TOWN OF OLD ORCHARD BEACH ZONING BOARD OF APPEALS MEETING MINUTES May 18, 2015

Call to Order at 6:01 pm	Call to Order
Pledge to the Flag	
Roll Call: Present: Vice Chair Tianna Higgins, Owen Stoddard, Paul Weinstein. Absent: Paul Weinstein, David Boudreau. Ron Regis, Mark Lindquist	PUBLIC HEARING
Vice Chair Higgins read the criteria for the Public Hearing.	
ITEM 1: Acceptance of the minutes of the April 27 th 2015 Meeting Minutes.	ITEM 1
There were no approved minutes approved at tonight's meeting.	
ITEM 2: Variance: Bianca and Michael Kowal 5 Banks Brook Road, Old Orchard Beach Map 103-Block- 4 Lot 10 in the RD Zone Reduction of side yard setback from required. Reduction from 25ft setback to 12ft setback to allow for a garage.	ITEM 2
Bianca Kowal introduced herself to the Board Members stating that her and her husband just recently purchased the home at 5 Banks Brook Road and they are 1 of 2 houses in the neighborhood that does not have a garage.	
The setbacks are 25' so that leaves them unable to build any type of garage. They would like to build a 25' wide garage and that leaves them with a 12' setback.	
There being no one speaking for or against the applicant the public hearing closed to the public at 6:06 pm.	
Vice Chair Higgins read the justification of a Variance:	
A. The land in question cannot yield a reasonable return unless the variance is granted.	
With the current RD setbacks the property will not fit any sized garage, not even a small 14 ft. wide one car garage making the property completely unbuildable. A traditional 2 car garage without any extra space is 25 ft. wide which would require a 12 ft. setback. Having a leech field and septic tank taking up the entire front half of our property also limits it use – making it impossible to build on any part of our property a structure of reasonable/useable size.	
Paul Weinstein – Agree Owen Stoddard – Agree Tianna Higgins – Agree	

TOWN OF OLD ORCHARD BEACH ZONING BOARD OF APPEALS MEETING MINUTES MAY 18, 2015

B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

All but (2) houses in the neighborhood have a garage, with our property being one of them. This is a residential neighborhood where existing properties are situated close to the property line and have large 2+ car garages. The house is situated in the middle of the lot slightly more to the left side. The widest part of the lot is in the front and it narrows as it goes towards the rear, making it an uneven property line and difficult to build a structure with an equal setback on all sides. Currently, with the 25 ft. setback requirement we would be unable to build a garage on any part of our property. There is also a leech field and septic tank taking up the entire right front side of our property.

Paul Weinstein – Agree Owen Stoddard – Agree Tianna Higgins - Agree

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

The proposed garage will add uniformity to the home and property as well as the neighborhood being that the majority of the properties have a similar or larger garage than we would like to build. The granting of a variance will not pose any health or safety concerns to the neighborhood as it will be done by a licensed contractor. It will give the property a building to store and keep safe vehicles, tools, and other mechanical items – keeping them away from children, animals and hazardous weather conditions.

Paul Weinstein – Agree Owen Stoddard – Agree Tianna Higgins - Agree

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

The subdivision was developed in 1978-1980, creating a residential area and only residential properties with lots all of similar size. Since that time period the property has been and continues to be used as a personal residence.

Paul Weinstein – Agree Owen Stoddard – Agree Tianna Higgins – Agree

Owen Stoddard made a motion to grant a Variance for Bianca and Michael Kowal 5 Banks Brook Road, Old Orchard Beach. Map 103-Block- 4 Lot 10 in the RD Zone to reduce the side yard setback from 25' to 12' to allow for a garage. Seconded by Paul Weinstein.

MOTION

<u>VOTE</u>

(3-0)

TOWN OF OLD ORCHARD BEACH ZONING BOARD OF APPEALS MEETING MINUTES MAY 18, 2015

Dan Feeney called for the vote:	
Paul Weinstein – Yes Owen Stoddard – Yes Tianna Higgins - Yes	
ITEM 3: 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	ITEM 3
Larry Pyle who owns 34 Washington Street introduced himself to the Board Members and is requesting an extension of a permit that had previously expired to finish the project.	
The original permit was for an additional apartment (4) total. They were granted a variance and they had started the work however funds ran out before they could finish the work.	
There being no one for or against this variance, the meeting was closed to the public at 6:12 pm.	
There is also the concern for parking spaces which Mr. Pyle needs to get approval for.	
It was agreed by the Board Members that based on the need for further information, this item will be tabled.	
Owen Stoddard made a motion to table item #3 for Robert Smyrski and Larry Pyle, 34 Washington Street, Old Orchard Beach, MBL: 311-16-15 NC-3 Zone requesting permission to add a 4 th unit based on the need for more information about the previous variance approval and parking issues. Seconded by Paul Weinstein.	<u>MOTION</u> (3-0)
Dan Feeney called for the vote:	
Owen Stoddard – Yes Paul Weinstein – Yes Tianna Higgins - Yes	

TOWN OF OLD ORCHARD BEACH ZONING BOARD OF APPEALS MEETING MINUTES MAY 18, 2015

ITEM 4: Variance: Twohig John J, and Mey, Karen L 28 Carll Avenue, Old Orchard Beach Map- 205 Block- 12 Lot -10 R-2 Zone Single Family to convert to 2-3 Units This item was removed as it will be going to the Planning Board instead of the ZBA	
GOOD AND WELFARE:	
It was agreed that future ZBA meetings will begin at 6:30 pm.	
ADJOURNMENT CHAIRMAN	
There being no further items to discuss, the meeting adjourned at 6:26 pm.	

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 Four (4) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on May 18, 2015.