

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
JUNE 22, 2015**

<p>Call to Order at <u>6:32 pm</u></p>	<p>Call to Order</p>
<p>Pledge to the Flag</p>	
<p>Roll Call: Present: Chair Ray DeLeo, Ron Regis, Mark Lindquist, David Boudreau, Paul Weinstein, Dan Feeney; Code Official and Molly Phillips; minutes taker. Absent: Tianna Higgins, Owen Stoddard.</p>	<p>PUBLIC HEARING</p>
<p><i>Chair Ray DeLeo read the criteria for the Public Hearing.</i></p>	
<p>ITEM 1: Acceptance of the minutes of the May 18th 2015 meeting. These meeting minutes were not approved at this meeting.</p>	<p><u>ITEM 1</u></p>
<p>ITEM 2: Variance Extension: Robert Smyrski and Larry Pyle 34 Washington Street ,Old Orchard Beach Map 311 Block 16 Lot 15 NC-3 Zone Expired permission to add 4th Unit Continued from May meeting pending information</p> <p>Dan Feeney explained to the Board Members that we have asked Mr. Pyle to give us additional information from the last meeting, and we have not received this information. Additionally we could not find anything in our files giving him approval to put the 4th unit in. Mr. Feeney recommends either table indefinitely or dismiss.</p> <p>David Boudreau made a motion to dismiss this Variance Extension, seconded by Mark Lindquist.</p> <p><i>Dan Feeney called for the vote.</i></p> <p>Ron Regis – Agree Mark Lindquist – Agree David Boudreau – Agree Paul Weinstein – Agree Ray DeLeo - Agree</p>	<p><u>ITEM 2</u></p> <p><u>MOTION</u></p> <p><u>VOTE</u> <u>(5-0)</u></p>
<p>ITEM 3: Variance : Richard and Patricia Stevens 7 Neptune Road Map 103 Block 1 Lot 341 RD Zone Replace patio with a deck and reduce rear setback</p> <p>Richard and Patricia Stevens introduced themselves to the Board Members and explained that they had a house built with a patio but because of the ledge and the septic, the house had to be built higher so now they have a sliding glass door that</p>	<p><u>ITEM 3</u></p>

goes down 4-5 feet to the patio. They would like to add a 12' x 18' deck (same size as the patio) approximately 6" down from the sliding glass door.

Dan Feeney explained that a patio doesn't need permit because it is on the ground but you have to have a permit for a deck because it is a structure.

There being no one speaking for or against the appellant, the meeting was closed to the public at 6:40 pm.

Mr. DeLeo reads off the four criteria:

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

Response: Due to the ledge and water table, the house sits at a higher elevation resulting in the exit of the rear of the house through the sliding glass door to be 5 or 6 steps to get down to a patio. This was the only place the house could sit on this lot due to ledge and the location of the septic. Thus we petition to have a deck versus a patio.

Ron Regis – Agree
Mark Lindquist – Agree
David Boudreau – Agree
Paul Weinstein – Agree
Ray DeLeo - 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: The piece of property slants aggressively to the right and as stated in criteria (A) above the ledge determined the elevation of the house which is not conducive to a one step down onto a patio. The property has a 200' frontage and a depth of 100'. To our knowledge the foundation has the ability to create a deck.

Ron Regis – Agree
Mark Lindquist – Agree
David Boudreau – Agree
Paul Weinstein – Agree
Ray DeLeo - Agree

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

Response: The proposed variance is a 12' x 18' deck. It will be situated in the rear of the house not visible from the road and would not change the character of the locality. Other neighbors could easily put a deck on their property. The requested variance is due to the unique characteristic of this lot.

Ron Regis – Agree
Mark Lindquist – Agree
David Boudreau – Agree

<p>Paul Weinstein – Agree Ray DeLeo - Agree</p> <p>D. The hardship is not the result of action taken by the appellant or a Prior owner.</p> <p>Response: Ron Regis – Agree Mark Lindquist – Agree David Boudreau – Agree Paul Weinstein – Agree Ray DeLeo – Agree</p> <p>Ron Regis made a motion to approve the variance for Richard and Patricia Stevens, 7 Neptune Road, Map 103 Block 1 Lot 341 in the RD Zone Replace patio with a 12’ x 18’ deck with stairs for safe egress and reduce rear setback with a stipulation that this is a deck only and not to be closed in. Seconded by Mark Lindquist.</p> <p><i>Dan Feeney called for the vote:</i></p> <p>Ron Regis – Yes Mark Lindquist – Yes David Boudreau – Yes Paul Weinstein – Yes Ray DeLeo – Yes</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>ITEM 4: Variance: Debra L. Oliver 53 15th Street Map 311 Block 4 Lot 4 R-2 Zone Replace shed and reduce setback limited by side yard setback</p> <p>Debra Oliver introduced herself to the Board Members and explained that she would like to replace the 6’ x 8’ shed and replace that with a new 8’ x 12’ shed for storage use. There is 3’ - 4’ between the porch and the shed. Dan Feeney stated that he has no issues with the layout.</p> <p>There being no one speaking for or against the appellant, the meeting was closed to the public at 6:48 pm.</p> <p><u>Mr. DeLeo reads off the four criteria:</u></p> <p>A. The land in question cannot yield a reasonable return unless the variance is granted.</p> <p>Response: There are houses of similar size with similar lot dimensions in my neighborhood that have a garage or shed and sometimes both. Due to the placement of my home we cannot meet current setback ordinances. Dwelling was placed in around 1940. Today’s lifestyles create a necessity for additional storage.</p>	<p style="text-align: center;"><u>ITEM 4</u></p>

Ron Regis – Agree
Mark Lindquist – Agree
David Boudreau – Agree
Paul Weinstein – Agree
Ray DeLeo – 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: Due to the placement of my home on this lot in the 1940's it prevents me from meeting the necessary setbacks of the ordinances.

Ron Regis – Agree
Mark Lindquist – Agree
David Boudreau – Agree
Paul Weinstein – Agree
Ray DeLeo – Agree

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

Response: The neighborhood is a residential area with similar size single family dwelling and each with its unique characteristics. By adding the shed it will put my home more in line with my neighbors.

Ron Regis – Agree
Mark Lindquist – Agree
David Boudreau – Agree
Paul Weinstein – Agree
Ray DeLeo – Agree

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

Response: This dwelling was a former railroad station that was placed on this lot. Previous owners before myself, Richard A. Marcoux and Ernest Fields moving this dwelling was not the action of myself or the previous two owners.

Ron Regis – Agree
Mark Lindquist – Agree
David Boudreau – Agree
Paul Weinstein – Agree
Ray DeLeo – Agree

David Boudreau made a motion to approve the Variance for Debra L. Oliver at 53 15th Street, Map 311 Block 4 Lot 4 in the R-2 Zone to replace shed and reduce setback limited by side yard setback. Seconded by Ron Regis.

MOTION

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<p><u>Dan Feeney called for the vote:</u></p> <p>Ron Regis – Agree Mark Lindquist – Agree David Boudreau – Agree Paul Weinstein – Agree Ray DeLeo – Agree</p>	<p style="text-align: center;"><u>VOTE</u></p> <p style="text-align: center;"><u>(5-0)</u></p>
<p>GOOD AND WELFARE:</p>	
<p>ADJOURNMENT CHAIRMAN</p> <p>There being no further items to discuss, the meeting adjourned at 6:53 pm.</p>	

I, Valdine Camire, Secretary to the Zoning Board of Appeals of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of Five (5) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on June 22, 2015.

Valdine Camire