# TOWN OF OLD ORCHARD BEACH <br> ZONING BOARD OF APPEALS <br> Monday, July 30, 2007 

| Call to Order | 7:04 pm |
| :---: | :---: |
| Roll Call: Vice-Chairman Deleo, Ms. Higgins, Ms. Payette, Mr. Weyenberg \& Mr. Denison. Ken Shupe and Caroline Segalla, Staff. |  |
| ITEM 1: Miscellaneous Appeal: Muriel MacKenzie, 20 Hillcrest Avenue, Map\#309, Block\#9, Lot\#21, in the R-2 Zone, requests a reduction of the left side yard setback from the required $15^{\prime} 0^{\prime \prime}$ to $7^{\prime} 6^{\prime \prime}$ in order to attach an additional bedroom. | Item \#1 |
| Ms. Mackenzie, applicant, approached podium; Wishes to construct an additional room; Due to existing small bedroom, guests must sleep on living room couch which is uncomfortable. <br> Mr. Weyenberg asked what size the room will be. <br> Ms. Mackenzie said it will be $16 \times 14$ <br> Mr. Shupe confirmed the room size will be $14^{\prime} 0^{\prime \prime} \times 16^{\prime} 0^{\prime \prime}$; The aerial drawing reflects a $15^{\prime} 0^{\prime \prime}$ setback but the appeal is in fact to reduce the setback to $7^{\prime} 6^{\prime \prime}$; The reduction would allow easier access to the rear structure using the existing driveway. <br> Ms. Higgins asked if the bedroom will be aligned with the house. <br> Mr. Shupe confirmed. <br> Mr. Weyenberg asked about house width since the chart reflects $22^{\prime} 0^{\prime \prime}$. <br> Mr. Shupe said Code's calculations include drip edge therefore a foot further on each side is required. <br> Mr. Shupe confirmed that Assessor's cards do not reflect roof overhangs. <br> Public Hearing opened and closed at 7:10 p.m. with no one speaking for or against the applicant. <br> Mr. Deleo read the four justifications. <br> a. Ms. Payette agreed; Mr. Denison agreed; Mr. Weyenberg agreed; Ms. Higgins agreed; Mr. Deleo agreed. <br> b. Ms. Payette agreed; Mr. Denison agreed; Mr. Weyenberg agreed; Ms. Higgins agreed; Mr. Deleo agreed. <br> c. Ms. Payette agreed; Mr. Denison agreed; Mr. Weyenberg agreed and added that the bedroom could be built out further but it would then obstruct the flow of the neighborhood; Ms. Higgins agreed; Mr. Deleo agreed. <br> d. Ms. Payette agreed; Mr. Denison agreed; Mr. Weyenberg agreed; Ms. Higgins agreed; Mr. Deleo agreed. | Public Hearing |
| Ms. Payette motioned to accept the misc. appeal to reduce the left side yard setback from $15{ }^{\prime} 0^{\prime \prime}$ to $7^{\prime} 6$ " in order to attach an additional bedroom measuring $14^{\prime} 0$ " $\times 16^{\prime} 0^{\prime \prime}$. <br> Mr Denison seconded the motion. <br> Motion carries 5-0 | Motion <br> Vote |
| ITEM 2: Miscellaneous Appeal: William Guild \& Lucetta Schinella, 119 East Grand Avenue, Map\#303, Block\#3, Lot\#7, in the BRD Zone, request a relief of the rear yard setback from the required $20^{\prime} 0^{\prime \prime}$ to $10^{\prime} 0^{\prime \prime}$ in order to construct a $14^{\prime} 0$ "x $15^{\prime} 0^{\prime \prime}$ deck. | Item \#2 |
| Mr. Guild, applicant approached bench and discussed the proposal. <br> Mr. Weyenberg asked how high the deck would be. <br> Mr. Guild replied it would be 18 inches high. <br> Mr. Weyenberg asked why applicant desires this deck. <br> Mr. Guild said he would like to move from the front unit to the rear cottage in order to rent out the front units; Rentals would defray living and health expenses since he has no health insurance and receives a limited amount from Social Security. <br> Mr. Denison asked if the deck would be enclosed. <br> Mr. Guild said he would like to enclose it but this won't occur for sometime due to limited |  |

funds; Elaborated on the cottage's small size and how the deck would provide more room. Mr. Deleo asked Mr. Shupe about the aerial drawing reflecting measurements.
Mr. Shupe approached Board members to explain the lot line discrepancy and actual setbacks off of the aerial.
Ms. Higgins asked if their plan is to move out of the bigger house into the smaller house.
Mr. Shupe confirmed and added that a $20^{\prime} 0^{\prime \prime}$ setback is required; The application shows a reduction of $10^{\prime} 0^{\prime \prime}$ but Staff confirmed they only require $5^{\prime} 0^{\prime \prime}$.
Public Hearing opened and closed at 7:25 p.m. with no one speaking for or against the applicant.

## Public Hearing

a. Ms. Payette agreed; Mr. Denison agreed; Mr. Weyenberg agreed; Ms. Higgins agreed; Mr. Deleo agreed.
b. Ms. Payette agreed; Mr. Denison agreed; Mr. Weyenberg agreed; Ms. Higgins disagreed; Mr. Deleo disagreed.
c. Ms. Payette agreed; Mr. Denison agreed; Mr. Weyenberg disagreed because it seems like it could be built in different place in a different way; Ms. Higgins disagreed because it could be smaller; Mr. Deleo asked applicant if he was aware that he had an additional 5 ft . Mr. Guild replied he just realized they had 5ft; Mr. Weyenberg asked applicant if Staff informed him he was over the line when it was presented to them and if he has drawn up plans; Mr. Guild explained the location of the door. Mr. Shupe approached the Board members to show where the deck would come out; Deck location would not obstruct parking; In the future, applicants would like to place a door on side of cottage in order to access the deck from the inside with stairs coming off of it. Vice-Chairman agreed.
d. Ms. Payette agreed; Mr. Denison agreed; Mr. Weyenberg agreed; Ms. Higgins agreed; Mr. Deleo agreed.

## Motion

Mr. Weyenberg motioned to approve a reduction of the rear yard setback from the required $20^{\prime} 0^{\prime \prime}$ to $15^{\prime} 0^{\prime \prime}$ in order to construct a $14^{\prime} 0^{\prime \prime} \times 15^{\prime} 0^{\prime \prime}$ deck with stairs.
Ms. Higgins seconded the motion.
Motion carries 5-0

## ITEM 3: Approval of Minutes

Vote

April 30, 2007
Mr. Deleo motioned to approve the minutes.
Mr. Weyenberg seconded the motion
Motion carries 3-0
June 25, 2007
Mr. Weyenberg motioned to approve the minutes.
Item \#3

Ms. Higgins seconded the motion.
Motions carries 3-0
Motion
Vote
Motion
Vote
Ms. Higgins motioned to adjourn the Zoning Board of Appeals meeting at 7:40 p.m.
I, Caroline Segalla, Secretary to the Zoning Board of Appeals, 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 of July 30, 2007.

