

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
June 27, 2016**

<p>Call to Order at <u>6:32 pm</u></p>	<p>Call to Order</p>
<p>Roll Call: Present: Chairman Ray DeLeo, Tianna Higgins, Paul Weinstein, Owen Stoddard, Mark Lindquist. Absent: Thomas Mourmouras, Ron Regis. Staff: Dan Feeney; Code Official, Valdine Camire; Administrative Assistant.</p>	<p>PUBLIC HEARING</p>
<p><i>Chair DeLeo read the criteria for the Public Hearing.</i></p>	
<p>Pledge to the Flag</p>	
<p><u>ITEM 1: Acceptance of the minutes of the March 28, 2016 and May 23, 2016 meetings.</u></p> <p>Tianna Higgins made a motion to accept the March 28, 2016 meeting minutes, seconded by Paul Weinstein.</p> <p>Paul Weinstein - Agree Tianna Higgins – Agree Mark Lindquist - Agree Owen Stoddard - Agree Chair DeLeo – Abstained</p> <p>The May 23, 2016 meeting minutes could not be approved at this meeting as there were not enough members attending that meeting to vote tonight.</p>	<p><u>ITEM 1</u></p> <p><u>MOTION</u></p> <p><u>VOTE</u></p> <p><u>(4-0-1)</u></p>
<p>ITEM 2: Miscellaneous Appeal: Richard and Judy Haley Tom Rutka agent: 39 Free Street, Map 209 Block 12 Lot 3 Zone R-3 Reduction in setback requirements for two decks 18x16 and 10x12.</p> <p>The public hearing opened to the public at 6:40 pm.</p> <p>Agent Tom Rutka introduced himself to the Board Members. They are proposing two deck additions, one on the side and the rear of the cottage. Asking for the reduction of the deck on the left side and in the back of the cottage. It will be a one story addition on the left side which will equal the same height as the cottage. There will be 2 steps off of the rear deck to replace what is there and make it more user friendly. Both decks will be attached to the building. Mr. Rutka noted that on the aerial photo it shows a shed which was removed 12 months ago. There is a porch already there about 4’ out. There being no one speaking for or against the appellant, the public hearing closed to the public at 6:47 pm.</p> <p><i>Chair DeLeo read through the criteria for the Miscellaneous Appeal:</i></p> <p>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><u>ITEM 2</u></p> <p><u>MISC. APPEAL</u></p>

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Response: Existing structure was built in 1940 on the equivalent of four contiguous lot of 50' x 60' that were common in the Ocean Park area. The cottage was placed near the center. The corner lot appears to be sold off.

Paul Weinstein - Agree
Tianna Higgins – Agree
Mark Lindquist - Agree
Owen Stoddard - Agree
Chair DeLeo - Agree

B. The requested reduction is reasonably necessary to permit the owner 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.

Response: The addition and rear deck would provide reasonable and normal expansion to the existing cottage and be similar to other cottages in the R-3 zone.

Paul Weinstein - Agree
Tianna Higgins – Agree
Mark Lindquist - Agree
Owen Stoddard - Agree
Chair DeLeo - Agree

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.

Response: Considering the placement of the existing cottage, the shape of the lot can absorb these two expansions and still physically meet the reduced yard setbacks.

Paul Weinstein - Agree
Tianna Higgins – Agree
Mark Lindquist - Agree
Owen Stoddard - Agree
Chair DeLeo - Agree

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.

Response: The impact of the construction of these two structures on this cottage will not be substantially different from a conforming structure.

Paul Weinstein - Agree
Tianna Higgins – Agree
Mark Lindquist - Agree
Owen Stoddard - Agree
Chair DeLeo – Agree

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<p>Mark Lindquist made a motion to grant a Miscellaneous Appeal to Richard and Judy Haley of 39 Free Street MBL: 209-12-3 in the R-3 Zone to a reduction in setbacks for a single story addition 18' x 16' and also a 10' x 12' deck not to be enclosed or built upon. Seconded by Owen Stoddard.</p> <p><i>Dan Feeney called for the vote:</i></p> <p>Paul Weinstein - Agree Tianna Higgins – Agree Mark Lindquist - Agree Owen Stoddard - Agree Chair DeLeo – Agree</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>(5-0)</u></p>
<p>ITEM 3: Variance: Samuel Geisinger 203 Saco Avenue Map 211 Block 8 Lot 4 Zone GB-1 Location of two sheds in frontage areas. One does not meet setback.</p> <p>The applicant was not present at the meeting. There were 2 abutters here for this item. Patrick Ledwith from 180 Saco Ave. Building # 29 and also Mr. and Mrs. Millett from 12 Runnells Ave.</p> <p>Mark Lindquist made a motion to table this item without prejudice until the next ZBA meeting. Seconded by Tianna Higgins.</p> <p>Unanimous.</p>	<p style="text-align: center;"><u>ITEM 3</u></p> <p style="text-align: center;"><u>VARIANCE</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>(5-0)</u></p>
<p>ITEM 4: Variance: Michael and Shirley Hamel 6 Pine Lane Map 206 Block 5 Lot 4 Zone R-2 Setback reduction from 2011 Miscellaneous Appeal (project was not built)</p> <p>The public hearing opened at 6:50 pm</p> <p>Mr. Hamel introduced himself. He did have a previous permit for this project, however they had run into some contract issues so they never went through with it. This is a new application. They are looking for a Variance to extend out an additional 2' in the rear of the property. The addition will be 10' x 20' attached to the house. This will give the owners more enjoyment to their back yard.</p> <p>Chris Kilroy from 3 Bower Lane who is a neighbor and lives behind this property stated that he has no problem allowing them a Variance.</p> <p>There being no one else speaking for or against the appellant, the public hearing closed at 6:57 pm.</p> <p><u><i>Chair DeLeo read the criteria for the Variance:</i></u></p>	<p style="text-align: center;"><u>ITEM 4</u></p> <p style="text-align: center;"><u>VARIANCE</u></p>

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

Response: The home was built in 1955 and only has a small landing and staircase that is old and needs to be replaced.

Paul Weinstein - Agree
Tianna Higgins – Agree
Mark Lindquist - Agree
Owen Stoddard - Agree
Chair 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: Replacing the existing stairs with a large deck and larger, safer stairs would provide an outside entertaining area.

Paul Weinstein - Agree
Tianna Higgins – Agree
Mark Lindquist - Agree
Owen Stoddard - Agree
Chair DeLeo – Agree

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

Response: This lot is very narrow and shallow and would be difficult to build an area large enough to house outdoor furnishings within the allotted setbacks.

Paul Weinstein - Agree
Tianna Higgins – Agree
Mark Lindquist - Agree
Owen Stoddard - Agree
Chair DeLeo – Agree

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

Response: The current stairs and landing were built by the previous owners.

Paul Weinstein - Agree
Tianna Higgins – Agree
Mark Lindquist - Agree
Owen Stoddard - Agree
Chair DeLeo – Agree

Owen Stoddard made a motion to approve the Variance for Michael and Shirley Hamel located at 6 Pine Lane, MBL: 206-5-4 in the R-2 Zone to allow a setback

MOTION

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<p>reduction to replace the existing back stairs with a new 10' x 20' uncovered deck not to be enclosed or built upon and new stairs 5' in width. Seconded by Mark Lindquist.</p> <p><i>Code Official Dan Feeney called for the vote:</i></p> <p>Paul Weinstein - Agree Tianna Higgins – Agree Mark Lindquist - Agree Owen Stoddard - Agree Chair DeLeo – Agree</p>	<p>VOTE</p> <p>(5-0)</p>
<p><u>OTHER BUSINESS:</u></p>	
<p>ADJOURN Mark Lindquist made a motion to adjourn this meeting at 6:45 pm. Seconded by Ron Regis. Unanimous.</p>	<p><u>MOTION</u></p> <p><u>VOTE</u></p> <p>(5-0)</p>
<p>GOOD AND WELFARE</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 five (5) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on June 27, 2016.

Valdine Camire