

**TOWN OF OLD ORCHARD BEACH  
ZONING BOARD OF APPEALS MEETING MINUTES  
May 18, 2015**

<b>Call to Order at <u>6:01 pm</u></b>	Call to Order
<b>Pledge to the Flag</b>	
<p><b>Roll Call:</b> Present: Vice Chair Tianna Higgins, Owen Stoddard, Paul Weinstein. Absent: Paul Weinstein, David Boudreau. Ron Regis, Mark Lindquist</p>	<b>PUBLIC HEARING</b>
<i>Vice Chair Higgins read the criteria for the Public Hearing.</i>	
<p><b>ITEM 1: Acceptance of the minutes of the April 27<sup>th</sup> 2015 Meeting Minutes.</b></p> <p>There were no approved minutes approved at tonight's meeting.</p>	<b><u>ITEM 1</u></b>
<p><b>ITEM 2: Variance: Bianca and Michael Kowal 5 Banks Brook Road, Old Orchard Beach Map 103-Block- 4 Lot 10 in the RD Zone Reduction of side yard setback from required. Reduction from 25ft setback to 12ft setback to allow for a garage.</b></p> <p>Bianca Kowal introduced herself to the Board Members stating that her and her husband just recently purchased the home at 5 Banks Brook Road and they are 1 of 2 houses in the neighborhood that does not have a garage.</p> <p>The setbacks are 25' so that leaves them unable to build any type of garage. They would like to build a 25' wide garage and that leaves them with a 12' setback.</p> <p>There being no one speaking for or against the applicant the public hearing closed to the public at 6:06 pm.</p> <p><i>Vice Chair Higgins read the justification of a Variance:</i></p> <p><b>A. The land in question cannot yield a reasonable return unless the variance is granted.</b></p> <p>With the current RD setbacks the property will not fit any sized garage, not even a small 14 ft. wide one car garage making the property completely unbuildable. A traditional 2 car garage without any extra space is 25 ft. wide which would require a 12 ft. setback. Having a leech field and septic tank taking up the entire front half of our property also limits it use – making it impossible to build on any part of our property a structure of reasonable/useable size.</p> <p>Paul Weinstein – Agree Owen Stoddard – Agree Tianna Higgins – Agree</p>	<b><u>ITEM 2</u></b>

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

All but (2) houses in the neighborhood have a garage, with our property being one of them. This is a residential neighborhood where existing properties are situated close to the property line and have large 2+ car garages. The house is situated in the middle of the lot slightly more to the left side. The widest part of the lot is in the front and it narrows as it goes towards the rear, making it an uneven property line and difficult to build a structure with an equal setback on all sides. Currently, with the 25 ft. setback requirement we would be unable to build a garage on any part of our property. There is also a leech field and septic tank taking up the entire right front side of our property.

Paul Weinstein – Agree  
Owen Stoddard – Agree  
Tianna Higgins - Agree

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

The proposed garage will add uniformity to the home and property as well as the neighborhood being that the majority of the properties have a similar or larger garage than we would like to build. The granting of a variance will not pose any health or safety concerns to the neighborhood as it will be done by a licensed contractor. It will give the property a building to store and keep safe vehicles, tools, and other mechanical items – keeping them away from children, animals and hazardous weather conditions.

Paul Weinstein – Agree  
Owen Stoddard – Agree  
Tianna Higgins - Agree

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

The subdivision was developed in 1978-1980, creating a residential area and only residential properties with lots all of similar size. Since that time period the property has been and continues to be used as a personal residence.

Paul Weinstein – Agree  
Owen Stoddard – Agree  
Tianna Higgins – Agree

Owen Stoddard made a motion to grant a Variance for Bianca and Michael Kowal 5 Banks Brook Road, Old Orchard Beach. Map 103-Block- 4 Lot 10 in the RD Zone to reduce the side yard setback from 25’ to 12’ to allow for a garage. Seconded by Paul Weinstein.

**MOTION**

**VOTE**

**(3-0)**



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<p><b>ITEM 4: Variance: Twohig John J, and Mey, Karen L</b> <b>28 Carll Avenue, Old Orchard Beach</b> <b>Map- 205 Block- 12 Lot -10</b> <b>R-2 Zone</b> <b>Single Family to convert to 2-3 Units</b></p> <p>This item was removed as it will be going to the Planning Board instead of the ZBA</p>	
<p><b>GOOD AND WELFARE:</b></p> <p>It was agreed that future ZBA meetings will begin at 6:30 pm.</p>	
<p><b>ADJOURNMENT</b> <b>CHAIRMAN</b></p> <p><b>There being no further items to discuss, the meeting adjourned at 6:26 pm.</b></p>	

*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 May 18, 2015.*

