

**THE TOWN OF OLD ORCHARD BEACH,  
ZONING BOARD OF APPEALS  
Tuesday, September 26, 2022, IN THE TOWN  
COUNCIL CHAMBERS @6:30 p.m.  
MEETING MINUTES**

**Call to Order:**

The meeting was called to order 6:30 pm.

**Roll Call:**

**Present:**

Chair Ron Regis  
Brian Perro  
Ethan Scott  
Irvin Paradis

**Absent:**

Vice Chair Stan DeFreese  
Thomas Mourmouras

**Pledge to Flag**

***Chair Ron Regis read the criteria for an appeal.***

**Item 1**

**Proposal: Variance Consideration-Reduction of side yard to a proposed 12'6" from the required 15' to allow for installation of 2 stairways to a newly constructed duplex.**

**Owner: Patricia Tracy**

**Applicant: John Tracy**

**Location: 51 Randall Avenue; MBL 323-7-1**

**Zone: R-3, Shore land**

Applicant John Tracy introduced himself. He explained that they are asking for a Variance on the second set of stairs out of the units which will be 2.5 ft. into the 15 ft. side setback. The lot is 10, 250 sf. over the 10,000 sf. requirement for a 2 family. Their Variance was for the back set of stairs for the 2 units. Because they have frontage on both streets, he originally thought that they had 2 side setbacks, but they have a rear setback on one side. The stairs had been put on the back side of the house and they are 2.5 ft. into the 15' setback behind the house.

Board Member Irvin Paradis stated that there is not enough information for us to make a determination as to the assessment to this Variance.

Mr. Tracy stated that the 3.6" is the width of the whole stairs, they are only asking for 2.5' into the setback. The house is only 4 ½' above the current grade. They will be tearing down and rebuilding. They will have 2 stories above the stairway that is going to be from the 1<sup>st</sup> floor. Backdoor egress out of the 1<sup>st</sup> floor. He figures that he

would only need 6 treads. The duplex will be side by side with 2 stories high but will only need an egress from off of the 1<sup>st</sup> floor.

Board Member Irvin Paradis stated that the drawing that they submitted was too small, and it would be better if they had submitted a larger set of prints. Also there is no deed to prove that they own whatever property they bought.

Mr. Tracy stated that the issue with the deed is that it was in the process of getting filed with the State, so he asked if he could submit the purchase and sales until they got the physical deed in hand and they said yes.

Code Officer Rick Haskell stated that a Purchase and Sale is adequate to apply for a Variance. Right Title or Interest Condition of Approval would be that the land is deeded, but all you need is Right Title or Interest in order to appear in front of the ZBA Board.

Board Member Ethan Scott stated that as part of the application you need to provide a plot plan which requires shape and dimensions of existing and proposed structures including stairs, porches, decks, garages, sheds, pools etc.

What the Board has been presented with is a survey from 2020 but it has no proposed information at all. There is just not enough information that the Board was provided to make a decision on what should be approved.

The Board Members looked at a bigger set of maps which explained in more depth. He also provided an architectural set of plans for all to look at but would still need more information.

**MOTION:**

Board Member Irvin Paradis made a motion to table this Variance, seconded by Ethan Scott.

**VOTE:**

- Chair Ron Regis – Yes
- Irvin Paradis – Yes
- Brian Perro – Yes
- Ethan Scott – Yes

**Item 2**

**Acceptance of July 25, 2022 meeting minutes**

**MOTION:**

Motion made by Ethan Scott, seconded by Irvin Paradis.

**VOTE:**

- Chair Ron Regis – Yes
- Irvin Paradis – Yes
- Brian Perro – Yes
- Ethan Scott – Yes

**GOOD & WELFARE  
ADJOURNMENT  
Chairman**

*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 THREE (3) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on September 26, 2022.*

*Valdine Camire*