

**THE TOWN OF OLD ORCHARD BEACH,
ZONING BOARD OF APPEALS
Tuesday, December 13, 2022, IN THE TOWN
COUNCIL CHAMBERS @6:30 p.m.
MEETING MINUTES**

Call to Order: The meeting was called to order at 6:30 pm.

Roll Call:

Present: Vice Chair Stan DeFreese
Thomas Mourmouras
Irvin Paradis
Brian Perro
Absent: Ethan Scott
Chair Ron Regis
Staff: Code Officer Rick Haskell

Pledge to Flag

Vice Chair Stan DeFreese read the criteria for a Miscellaneous Appeal.

Item 1 Miscellaneous Appeal

Owner: Debra Girard

Applicant: J. Brown Investments LLC (Jackson Brown)

Location: 43 Grove Avenue; MLB 206-15-1

Zone: R-2

Proposal: Request for front and side setbacks. Grove Avenue front setback from the required 20' to a proposed 15'. Side from the required 15' to a proposed 7.5'. This lot has 3 front and 1 side required setbacks. This would allow for the construction of a new home.

Tim Madden, broker/owner of Assist to Sell Real Estate office in Saco here representing Jackson Brown. Mr. Madden's office is located at 13 Park Street in Saco, Maine. He is here requesting to utilize the Town's Miscellaneous Appeal's setback requirements to build a single family home at 43 Grove Street. The current setbacks in the zone only allow a 5 ft. wide home by utilizing the Miscellaneous Appeal's requirements building ordinance. It would allow them to have a building envelope of 17.5 x 90 ft. This lot is a rectangular lot with 3 road frontages. It is 40 x 145 ft. The 145 ft. side is on Grove Avenue section and the 40 ft. is on the Idlewild and Girard Ave. side. What they are proposing is to have a home facing Idlewild Ave. This is 45 ft back from Idlewild with a driveway off of Grove Avenue in front of the property. They would have a building envelope of 17 ½ x 90 ft. and they are requesting to build a 14 x 40 ft. home. There are many homes in the neighborhood that are this size or smaller so they would not be changing the character of the neighborhood.

Irvin Paradis states that the materials that they have received does not show a driveway plan.

Rick Haskell stated that from a driveway to an intersection is required to be 50 ft. from an intersection. So they have a 40 ft. path in the middle of that lot where the driveway where that lot is going to have to exist. It is a 140

ft. of frontage on Grove Street. The other sides are not wide enough to have a driveway. He has got a house that is going to be facing Idlewild and the driveway will come in on the side.

Public hearing opened at 6:45 pm.

Public speaking for the Appellant:

Debra Ouimette from 3 Idlewild Avenue introduced herself. She states that her home is 1800 sf. and the house across the street from her is probably bigger than that. It is a Colonial 2 story home. She has a 2 story, the house next to her on both sides are ranch homes and they are approximately 1500 sf. There is a house on the corner that is bigger than her house and she feels that this house would de-value our homes in Idlewild in this neighborhood and it would also infringe upon her neighbor's rights to have visibility to come out of her driveway because this clearly would block her visibility. And her grandchildren walk down Grove Street from the bus and so do other children. She has major concerns having a house built there.

Her husband Normand Ouimette introduced himself. The concern that he has is that it is the Board's job to get this town moving forward not backwards. This is why there are setbacks. Trying to get this town where it should be. Grove is not wide enough for 2 cars as it is. This piece of property is not big enough in today's standards to put a house on.

The houses on Grove are tiny homes and they probably were grandfathered at one time. Some of them are rental cottages and some of them live there year round. There is a sidewalk on half of Grove St. so the town does take care of that. If the house faces Idlewild, it is going to be a very tiny house between two huge houses. So what happens is that their property values will go down. That house will appear to be on Idlewild when its address is on Grove. She has difficulty with that and also the visibility.

Brigitte Leask from 2 Idlewild Avenue introduced herself. She is concerned that this would be a negative impact to her property value. It would literally be on top of her house.

Denise Hutchinson from 1 Idlewild Ave. introduced herself. As far as she can tell, everyone in the surrounding neighborhood is opposed to this project.

Tim Madden introduce the towns plan of the neighborhood. He states that there are many homes that don't meet the setbacks. This house would be further back than others in the neighborhood. There are many homes in the neighborhood that are less than 120 sf. so they would not be changing the character of the neighborhood. He also states that the house will be 50 ft. back so there will be plenty of visibility.

Brigitte Leask states that she owns 6 beach lots. A couple years back, her and her fiancé came to the town because they thought about building a house on the piece of the property and they heard what the setbacks were and requirements. They stated that the best they could do was probably build a big garage or something like that. She knows that there are other houses that are smaller within the neighborhood but these homes are grandfathered. She feels that this project would not increase the value of the neighborhoods properties.

Debra Ouimette states that the houses on Grove are tiny lots and they probably were grandfathered at one time. Some of them are rental cottages and some live in them year round. There is a sidewalk on half of Grove St. The property in question is a tiny home which will between 2 large houses, which the property values will go down. She also has difficulty with the visibility.

Tim Madden stated that if it is 50' back there is plenty of visibility. This would be a nice styled home and it will definitely help property values.

John Walker introduced himself and who lives at 32 Grove Street. He believes that the setbacks are there for a reason.

Vice Chair Stan DeFreese read the Justification of Misc. Appeal:

LIMITED REDUCTION OF YARD SIZE/LIMITED EXPANSION OF LOT COVERAGE.

A. The existing buildings or structures on the lot for which the limited reduction of yard size/limited expansion of lot coverage is requested were erected prior to the date of adoption of this provision or the lot is a vacant nonconforming lot or record.

Applicants Response: Vacant non-conforming lot.

Vice Chair Stan DeFreese - Agree
Thomas Mourmouras - Agree
Irvin Paradis - Agree
Brian Perro - Agree

B. The requested reduction is reasonably necessary to permit the owner or occupant of the property to use and enjoy the property in essentially the same manner as other similar properties are utilized in the zoning district.

Applicant's Response: Current zoning only allows a building envelope of a 5 foot wide home. Granting this Misc. Appeal will allow the new owner to enjoy the property in a similar manner as other properties in this zoning district.

Vice Chair Stan DeFreese - Agree
Thomas Mourmouras - Agree
Irvin Paradis - Agree
Brian Perro - Agree

C. Due to the physical features of the lot and/or the location of existing structures on the lot, it would not be practical to construct the proposed expansion, enlargement or new structure in conformance with the currently applicable yard size or lot coverage requirements.

Applicant's Response: The building envelope is too small to build any kind of new home that would conform with the surrounding properties.

Vice Chair Stan DeFreese - Agree
Thomas Mourmouras - Agree
Irvin Paradis - Agree

Brian Perro - Agree

D. The impacts and effects of the enlargement, expansion or new principal building or structure on existing uses in the neighborhood will not be substantially different from or greater than the impacts and effects of a building or structure which conforms to the yard size requirements.

Applicant's Response: There is no impact on the neighborhood. Most homes in this area are legal non-conforming lots, so granting of a Misc. Appeal will not alter the character of the neighborhood.

VOTE:

Vice Chair Stan DeFreese - Disagree

Thomas Mourmouras - Disagree

Irvin Paradis - Disagree

Brian Perro - Disagree

MOTION: Irvin Paradis moved to deny this Miscellaneous Appeal application, seconded by Tom Mourmouras.

VOTE:

Vice Chair Stan DeFreese - Disapprove

Thomas Mourmouras – Disapprove

Irvin Paradis - Disapprove

Brian Perro - Disapprove

DENIED

(4-0)

Item 2

Acceptance of November 7, 2022 meeting minutes.

Irvin Paradis approved to accept the November 7, 2022 meeting minutes, seconded by Brian Perro.

VOTE:

Vice Chair Stan DeFreese - Agree

Thomas Mourmouras - Agree

Irvin Paradis - Agree

Brian Perro – Agree

APPROVED:

GOOD & WELFARE

ADJOURNMENT 7:37 PM

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 FIVE (5) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on December 13, 2022.

Valdine Camire