Stoddard - Agree	
S. S	
ITEM 4: Miscellaneous Appeal: Barbara and Frank Christina, Applicant for 81 Park Ave, MBL 314-5-6 in the R-2 Zone. Applicant is seeking Miscellaneous Appeal to reduce Front yard setback by 25% to 15' and reduce Rear Yard Setback by 50% to 5' to permit	ITEM 4
construction of Front Porch and rear deck expansion. Owners are the Applicant.	

This Appeal was postponed until the next months ZBA meeting per applicant.

<u>ITEM 5: Miscellaneous Appeal:</u> Sandra Dudley, Applicant for 50 Foote Street, MBL 205-19-4 in the R-2 Zone. Applicant is seeking Miscellaneous Appeal to reduce Side yard setback by 50% to 7.5' to permit construction of deck. Owner is the Applicant.

ITEM 5

Darren Knox, General Contractor and brother of Ms. Dudley who lives at 65 Union Avenue, Old Orchard Beach was here representing his sister.

He informed the Board that they are here for a reduction in side yard setback because they need a connecting walkway to connect the decks front and back which is still on the footprint of the main house.

Mr. Knox explained that there is 16.6 feet from foundation to property line and 22.6 feet from foundation to foundation and passed around some pictures to the Board Members.

There being no one speaking for or against the appellant, the Public Hearing closed at 7:32 p.m.

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.

RESPONSE: Yes. Non conforming lot of record.

Paul Weinstein – Agree Ron Regis – Abstain Mark Lindquist – Agree Chair Ray DeLeo – Agree Owen Stoddard – Agree

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.

RESPONSE: We wish to add a deck which will enhance the property.

Paul Weinstein – Agree Ron Regis – Abstain Mark Lindquist – Agree Chair Ray DeLeo – Agree Owen Stoddard – Agree

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 structure in conformance with the currently applicable yard size or lot coverage requirements.

RESPONSE: This is the only practical location for a deck on this property.

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Paul Weinstein – Agree	
Ron Regis – Abstain	
Mark Lindquist – Agree	
Chair Ray DeLeo – Agree	
Owen Stoddard – Agree	
D.The impacts and effects of the enlargement, expansion or new principal building or structure on 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.	
RESPONSE: Many other properties have similar porches and decks.	
Paul Weinstein – Agree	
Ron Regis – Abstain	
Mark Lindquist – Agree	
Chair Ray DeLeo – Agree	
Owen Stoddard – Agree	
Mark Lindquist made a motion to grant a Miscellaneous Appeal to Sandra Dudley, 50 Foote Street, MBL 205-19-4 in the R-2 Zone to construct a deck with a 7 ½ foot setback with the yard size reduction by 50%. Seconded by Owen Stoddard.	<u>MOTION</u>
James Butler called for the vote:	
Paul Weinstein – Yes	
Ron Regis – Abstained (Mr. Regis is a neighbor to the appellant)	<u>VOTE</u>
Mark Lindquist - Yes	(4.0.1)
Owen Stoddard – Yes	<u>(4-0-1)</u>
Chairman Ray DeLeo - Yes	
ITEM 6: Variance Extension: MCJ,LLC, Applicant of 203 East Grand Avenue, MBL 202-3-13 in the BRD Zone to permit the adjustment to the setback from the highest annual tide (high watermark) to allow the construction of a single family dwelling. Owner is Appellant. (This is an extension of previously approved variance granted on September 26, 2011)	<u>ITEM 6</u>
Chair DeLeo stated that when they originally approved this back in 2011, the Board had gotten a letter from D.E.P. stating why was this ever approved and with the new flood maps, will this be holding a footprint of what was previously approved?	
Mr. Butler stated that once they apply for a building permit, he will also be looking for a D.E.P. approval as well.	
Mr. Lindquist asked what the standard in terms of these continuous renewals of these extensions?	
Mr. Butler stated that per the town's ordinance he is following our local rules for extension to this project which is going on 3 years now.	

Owen Stoddard made a motion to extend the variance for MCJ, LLC, applicant of 203 East Grand Avenue, MBL 202-3-13 in the BRD Zone to permit the adjustment to the setback from the highest annual tide (high watermark) to allow the construction of a single family dwelling that was previously approved back in 2011. Seconded by Ray DeLeo.	<u>MOTION</u>
James Butler called for the vote:	<u>vote</u>
Paul Weinstein – Agree	(3-0-2)
Ron Regis – Abstain	<u></u>
Mark Lindquist – Abstain	
Chair Ray DeLeo – Agree	
Owen Stoddard – Agree	
	VOTE
Ron Regis made a motion to adjourn at 7:40 p.m. seconded by Mark Lindquist.	VOIE
Kon Regis made a motion to adjourn at 7.40 p.m. seconded by Wark Emidquist.	<u>(5-0)</u>

I, Valdine Helstrom, Secretary to the Zoning Board of Appeals of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of Six (6) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on August 26,2013.

Valdine L. Helstrom