

TOWN OF OLD ORCHARD BEACH  
**ZONING BOARD OF APPEALS MEETING MINUTES**  
 February 23, 2009

<b>Call to Order at 7:03 p.m.</b>	<b>Call to Order</b>
<b>Pledge to the Flag</b>	
<p><b>Roll Call:</b> Mr. Ray DeLeo, Mr. Robert Quinn, Mr. Howard Evans, Ms. Tianna Higgins, Mr. Philip Weyenberg, Mr. Phillip Denison, Present. Ms. Eileen Payette, Absent.</p> <p><b>Staff:</b> Mike Nugent, Code Enforcement Officer; Tori Geaumont, ZBA Clerk</p>	
<p><b>ITEM 1: Miscellaneous Appeal:</b> Virginia Bogart, owner of 91 Ocean Ave., MBL 314-11-1 in the R2 Zone to permit the adjustment of the front and rear setbacks and lot coverage to construct building code compliant exterior stair. Owner is the appellant.</p>	<p><b>ITEM 1:</b>  <b>Miscellaneous Appeal</b>  <b>Virginia Bogart</b>  <b>91 Ocean Ave,</b>  <b>MBL 314-11-1</b>  <b>R2 Zone</b></p>
<p><b>Chairman DeLeo</b> read the appeal.</p> <p><b>Victor Bogart</b> is representing his parents. He stated that his mother was unable to make the meeting tonight, as she had some health problems. He stated when they bought the home they were given the Town's inspection checklist of items to correct and they were required to replace the interior stair because it didn't meet code.</p> <p><b>Mr. Nugent</b> stated that the appellants purchased the property and were led to believe that they had a permit to construct the stairway. Mr. Nugent stated he saw the stairs while on another inspection at a neighbors house and found that they did not have a permit and do not meet the setbacks. There also are some building deficiencies that will need to be corrected if they are successful at the ZBA level.</p>	<p><b>Public Hearing</b></p>
<p><b>Mr. DeLeo</b> asked if there is any other way to build the staircase without needing further appeal</p> <p><b>Mr. Bogart</b> stated there is already a door present, and they would need to make a wrap around porch around the entire house if they were to change the placement of the stairs.</p> <p><b>Mr. Quinn</b> asked if this was a multi unit before.</p> <p><b>Mr. Bogart</b> stated that yes it was. They bought the building in foreclosure and wished to fix up the building.</p> <p><b>Mr. DeLeo</b> asked if the door way was already there, and if there was a stairway present when they bought.</p> <p><b>Mr. Bogart</b> stated both were there before, and they rebuilt the stairs</p>	

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with a stronger set of stairs, and they thought the stairs were compliant with code.

**Chairman DeLeo called for Abutters and any correspondence.**

**Robin Dayton, 59 Fern Avenue**

**Ms. Dayton** stated that she was contacted by the Bogart's, because they were nervous and upset by what was happening. She stated that this home is in her neighborhood. She stated she is concerned about the number of homes going to foreclosure in the area, and wished to speak in favor of having this approved. She stated that the owners are fixing this house up in the proper way to keep the integrity of the neighborhood intact. She also stated that she appreciates the fact that they are spending their retirement fund on the house and have cooperated with Mr. Nugent regarding this problem.

**Mr. DeLeo** read a letter from an abutter.

Myron and Constance Boyajian  
165 Sherman Road  
Enfield, CT 06082

Subject: Building Code, OOB

TO: Mike Nugent, Code Enforcement Officer  
Old Orchard Beach, ME 04064

Dear Mike Nugent,

Will the remodeling of the property at 91 Ocean Ave meet the town building code requirements of set backs?

One year ago the owners of 12 Central Avenue asked for a variance to enlarge their building area and were told they had to stay within the town code.

Now the abutter at 91 Ocean Ave built the steps that rest on the sidewalks are not to code and is asking for a variance. The steps on the walk are a safety hazard.

HAS THE TOWN CODE CHANGED?

**We are against the variance. The steps should be removed. The steps do not meet code requirements.**

Myron Boyajian  
Constance Boyajian

**Mr. DeLeo** asked if this is a variance or appeal.

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<p><b>Mr. Nugent</b> stated this was a miscellaneous appeal.</p> <p><b>Mr. Bogart</b> stated that the stairs do not rest on the sidewalk.</p> <p><b>Mr. Nugent</b> clarified that it is not the towns' sidewalk.</p> <p><b>Mr. DeLeo</b> read the criteria for non-conforming means of egress construction.</p> <p><b>Mr. Nugent</b> stated it is the minimum size and width for that structure.</p> <p><i>The board agrees.</i></p> <p><b>Mr. DeLeo</b> asked Mr. Nugent is it true that the selected location is the only practical location given the layout of the building.</p> <p><b>Mr. Nugent</b> stated that yes, once you get on the other side it is too close to the other property owners yard.</p> <p><i>The board agrees.</i></p> <p><b>Mr. DeLeo</b> asked Mr. Nugent if that is all there is.</p> <p><b>Mr. Nugent</b> stated it was.</p> <p><b>Mr. Weyenberg</b> moved to allow building a code compliant stairway to provide entry to second-floor apartment.</p> <p><b>Mr. Evans</b> seconds.</p> <p><i>Motion passes unanimously.</i></p>	<p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b></p>
<p><b>ITEM 2: Miscellaneous Appeal:</b> Jo Roderick, owner of 34 Cookman Ave, MBL 317-6-1 in the R2 Zone, to permit the adjustment of the rear lot line to install a handicap ramp. Owner is the appellant.</p>	<p style="text-align: center;"><b>ITEM 2:</b>  <b><u>Miscellaneous</u></b>  <b><u>Appeal:</u></b>  <b>Jo Roderick</b>  <b>34 Cookman</b>  <b>Ave</b>  <b>MBL 317-6-1</b>  <b>R2 Zone</b></p>
<p><b>Ms. Higgins</b> moved to table without prejudice.</p> <p><b>Mr. Weyenberg</b> second the motion.</p> <p><i>Motion passes unanimously.</i></p>	<p style="text-align: center;"><b>Public</b>  <b>Hearing</b></p> <p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b></p>

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<p><b><u>ITEM 3: Variance Application:</u></b> King Weinstein, owner of 198 Saco Ave, MBL 211-11-3 in the GB-1 Zone, to permit the reduction of residential density from required 5,000 sq/ft family dwelling unit to 2800 sq/ft family dwelling unit. Owner is the appellant.</p>	<p style="text-align: center;"><b><u>ITEM 3:</u></b> <b><u>Variance</u></b> <b><u>Application:</u></b> <b>King</b> <b>Weinstein, 198</b> <b>Saco Ave.</b> <b>MBL 211-11-3</b> <b>GB-1 Zone</b></p>
<p><b>Chairman DeLeo</b> read the appeal.</p> <p><b>Mr. Weinstein</b> stated that this is for his office building at 198 Saco Ave. He stated that the rear of the building has four condo units, and the front part built in 1987 was for his office. He stated he wishes to convert this to condos and to use his other property at 155 Saco Ave as his office. He stated that this is little demand for an office building at that location, and with only 3,000 sq ft. He stated there would be no change in the footprint of the building. The proposed use is 2 units per dwelling unit, and he is asking for 6 units per dwelling unit. He stated he has spoken to the neighbors about this, and they have no problems with the proposed change. He stated this would not change the integrity of the neighborhood. He stated he is asking for decrease in density from 5,000 sq/ft to 2,800 sq/ft. He also stated that this was previously approved on 04/30/2007, but time lapsed, and he was unable to start the work before the approval expired.</p> <p><b>Mr. DeLeo</b> asked if this is the exact same proposal that was passed.</p> <p><b>Mr. Nugent</b> stated that it expired in Oct of 2007 because there is a 60-day time limit in which to begin the construction approved by the board. Basically this is the same exact appeal except that the time works now for the applicant and did not before.</p>	<p style="text-align: center;"><b>Public</b> <b>Hearing</b></p>
<p><b>Mr. DeLeo</b> asked if they need to revisit everything or not.</p> <p><b>Mr. Nugent</b> stated that was up to the board.</p> <p><b>Mr. Weyenberg</b> stated if there is a provision to extend.</p> <p><b>Mr. Nugent</b> stated they could not reaffirm this. Someone needs to make a motion to approve.</p> <p><b>Mr. Weyenberg</b> asked given the state of the economy is Mr. Weinstein ready to go forward at this time.</p> <p><b>Mr. Weinstein</b> stated yes, he is prepared to go forward.</p> <p><b>Mr. Evans</b> asked if Mr. Weinstein is relocating the office.</p>	



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<b>GOOD &amp; WELFARE</b>	
<p><b>Ms. Higgins</b> moved to adjourn.</p> <p><b>Mr. Evans</b> seconded motion.</p> <p><i>Motion carries unanimously</i></p>	<p><b>Motion</b></p> <p><b>Vote</b></p>
Meeting adjourned 7:40 p.m.	<b>Adjournment</b>

*I, Tori Geaumont, Secretary to the Zoning Board of Appeals of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting six(6) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting on February 23, 2009.*