

**TOWN OF OLD ORCHARD BEACH  
ZONING BOARD OF APPEALS MEETING MINUTES  
April 27, 2015**

<b>Call to Order at <u>6:05 pm</u></b>	Call to Order
<b>Pledge to the Flag</b>	
<b>Roll Call:</b> Present: Chairman Ray DeLeo, Ron Regis, Mark Lindquist, Owen Stoddard. Absent: Paul Weinstein, Tianna Higgins, David Boudreau.	<b>PUBLIC HEARING</b>
<i>Chair DeLeo read the criteria for the Public Hearing.</i>	
<b>ITEM 1: Acceptance of the minutes of the January 26th 2015 meeting.</b>	<b><u>ITEM 1</u></b>
<p><b>ITEM 2 Variance: Aaron Additon, Owner 15 Fern Park Avenue, MBL 206-10-2 in the R-2 Zone. Change existing 1 family to a 2-3 family dwelling with preference on 3 units. Lot size is 14,397 existing structure has a 2<sup>nd</sup> unit that was in place when purchased.</b></p> <p>Mark Lindquist wishes to reclude himself from this agenda item.</p> <p>Aaron Additon introduced himself to the Board Members and thanked them for taking the time to listen to his request for a variance. Mr. Additon stated that he wishes to change the single family residence to a 3 unit residence. The reason that he is requesting this variance is that when he purchased the home it has 3 meters on the outside.</p> <p>There is currently a single family unit that is attached to a barn which is 2000+ sq.ft. adding 2 units to the barn only. These will be high end apartments with granite, hardwood floors, tile, etc. The reason that he choose to use the barn as the 2 units is because he wants to keep the character of the single family house. The barn has no use currently. The barn is structurally sound. He may add a couple of windows to meet code but is not enlarging the footprint of the house.</p> <p>The units will consist of: First floor will have 1200 sq.ft. with 3 bedrooms, 1 bath and 8' ceilings. The second floor will be 900 sq.ft. with 2 bedrooms, 1 bath and 10'7" ceilings. The apartments will meet the minimum requirements of the 7'6" ceiling height as well as a minimum square footage of bedrooms and common areas.</p> <p>There will be no access from the single family home to the barn. There is currently a 42'x94' paved driveway for plenty of paving (6 – 8 cars).</p> <p>Mr. Additon stated that the Town of Old Orchard Beach can benefit in a number of ways:</p> <p style="padding-left: 40px;">Increase the tax base of Old Orchard Beach as well as improving the overall appearance of the neighborhood and will help solve the limited number of apartments in Old Orchard Beach.</p> <p>Chair DeLeo asked Code Official Feeney if there were mostly single family homes in that zone. Mr. Feeney informed the Board Members that there were mixed housing in that area.</p>	<b><u>ITEM 2</u></b> <b><u>VARIANCE</u></b>

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This residence is assessed as a single family home but it is a legal 2 family. Code Official Feeney said that it states in the permitted uses in the R-2 zone the he is allowed to have 2 units.

Owen Stoddard stated that this property was purchased based on the expectation that the area had been running as a minimum 2 family. Mr. Stoddard also agreed that this proposal will improve the property.

*Mr. DeLeo reads off the four criteria of hardship:*

**A. The land in question cannot yield a reasonable return unless the variance is granted.**

**Response:** Currently, there is a 2,118 square foot barn structure on a recently made foundation that is not being utilized to its full potential. The single layer of 1 inch barn boards as the subfloor isn't structurally sound to carry the weight of a 5,000 pound vehicle, therefore resulting in a barn that can only be utilized as an oversized storage shed. The addition of 2 units can help curb the need for housing in the summer, or year round housing for student or individuals who work in the area.

Ron Regis – Disagree  
Owen Stoddard – Agree  
Ray DeLeo - Agree

**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:** The lot size is considerably larger than its residential neighbors and isn't being utilized to its full potential. It has a large paved driveway to accommodate for 6-8 cars to be parked. A large fenced in flat backyard with a deck where people can utilize the amazing summer months Old Orchard Beach has to offer. It also is only .6 miles away from the beach. An oversized barn that I unique to the area. Improvements to this land can only make the property tax assessment value to increase.

Ron Regis – Agree  
Owen Stoddard – Agree  
Ray DeLeo - Agree

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

**Response:** The proposed variance to add two additional units to an already existing building can only improve the use of said structure. I plan on adding a mid to high end two bedroom complete with granite countertops, tile and hardwood floors throughout on the second floor. On the first floor I will make it a 3 bedroom with all the said amenities above. These apartments will bring in business type individuals looking for a nice, safe, and quiet place to live, adding to the already improving neighborhood.

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<p>Ron Regis – Agree          Owen Stoddard – Agree          Ray DeLeo - Agree</p> <p><b>D. The hardship is not the result of action taken by the appellant or a Prior owner.</b>  <b>Response:</b> The previous owner split the main house into an illegal 2 unit. Because of some circumstances, I am not privy to he let the house along with his mortgage payments to go in disrepair. I purchased the house through a bank auction so that I could revitalize the old charm in the New England Farmhouse. I am going to convert it back to a single family house, and restore the 1900's character and beauty it once was. I want to provide someone with the ability to live .6 miles from one of the best beaches in Maine, while offering them the ability to subsidize their mortgage with rental from 2 additional units.</p> <p>Ron Regis – Disagree          Owen Stoddard – Agree          Ray DeLeo – Agree</p> <p>Owen Stoddard made a motion to approve the Variance for Aaron Additon, 15 Fern Park Avenue, MBL: 206-10-2 in the R-2 Zone to change the existing 1 family to a 3 family dwelling. Lot size 14,397 sq. ft. existing structure has a second unit that was in place when purchased. Seconded by Ray DeLeo.</p> <p>Code Official Dan Feeney called for the vote:</p> <p>Owen Stoddard – Yes          Ron Regis – No          Ray DeLeo - Yes</p>	<p style="text-align: center;"><u><b>MOTION</b></u></p> <p style="text-align: center;"><u><b>VOTE</b></u></p> <p style="text-align: center;"><u><b>(2-1)</b></u></p>
<p><b>ITEM 3: Variance Mark Arsenault, Owner 44 Cedar Avenue, MBL 312-11-15 Zone is R2. Request is for a setback issue to allow replacement of existing stairs that are non-compliant (Condition Issues) reduction is sideline setback.</b></p> <p>Mark Arsenault introduced himself as well as his wife Maureen to the Board Members. Purchased the home in October of 2014. Looking for a setback variance to replace deteriorating existing back stairs and 4' x 4' landing with 16' x 17 ½ 'deck. Mr. Arsenault would like to extend 9 ½ ' to conform with the rest of the house. This is for a second means of egress.          The meeting was closed to the public at 6:43 pm</p> <p><i>Mr. DeLeo reads off the four criteria of hardship:</i>  <b>A. The land in question cannot yield a reasonable return unless the variance is granted.</b>  <b>Response:</b> Request for a backyard setback to make porch (deck) symmetrical with existing structure.</p> <p>Owen Stoddard – Agree          Mark Lindquist - Agree          Ron Regis – Agree          Ray DeLeo - Agree</p>	<p style="text-align: center;"><u><b>ITEM 3</b></u></p> <p style="text-align: center;"><u><b>VARIANCE</b></u></p>

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**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:** The work I question would make the property more conforming with the rest of the neighborhood and use of structure.

Owen Stoddard – Agree  
Mark Lindquist - Agree  
Ron Regis – Agree  
Ray DeLeo - Agree

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

**Response:** I believe the granting of the variance will not alter the essential character of the locality but provide easier access for elder family members and overall better use of space.

Owen Stoddard – Agree  
Mark Lindquist - Agree  
Ron Regis – Agree  
Ray DeLeo - Agree

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

**Response:** Dwelling built in 1940 using codes acceptable at that time, previous owner nor myself created the issue of difficult entrance and little space for temporary outside storage.

Owen Stoddard – Agree  
Mark Lindquist - Agree  
Ron Regis – Agree  
Ray DeLeo – Agree

Mark Lindquist made a motion to approve the Variance for Mark Arsenault, Owner 44 Cedar Avenue, MBL 312-11-15 Zone is R2 to construct a 16' x 7.6' deck with side setback to the property no less than 10'. Ron Regis seconded.

*Code Official Feeney called for the vote:*

Owen Stoddard – Yes  
Mark Lindquist - Yes  
Ron Regis – Yes  
Ray DeLeo – Yes

There being no further business to conduct, the meeting adjourned at 7:00 pm.

**MOTION**

**VOTE**

**(3-0)**

*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 of Four (4) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on April 27, 2015.*

