

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
September 26, 2016**

<p>Call to Order at 6:30 pm.</p>	<p>Call to Order</p>
<p>Roll Call: Present: Chair Ray DeLeo. Ron Regis, Mark Lindquist, Paul Weinstein, Tom Mourmouras. Absent: Tianna Higgins, Owen Stoddard.</p> <p>Staff: Dan Feeney; Code Enforcement Official, Valdine Camire; Administrative Assistant.</p>	<p>PUBLIC HEARING</p>
<p>Pledge to the Flag</p>	
<p><i>Chair DeLeo read the criteria for the Public Hearing.</i></p>	
<p><u>ITEM 1: Acceptance of the minutes August 29, 2016</u></p> <p>Ron Regis made a motion to approve the August 29, 2016 meeting minutes. Seconded by Paul Weinstein.</p> <p><i>Dan Feeney called for the vote:</i></p> <p>Ron Regis – Yes Mark Lindquist – Yes Paul Weinstein – Yes Tom Mourmouras – Yes Chair DeLeo – Yes</p> <p>Code Official Feeney informed the Board Members that this proposal will now have to go to the Planning Board for their review and consideration because of where the zone is located.</p>	<p><u>ITEM 1</u></p> <p><u>MOTION</u></p> <p><u>VOTE</u> <u>(5-0)</u></p>
<p><u>ITEM 2: Miscellaneous Appeal: Estate of John J. Kearney</u> Agent: Ron Sabin – JK Custom Homes, LLC 129 West Grand Avenue Map 319 Block 12 Lot 5 Zone R-3</p> <p>Expansion beyond 30% volume. Increasing levels to 3 floors from current single level ranch style. Square house to street.</p> <p>Applicant Ron Sabin introduced himself to the Board Members. Mr. Sabin explained that he is proposing to tear down the existing single story cottage and replace it with a brand new 3 story cottage. There will be an entry way on the first floor and bathrooms above it on the second and third floors. He will be adding 3’ to the current 5’ foundation expansion. There are currently 2 and 3 story homes in the neighborhood.</p> <p>The public hearing opened at 6:35 pm.</p> <p>Mr. Mark Gervais who lives at 18 Pond View Avenue introduced himself. He lives in one of the houses that surrounds 129 West Grand Avenue. He stated that there is only 1-3 story house on that block and the rest are all 1 or 2</p>	<p><u>ITEM 2</u></p> <p><u>MISC. APPEAL</u></p>

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story homes.

There is a sewage issue because of the way that the sewer lines are run. He is concerned because it floods into his backyard.

He is not in favor of a 3 story home in this neighborhood because it will block off a majority of the sunlight coming into his home.

Ron Sabin stated that with the new base flood elevation, they have to be 5' above to get it out of the current flood zone.

Ron Regis stated that this building would need to be sprinkled.

Code Official Feeney stated that in regards to the sewage problem, they could take this up with the Wastewater Superintendent, Chris White.

This is a very old cottage that is in disrepair and he doesn't think that anything is salvageable.

Closed this to the public at 6:40 pm.

Ray DeLeo read through the criteria:

1. LIMITED REDUCTION OF YARD SIZE/LIMITED EXPANSION OF LOT COVERAGE.

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.

Response: The current structure is approximately 500 sf. Single level. I am proposing 3 levels, with a garage on the bottom floor. The expansion is going up to increase to approximately 1300 sf.

Paul Weinstein - Agree

Tom Mourmouras – Agree

Ron Regis – Agree

Mark Lindquist - 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: There are numerous multi-level homes surrounding this property. See Plot Plan

Paul Weinstein - Agree

Tom Mourmouras – Agree

Ron Regis – Agree

Mark Lindquist - Agree

Chair DeLeo– Agree

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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: The expansion is approximately 24 sf. of foundation, but increasing levels to 3 floors from the current ranch style. The main living areas would be approximately 6' above the Base Flood Elevation.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Ron Regis – Agree
Mark Lindquist - 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: This is a residential neighborhood. The proposed plan will accommodate the existing, surrounding homes.

Paul Weinstein - Agree
Tom Mourmouras – Agree
Ron Regis – Agree
Mark Lindquist - Agree
Chair DeLeo– Agree

Mark Lindquist made a motion to grant a Miscellaneous Appeal to Ronald Sabin, JK Custom Homes, LLC. 129 West Grand Avenue, Map 319 Block 12 Lot 5 in the R-3 Zone to create an expansion beyond the 30% volume, increasing to 3 floors to the current single story home and understanding that the property will need to be sprinkled. Seconded by Ron Sabin.

Code Official Dan Feeney called for the vote:

Paul Weinstein – Yes
Tom Mourmouras – Yes
Ron Regis – Yes
Mark Lindquist – Yes
Chair DeLeo - Yes

MOTION

VOTE

(5-0)

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<p style="text-align: right;">9-19-16</p> <p style="text-align: center;">Zoning Board of Appeals</p> <p style="text-align: center;">Since I cannot attend the meeting this correspondence should answer your question. I have no objection for the Estate of John Heavney to add two more floors to 129 West Grand Ave. This is my answer.</p> <p style="text-align: right;">Sincerely Matthew Roldan 146 West Grand #2 O O B me, 07064</p> <p style="text-align: right;">Tel: 207-937-2231</p>	
<u>OTHER BUSINESS:</u>	
ADJOURN Ron Regis made a motion to adjourn this meeting at 6:55 pm. Seconded by Mark Lindquist.	
GOOD AND WELFARE	

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 September 26, 2016.

Valdine Camire