

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
APRIL 30, 2012**

<p>Call to Order at <u>7:05 pm</u></p>	<p>Call to Order</p>
<p>Pledge to the Flag</p>	
<p>Roll Call: Present: Mark Lindquist, Owen Stoddard, Chairman Ray DeLeo. Absent: Tianna Higgins, Philip Denison, and Ron Regis.</p> <p>Staff: Alan Borg, Code Enforcement Officer, Jim Butler, Code Enforcement Officer, Val Helstrom, ZBA Clerk</p> <p><i>Chair DeLeo read the criteria for the Public Hearing.</i></p>	<p style="text-align: center;">PUBLIC HEARING</p>
<p><u>ITEM 1: Miscellaneous Appeal:</u> Wendell T. & Kathleen H. Wade, owners of 49 Massachusetts Ave., MBL 322-4-7 in the R3 Zone to permit the adjustment of the rear setback to allow a porch expansion. <u>Applicant is requesting a three month extension</u> to a Miscellaneous Appeal (originally approved on 10-24-2011). Owner is the appellant.</p> <p>Owen Stoddard made a motion to grant a three month extension to a Miscellaneous Appeal (originally approved on 10-24-2011) for Wendell T. & Kathleen H. Wade, 49 Massachusetts Avenue, MBL 322-4-7 in the R3 Zone, to permit the adjustment of the rear setback to allow a porch expansion. Seconded by Mark Lindquist.</p> <p>Alan Borg called for the vote:</p> <p>Mark Lindquist - Agreed Owen Stoddard - Agreed Chairman Ray DeLeo - Agreed</p> <p><i>Motion passes unanimously.</i></p>	<p style="text-align: center;"><u>ITEM 1</u></p> <p style="text-align: center;"><u>MISC. APPEAL</u></p> <p style="text-align: center;"><u>MOTION</u></p> <p style="text-align: center;"><u>Vote</u></p> <p style="text-align: center;"><u>(3-0)</u></p>
<p><u>ITEM 2: Variance:</u> Ann Garvey and Gretchen Garvey, owners of 99 Portland Ave., MBL 203-1-14, in the R-1 Zone. <u>Applicant is requesting a one year extension</u> to a variance (originally approved on 11-28-2011) from minimum lot size, minimum frontage requirements and buildable area requirements. Owner is the appellant.</p> <p>Concerned citizen and abutter Paul Belanger introduced himself to the Board Members. Mr. Belanger wanted to make sure that what the Board was approving for tonight was an extension on the original variance that was originally approved on 11-28-2011. The item approved was for just the frontage and the current agenda stated that they were here to approve minimum lot size, minimum frontage and buildable area requirements.</p> <p>Mark Lindquist made a motion to grant to Ann Garvey and Gretchen Garvey, owners of 99 Portland Ave., MBL 203-1-14, in the R-1 Zone a six month extension of the variance (originally approved on 11-28-2011 minutes) for minimum frontage requirement only. Seconded by Owen Stoddard.</p>	<p style="text-align: center;"><u>ITEM 2</u></p> <p style="text-align: center;"><u>VARIANCE</u></p> <p style="text-align: center;"><u>MOTION</u></p>

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<p>Alan Borg called for the vote:</p> <p>Mark Lindquist - Agreed Owen Stoddard - Agreed Chairman Ray DeLeo - Agreed</p> <p><i>Motion passes unanimously.</i></p>	<p style="text-align: center;"><u>Vote</u> <u>(3-0)</u></p>
<p><u>ITEM 3: Miscellaneous Appeal:</u> Alexander & Darlene Johns, owners of 40 School St., MBL: 206-28-17 in the R1 Zone to permit the adjustment of a sideline setback to allow the addition of a 15'x16' parlor. Applicant (TK & Sons Carpentry) is seeking approval of a miscellaneous appeal to allow construction within the sideline setback.</p> <p>Mr. Trent Kilcollins (contractor) representing Alexander and Darlene Johns introduced himself to the Board. He stated that the owners would like to expand their living room/parlor and add a 15' x 16' addition on the front of their existing building.</p> <p>There being no one for or against the appeal, the Public Hearing closed at 7:12 pm.</p> <p>Chair DeLeo read the four criteria for hardship:</p> <p style="padding-left: 40px;">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 of record.</p> <p style="padding-left: 40px;">RESPONSE: Existing main house was built in 1930. A sun porch and deck was built in 1991.</p> <p>Stoddard – Approved Lindquist – Approved DeLeo - Approved</p> <p style="padding-left: 40px;">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.</p> <p style="padding-left: 40px;">RESPONSE: The proposed addition would meet the 50% reduction or 8' to the left side yard and not to infringe on the property line or the abutting neighbors.</p> <p>Stoddard – Approved Lindquist – Approved DeLeo - Approved</p> <p style="padding-left: 40px;">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.</p>	<p style="text-align: center;"><u>ITEM 3</u> <u>MISC. APPEAL</u></p>

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<p>RESPONSE: To construct this addition anywhere else on the property would not allow the homeowners to have an open hallway of 6' or greater to their kitchen.</p> <p>Stoddard – Approved Lindquist – Approved DeLeo - Approved</p> <p>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.</p> <p>RESPONSE: The proposed addition is a mirror of the existing building and there will be very little affect on the neighborhood.</p> <p>Stoddard – Approved Lindquist – Approved DeLeo - Approved</p> <p>Owen Stoddard made a motion to grant a Miscellaneous Appeal to Alexander & Darlene Johns, owners of 40 School St., MBL: 206-28-17 in the R1 Zone to permit the adjustment of a sideline setback to allow the addition of a 15'x16' parlor. Seconded by Mark Lindquist.</p> <p>Alan Borg called for the vote:</p> <p>Mark Lindquist - Yes Owen Stoddard - Yes Ray DeLeo - Yes</p>	<p style="text-align: center;"><u>MOTION</u></p> <p style="text-align: center;"><u>VOTE</u></p> <p style="text-align: center;"><u>(3-0)</u></p>
<p><u>ITEM 4: Variance:</u> Abdelali Chouhad, owner of 12 Union Ave., MBL: 316-13-12, in the BRD Zone is proposing to change an existing 5'x10' open porch to an 8'x14' roofed deck. Applicant (Homer Davis) is requesting a variance from the property setback and lot area requirements.</p> <p>Homer Davis, representing Abdelali Chouhad introduced himself to the Board and stated that he is proposing to change an existing 5' x 10' open porch to an 8' x 14' roofed deck.</p> <p>Alan Borg passed out drawings of the proposed change to the Board Members and explained how this represents the variance that is requested.</p> <p>There being no one for or against the appeal, the Public Hearing closed at 7:12 pm.</p> <p>Chair DeLeo read the four criteria for hardship:</p> <p>A. The land in question <u>cannot</u> yield a reasonable return unless the variance is granted.</p> <p>RESPONSE: The current structure has severely limited guests outdoor living (relaxation)</p> <p>Stoddard – Approved Lindquist – Approved</p>	<p style="text-align: center;"><u>ITEM 4</u></p> <p style="text-align: center;"><u>VARIANCE</u></p>

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DeLeo - Approved

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

RESPONSE: Attached back unit 12C has a small yard 467.5 sq.ft. of which only 387 sq.ft. of useable space available. Proposed enlargement would reduce the area by 60 sq.ft. leaving 327 sq.ft. frontal.

Stoddard – Approved
Lindquist – Approved
DeLeo - Approved

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

RESPONSE: Adjacent properties have either large or enclosed porches.

Stoddard – Approved
Lindquist – Approved
DeLeo - Approved

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

RESPONSE:

Stoddard – Approved
Lindquist – Approved
DeLeo - Approved

Mark Lindquist made a motion to grant a variance for Abdelali Chouhad, owner of 12 Union Ave., MBL: 316-13-12, in the BRD Zone to allow for an existing 5'x10' open porch to become an 8'x14' roofed deck.

Alan Borg called for the vote:

Stoddard – Yes
Lindquist – Yes
DeLeo - Yes.

MOTION

VOTE

(3-0)

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APPROVAL OF MINUTES:

Owen Stoddard made a motion to approve the Minutes for March 26, 2012. Seconded by Mark Lindquist.

Motion passes. (3-0)

There being no further business to conduct, the meeting adjourned at 7:37 p.m.

I, Valdine Helstrom, Secretary to the Zoning Board of Appeals of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of Five (5) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on April 30, 2012.

Valdine L. Helstrom