

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES DECEMBER 19, 2011**

<p>Call to Order at 6:59 pm</p>	<p>Call to Order</p>
<p>Pledge to the Flag</p>	
<p>Roll Call: Present: Owen Stoddard, Philip Denison, Tianna Higgins, Ron Regis, Chairman Ray DeLeo.</p> <p>Staff: Mark Mitchell, Code Enforcement Officer.</p> <p>Public Meeting begins at 6:59 pm.</p> <p>Chair Deleo reads off the criteria for the Public Hearing.</p>	<p>PUBLIC HEARING</p>
<p><u>ITEM 1:</u> Acceptance of the minutes of the November 28, 2011 meeting.</p> <p>Mr. Regis made a motion to accept the November 28, 2011 Meeting Minutes. Seconded by Mrs. Higgins. All approved.</p> <p><u>ITEM 2: Miscellaneous Appeal</u> ; <i>A renewal of an approval granted in June of 2011.</i> Kent Brown, owner of 35 Grove Avenue, MBL 206-12-1, in the R2 Zone to permit the adjustment of the side and rear yard setbacks for the construction of a 24' x 20' garage. The owner is the appellant.</p> <p>Kent Brown introduced himself to the Board and stated that he forgot to send in the paperwork for the previous approval that was granted on June of 2011 to permit the adjustment of the side and rear yard setbacks for the construction of a 24' x 20' garage. So he is back to ask for a renewal of this Miscellaneous Appeal. He stated that these are the same dimensions, no changes.</p> <p>Mr. Regis made a motion to re-approve this Miscellaneous Appeal to permit the adjustment of the side and rear yard setbacks for the construction of a 24' x 20' garage. 35 Grove Avenue, MBL 206-12-1, in the R2 Zone, seconded by Tianna Higgins.</p> <p>Mr. Mitchell calls for the vote:</p> <p>Mr. Denison – Yes Mr. Stoddard – Yes Mrs. Higgins – Yes Mr. Regis – Yes Mr. Deleo - Yes</p>	<p><u>ITEM 1</u></p> <p><u>ITEM 2</u> <u>MISC. APPEALS</u></p> <p><u>MOTION</u></p> <p><u>VOTE</u> <u>(5-0)</u></p>

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ITEM 3: Variance: David and Janet Green, owners of 11 & 15 White Pine Ave. MBL 206-24-14 in the R2 District, wish to functionally divide the lot into two parcels, each of which will contain one existing single family home. No construction is being contemplated. The owner is the appellant.

ITEM 3
VARIANCE

Mr. David Green introduced himself to the Board. Mr. Green stated that he is here to get approval for a Variance to functionally divide the lot into two parcels. There is a cottage and a retirement home located there. He stated that they function as separate homes and would like to use these properties as they were fully intended to.

Mr. Leleo reads off the four criteria of hardship:

A. The land in question cannot yield a reasonable return unless the variance is granted.

RESPONSE: We are simply requesting that the land be used as we have always intended. Each location has always had its own utilities, phone service, address, etc.

Stoddard – Approved
Regis – Approved
Higgins – Approved
Lindquist – Approved
Leleo – Approved

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: A very steep embankment on lots 390 and 391 makes functional use of those lots impossible.

Stoddard – Approved
Regis – Approved
Higgins – Approved
Lindquist – Approved
Leleo – Approved

C. The granting of a variance will not alter the essential character of the locality.

RESPONSE: The variance requested produces absolutely no change in the character of the locality or neighborhood.

Stoddard – Approved
Regis – Approved
Higgins – Approved
Lindquist – Approved
Leleo – Approved

D. The hardship is not the result of action taken by the appellant or a prior owner.

RESPONSE: There is not action being taken by a third party.

Stoddard – Approved
Regis – Approved
Higgins – Approved
Lindquist – Approved
Leleo – Approved

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<p>Mrs. Higgins moved that the Zoning Board approve the Variance on MBL 206-24-14 in the R2 District, to allow the appellant to functionally divide the lot into two parcels, 11 White Pine Avenue being 103' frontage by 70' and the remaining other half, 15 White Pine Avenue, approximately 189' frontage x 70' making these two separate parcels. Seconded by Mr. Stoddard. So moved.</p> <p>Mr. Mitchell calls for a vote:</p> <p>Stoddard – Yes Regis – Yes Higgins – Yes Lindquist – Yes Leleo – Yes</p> <p>All approved.</p>	<p style="text-align: center;"><u>MOTION</u></p> <p style="text-align: center;"><u>VOTE</u></p> <p style="text-align: center;"><u>(5-0)</u></p>
<p>Mrs. Higgins moved to adjourn, seconded by Zoning Board Member. Unanimous approval</p>	<p style="text-align: center;">Adjourned at 7:23 p.m.</p>

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 three (3) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on December 19, 2011.

Valdine L. Helstrom