



Town of Old Orchard Beach
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Zoning Board of Appeals Meeting Minutes

I, Tim Fleury, Secretary to the Town Council of Old Orchard Beach, Maine, do hereby certify that the foregoing document consisting is a copy of the original minutes from the meeting of the Zoning Board of Appeals.

Prepared By:
Approved By:

Tim Fleury
Zoning Board of Appeals

Respectfully
Submitted,

Tim Fleury
Town Council
Secretary

PURSUANT TO THE ZONING LAWS OF THE TOWN OF OLD ORCHARD BEACH, MAINE, MEETING MINUTES FOR THE ZONING BOARD OF APPEALS FOR THE MEETING ON Monday, August 26, 2024, IN THE TOWN COUNCIL CHAMBERS -6:30 p.m.

Ronald Regis: Good evening. This is the public hearing of what should be the Zoning Board of Appeals for this 26th day of August, 2024. This is a call to order at 6:30 PM. Rick, could you call the roll, please?

Rick Haskell: Chair Ronald Regis?

Ronald Regis: Here.

Rick Haskell: Vice-Chair DeFreese?

Stan DeFreese: Here.

Rick Haskell: Ethan Scott?

Ethan Scott: Here.

Rick Haskell: Irvin Paradis?

Irvin Paradis: Here.

Rick Haskell: Ed Bones

Ed: Here.

Ronald Regis: This is a public hearing. Unless the board specifically votes to go into executive session, you have the right to hear everything that is being said and to look at all exhibits that are offered if you desire to do so. The board will work from a prepared and advertised agenda. The meeting will adjourn as soon as the current issues, at the time, is resolved. I want to stress that in each instance, the burden of proof is upon the applicant, and the board's task is to judge the merits of each appeal. Appeals from an adverse decision must be filed through the court within 45 days of this board's decision.

Appeals will proceed as follows: we will hear testimony from the appellant, and questions from the board members through the chair. We will hear anyone speaking against the appellant. Be sure to state your name and address for the record. We will then hear anyone speaking against the appellant. Again, be sure to state your name and address. Any written documentation received from the board will then be read into the record. The chair will review the full justification of variance or review the demonstration appeal. With each member of the board having an opportunity to comment on that.

The chair will close the public portion of the hearing after the motion of the approval of the night of evidence, miscellaneous appeals, by administrative appeal. The roll call will then be called. If approval is given, you must report it. We'll stand for the Pledge of Allegiance.

All: I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

Ronald Regis: Item number one. There's a miscellaneous appeal. The reduction of the left side setback on the required 15 to the proposed 76 and the reduction of the rear setback from the required 20 to the proposed 10 for a lot of construction of the new garage, 24 by 26 garage. Courtemanche Family Trust, Richard and Diane Courtemanche.

Ed Bones: I've got to recuse myself because I'm an abutter.

Ronald Regis: Rick, this here, it says that the setback from the rear, isn't the rear setback 15 feet?

Rick Haskell: The rear setback in the zone is 20, and he's looking to reduce it to 10.

Ronald Regis: In this zone, it's 20?

Rick Haskell: Yes.

Ronald Regis: Is there anybody speaking for the Miscellaneous Appeal?

Dick Courtemanche: You say

Ronald Regis: Do you want to get up?

Dick Courtemanche: My name is Dick Courtemanche. This is my wife, Dianna We own this property at 119 West Grand. I'd like to build a garage on that piece of property. I don't know how to explain the setback.

Ronald Regis: Well, we can ask you questions, and then you can answer the questions. Is anybody from the board wanting to ask any questions?

Stan DeFreese: Yes. Tell me about your garage you're proposing that you want to build. Tell me about your garage that you want to build.

Dick Courtemanche: The size of the garage is 24 by 26. That's it.

Stan DeFreese: How high?

Dick Courtemanche: How high? What's a normal garage? It's going to be--

Stan DeFreese: Do you have a picture of what you want? I have no idea.

Dick Courtemanche: Something like this, but this is not the one.

Ronald Regis: Is that going to be a rental property?

Stan DeFreese: You're going to have plumbing in that?

Dick Courtemanche: If we do it, yes.

Stan DeFreese: That's going to be an issue because you could turn that into a rental property if you have plumbing in that. If we approve something like this, we have to approve it on the grounds there'll be no plumbing at all.

Dick Courtemanche: Okay. I'm just going to put my junk, make it look pretty from the outside. Is that okay?

Stan DeFreese: Okay.

Dick Courtemanche: That's it.

Ronald Regis: Any more questions?

Irvin Paradis: That's a pretty big garage you want to build.

Dick Courtemanche: I'm sorry?

Irvin Paradis: That's a pretty big garage you want to build.

Dick Courtemanche: There's no place to put my stuff in the house. Good place to have because I've got two cars, a Lexus and a Lincoln, and I've got one more. All the good stuff to put on the first floor. The second floor is basically, I'm handy with wood. I like to cut some wood, do something. I don't know if you've ever seen where I am, but it looks good.

Irvin Paradis: It's more than a garage. To be used for storage. Upstairs on the second floor, yes. The first floor, too, because the average size of a garage is, I've got it written down, 18 by 20 feet. You're asking 20 to 22 feet deep. I've looked it up. You want a garage that's 6 foot wider than average and four to six feet deeper than average. That's something to consider. If you downsized your garage, made it a little smaller, you wouldn't need, especially the rear setback; you only need a small triangle of additional space to meet the zoning requirement.

That's one of your options would be to shrink it down a little bit. If you want it 24 by 26, then that's possible, too, if we give you a variance. You also have a large lot, and your lot is with the land that the town gave you. You now have a conforming lot. It's not a non-conforming lot anymore. On a conforming lot, you should have enough space to build a garage of 24 by 26 feet. You would need to move your garage a little closer to the house. You would not even need a variance. You should not need a variance for a lot that big anymore. You're so lucky. You have a conforming lot. You know how many people have a conforming lot in that part of town? Almost none.

Dick Courtemanche: That's true.

Irvin Paradis: You don't need a variance, in my view. You need to either reduce the size of your proposed garage or else move it a little bit closer to your house.

Stan DeFreese: Let me ask about that. As Ivan was saying, if you move that a little bit closer to West Grand and make it a little smaller, then you'd be right in the right place that you could do this without any--

Dick Courtemanche: Are you mentioning putting it closer to the street?

Stan DeFreese: I'm saying, have you had it read now in this drawing, move it closer towards West Grand into your house as well? You have a space right here that could do that if you make it a little bit smaller for your stuff.

Dick Courtemanche: If the intent, because I thought I had enough land to put 24 by 26, I don't mind if I go 24 by 24. Will that make a difference?

Ronald Regis: You also got a breezeway there.

Dick Courtemanche: Huh?

Ronald Regis: You could eliminate the breezeway and bring the garage to the house.

Irvin Paradis: You could connect the garage to the house.

Dick Courtemanche: I could, I guess.

Ronald Regis: Instead of that breezeway.

Dick Courtemanche: Should I? That's not the intent. Just want to build a nice two-bay garage. Then because we get some land, now we could play from the garage outside in that area, in the back of the house. I'm fortunate. You're right. I have a lot of land. I can use it without affecting anybody, anything.

Irvin Paradis: I don't have any other questions.

Dick Courtemanche: Oh, good. You have nothing? Let me sit down.

Ronald Regis: Any other questions?

Irvin Paradis: I have one other smaller issue. In the second question, he wrote that-- I think this is what he's saying, the spelling is not exactly right-- it says multiple homes in the area have a garage for, I think the word is vehicle storage. That's not true. I walked all around that block, which is either Odessa, Odena, West Grand, Seacliff, and Seaside. I count that there are 26 residential structures within that block, and only four of them have garages. That's 15%. The vast majority of people do not have garages, and that's because we are all hemmed in with little pieces of land.

We're not as fortunate as you. We don't have the ability to put a garage on our property like you do. Really, that's not exactly an accurate statement that you made there. Now I'm done.

Ronald Regis: Okay. No more questions? All right, we'll go through the limited reduction.

Ed Bones: I've got some comments, please. I'm Ed Bones, 14 Odessa. First issue I came across when I was looking at the paperwork submitted, there's some blue line marking on the drawings, and those are discussing-- if you read, and this is what was submitted, this is proposed boundary lines. Now, I'm an abutter. I don't know anything about any proposals being made on these boundary lines. The next thing I came across when I was reading the full boundary survey that's here. If you read, I think it's 19, it clearly states that this survey is for informational purposes only, it's not a certified survey.

As you had said, Irv, in this area, there are no garages; nobody's got a garage. Then lastly, there's plenty of room on this lot to place his garage, but he's got to shift it to the house. There's really no requirement or need for a variance in this particular case.

Irvin Paradis: Correct.

Ed Bones: That was that.

Ronald Regis: Anybody else speaking for the appellate or against the appellate? No? Okay. A. The existing buildings or structures on a lot for which a limited reduction of the 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 non-conforming lot of record. The primary structure was built to Old Orchard Beach zoning. Ethan?

Ethan Scott: Disagree.

Ronald Regis: Irvin.

Irvin Paradis: I quasi-agree. I talked to Rick about that, and this home was built in 1977. Some sort of zoning, Rick says, was in effect in the 1960s, but really rigorous zoning didn't really come into fruition in Old Orchard Beach until 2001. You could say that it was built prior to 2001, and therefore, it was built prior to current zoning requirements. I think it's a moot point given the other issues that I have with this proposal, so I'd say I disagree.

Ronald Regis: Stan.

Stan DeFreese: I disagree.

Ronald Regis: I also disagree. The requested reduction is reasonable and necessary to permit the owner or occupant of the property to use and enjoy his property in essentially the same manner as other similar properties are utilized in the zoning district. Multiple homes in the area have a garage for vehicle storage. Stan.

Stan DeFreese: I disagree.

Ronald Regis: Irvin.

Irvin Paradis: I disagree.

Ronald Regis: Ethan.

Ethan Scott: Disagree.

Ronald Regis: I also disagree. Due to physical features of the lot and the location of the existing structures on the lot, it would not be practical to construct the proposed expansion, enlargement, or structure in conformance with the currently applicable yard size or lot coverage requirements. Due to the unique shape of the lot, this is the only spot for the garage. Ethan.

Ethan Scott: Disagree.

Ronald Regis: Irvin.

Irvin Paradis: I disagree.

Ronald Regis: Stan.

Stan DeFreese: I disagree.

Ronald Regis: I also disagree. The impacts and effects of enlargement, expansion, or a new principal building or structure on existing uses in the neighborhood will not substantially be different from the greater than the impacts and effects of a building or structure which conforms to the yard size requirement. Most structures in the area are non-conforming to setback. Stan.

Stan DeFreese: I disagree.

Ronald Regis: Irvin.

Irvin Paradis: I disagree. I think this would be a dangerous precedent to give somebody who has a conforming lot a variance, so it would essentially change the character of the neighborhood.

Ronald Regis: Ethan.

Ethan Scott: I disagree.

Ronald Regis: I also disagree. Do I have a motion?

Ethan Scott: A motion to reject the application for a garage.

Ronald Regis: Do I have a second?

Irvin Paradis: Second.

Ronald Regis: Can I have a roll call?

Rick Haskell: Yes. There was a motion made to disapprove this miscellaneous appeal. Again, there was a motion made to disapprove it. Do you agree, Ethan?

Ethan Scott: Agree.

Rick Haskell: Irvin?

Irvin Paradis: I agree.

Rick Haskell: Ron?

Ronald Regis: I agree.

Rick Haskell: Stan?

Stan DeFreese: I agree.

Ronald Regis: Disallowed. It's all done. Yes, we disallowed it.

Dick Courtemanche: I cannot build the garage?

Stan DeFreese: Not in that section. Not in that place.

Irvin Paradis: You can build a garage, but you cannot get a variance for it. You have to build it either closer to your house or smaller, or both, but not the way you have it now.

Ethan Scott: You could build your garage, but it has to remain within the setbacks.

Irvin Paradis: Yes.

Ronald Regis: Give me a call.

Irvin Paradis: I think he's hard of hearing. I was kind of yelling.

Dick Kottematsch: Thank you.

Irvin Paradis: Yes, you're welcome.

Ronald Regis: Item two is a miscellaneous appeal reduction of right side setback from the required 15 to a proposed 10. This reduction would allow for an addition to be built to the primary structure.

Fred Thompson: Good evening. My name is Fred Thompson. I'm here for William Bamford for 79 Park Ave, and he's requested a variance for a small addition.

Ronald Regis: Do you have plans?

Fred Thompson: I have a little draft here of what he wants to do.

Ronald Regis: I noticed there's a shed back there as well.

Fred Thompson: Yes, this is his existing bedroom now and he wants to add a bathroom.

Ronald Regis: It is a small house.

Fred Thompson: It is a small house. Yes.

Irvin Paradis: Very small house.

Fred Thompson: There is a discussion to that.

Irvin Paradis: I think it's smaller than the garage that he was proposing to build.

Ronald Regis: I don't want to do this forever. I told him we should turn it down. He's in Alaska, so I said I'd come.

Ethan Scott: If you look at the site plan here, this is this house. Correct?

Fred Thompson: Yes, that's right.

Ethan Scott: What is this?

Irvin Paradis: That's the neighbor.

Ethan Scott: The neighbor's house?

Fred Thompson: The neighbors', yes.

Ethan Scott: I just want to make sure. It wasn't part of this.

Irvin Paradis: At that point, it said, proposed it.

Stan DeFreese: That's what sounded difficult.

Irvin Paradis: Better to look at it upside down.

Ethan Scott: I didn't know if this was included. I want to make sure it wasn't.

Irvin Paradis: This was like a million times.

Ethan Scott: One says proposed, that's why I want to make sure.

Ronald Regis: Are there any questions from the board?

Ethan Scott: Not me.

Ed Bones: Yes, I've got one. When I look at this, all I see is they just want to build a bigger house.

Fred Thompson: Yes, a bigger bedroom basically, and add a bathroom.

Ed Bones: There's no need for it other than "I just want bigger."

Fred Thompson: Well, what I understand is their kids come around in the summertime, and they need more space. They need another bathroom.

Ed Bones: Just a bigger house.

Fred Thompson: Bigger, yes. This guy left his picture here. I don't know if that's important.

Ethan Scott: I had a question on the plan. In the back here, it calls out a deck. Is that an existing deck? That's not proposed, right?

Fred Thompson: Yes, attached.

Ethan Scott: The deck is existing, right?

Irvin Paradis: It is.

Fred Thompson: Yes, it's existing. Got you. The back setback, though, I wasn't sure how far that is. Is that 20 feet also?

Ronald Regis: No, the neighborhood in the back, I think it's 15, right?

Fred Thompson: 15. Right now, there's basement access coming off underneath the bedroom window. We don't want to add on. I thought if we had the room, we could put a little access to the basement in the back side, because we had the setback to do it. Just a bulkhead, steel doors.

Ronald Regis: You want to add a bulkhead to this expansion?

Fred Thompson: I would like to, yes. I haven't talked to him about it, but I think that's the only way he's going to get in his basement.

Ronald Regis: How much land do you have behind there?

Fred Thompson: He's got 25 feet in the back.

Ronald Regis: That should be all right if you've got 25 feet.

Fred Thompson: If we do the tall steel bulkhead doors, they don't come out too far.

Ronald Regis: You're going to have to have it-- It's still the 15 feet from the side.

Fred Thompson: Oh, yes. I won't come off the side. I'll be in the back of the addition.

Ronald Regis: If you want to put a bulkhead back there, and you've got 25 feet in the back. You still have to have the bulkhead 15 feet from the side.

Fred Thompson: Oh, yes. I got you. Yes, sure. Yes, that'd be no problem. It's 20 feet, so I'd have to hug it right into that corner.

Ronald Regis: Any more questions?

Irvin Paradis: You'd have to put that bulkhead close to the edge of where the deck is.

Fred Thompson: Yes, it'd have to be right there, yes. It might have to move the stairs on the deck or something, or whatever.

Stan DeFreese: Yes, but we're here about the proposed room that he's doing.

Fred Thompson: I haven't talked to him about it. He wanted to do it inside the building. That might be the option, too. I don't know.

Ronald Regis: That's something, yes. We're just here for the expansion you've got now. Any more you want to do, you'll have to talk to Brett.

Fred Thompson: Yes, exactly.

Ronald Regis: Any more questions? Okay, well, I don't see anybody here speaking for the appellant or against the appellant. We'll go through those four justifications.

Fred Thompson: Pretty quiet.

Ronald Regis: Limited reduction of yard size, limited expansion of lot coverage. The existing buildings or structures on the lot for which a limited reduction of yard size, limited expansion of lot coverage is requested were erected prior to date of adoption as a provision, or the lot is a vacant, non-conforming lot of record. The house was constructed in 1945. Ed?

Ed Bones: I agree.

Ronald Regis: Stan?

Stan DeFreese: I agree.

Irvin Paradis: I agree.

Ethan Scott: I agree.

Ronald Regis: I also agree. The requested reduction is reasonably necessary to permit the owner or occupant of the property to enjoy the property in essentially the same manner as other similar properties are utilized in the zoning district. This one has a very small bedroom on the first floor while reconfiguring a layout to add a bathroom. Ethan?

Ethan Scott: I agree.

Ronald Regis: Irvin.

Irvin Paradis: I agree.

Ronald Regis: Stan.

Stan DeFreese: I agree.

Ronald Regis: Ed?

Ed Bones: I disagree.

Ronald Regis: I also agree. Due to the physical features of the lot and or location of existing structures on the lot, it would not be practical to construct the proposed expansion, enlargement, or a new structure in conformance with the currently

applicable yard size or lot coverage requirements. This is a limited option for this property. Ed?

Ed Bones: I agree.

Ronald Regis: Stan?

Stan DeFreese: I agree.

Irvin Paradis: I agree.

Ronald Regis: Ethan?

Ethan Scott: I agree.

Ronald Regis: The impact and effects of enlargement expansion or a new principal building or a structure on existing uses of the neighborhood would not be substantially different or greater than the impacts and effects of a building or structure which conforms to the yard size requirements. This is a small addition in relation to the lot size. Ethan?

Ethan Scott: I agree.

Ronald Regis: Irvin.

Irvin Paradis: Ethan?

Ethan Scott: I agree.

Ronald Regis: Stan?

Stan DeFreese: I agree.

Ronald Regis: Ed?

Ed Bones: I agree.

Ronald Regis: I also agree. Do I have a motion?

Stan DeFreese: I'd like to press a motion to pass 79th Park Avenue, MBL 314-5-5.

Ronald Regis: Do I have a second?

Ethan Scott: I'll second it.

Rick Haskell: There was a motion made to approve the miscellaneous appeal, 79 Park Ave. Ethan, do you agree?

Ethan Scott: I agree.

Rick Haskell: Irvin?

Irvin Paradis: I agree.

Rick Haskell: Ron?

Ronald Regis: I agree.

Rick Haskell: Stan?

Stan DeFreese: I agree.

Rick Haskell: Ed?

Ed Bones: I disagree.

Ronald Regis: You disagree?

Ed Bones: I disagree.

Ronald Regis: Okay. The paperwork will be assigned probably by the end of the week. You just go into the building inspector, and we'll get your paperwork.

Fred Thompson: Okay.

Ronald Regis: Great.

Rick Haskell: I'll call you. Give me a couple of days.

Ronald Regis: Do I have a motion to adjourn? I guess we are adjourned. [laughs]

Rick Haskell: Usually, it takes a couple of days for us to get it done and get everyone in to sign it. Can you take it to the registry, get it registered and bring it back?

Fred Thompson: Yes.

Rick Haskell: All right. Very well. Thank you, sir. Thank you.

MEETING ADJOURNED