

TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS
Monday, August 27, 2007

Call to Order	07:00 pm
Roll Call: Mr. Weyenberg, Ms. Higgins, Mr. Evans, Vice-Chairman Deleo and Chairman Murphy. Eileen Payette & Philip Denison were absent. Ken Shupe and Louise Reid, Staff. Gary Lamb in audience	
ITEM 1: Variance: Marc Gagne, 24 Central Park Avenue, Map#312, Block#16, Lot#3, in the R-2 Zone, requests a reduction of the front yard setback off Hillcrest Avenue from the required 20'0" to 5'0" and an increase of the required lot coverage from 32.9% to 36.1% in order to attach an additional room measuring 6'0" x 31'0".	ITEM#1
<p>Mr. Gagne, applicant, requests the reduction of the front yard setback off Hillcrest from 20 feet to 5 feet in order to attach a 6 foot by 31 foot room. He spoke of the age of the home indicating that it presently has sunk and that without the proper foundation he was fearful that it would continue to sink. He spoke of the energy savings and that certainly the Zoning Board of Appeals would recognize the need for us all to save on energy; and that this was another reason for their consideration of doing this. He emphasized the sagging foundation and that the cost would be prohibitive to do anything else. Not only was his consideration economical but energy saving too.</p> <p>Mr. Deleo asked it is his understanding that he wants to extend the house out about six feet, squaring it off in order to maintain the Victorian style.</p> <p>Chair Murphy asked why the applicant felt it was a hardship which requires the variance.</p> <p>Mr. Gagne indicated they were not infringing on anyone. He also said that in order to get the proper four foot deep foundation, should they not be able to address the situation as requested, they would have to jack up the walls and bring in special equipment for digging under the existing foundation by sections. <i>Public Hearing opened at 7:03 p.m.</i></p> <p>Adam Goodwin, resident of 146 Temple Ave and contractor for Mr. Gagne, also indicated there would be no infringement and no safety issue doing it the way they are proposing and it will improve the energy savings to the home. He insisted that it was just a matter of squaring off the house and maintaining the Victorian character. He encouraged the Board to recognize this was a very old house, the owners had lived in it for many years and that they were seeking to better the condition economically and for energy saving reasons. He reminded the Board that these are good citizens and that there should be some consideration in this appeal.</p> <p>Chair Murphy acknowledged the good citizen appeal but also recognizes that responsibility of the Board of Appeals to uphold the rules and requirements under which they work and that the question of why this is considered a hardship is still in question. He felt that hardship was difficult to prove. He then asked if there were any others to speak in favor.</p> <p>Mark Mendelsen, neighbor at 14 Hillcrest Avenue indicated that he did not feel there would be any infringement on any one else and that the Gagnes are just anxious to better the condition of their home.</p> <p>Chair Murphy read the letter dated August 2, 2007 to the Zoning Board of Appeals from the Neighbors/Abutters indicating that they have no objections to this proposed project and feel it would be a positive addition to the neighborhood. Letter was signed by Janet and Michael Lavenbein of 16 Hillcrest Ave; Judy Roenisch and Mark Mendelsen of 14 Hillcrest Ave; Paula and Kevin Girard of 31 Central Avenue and Daniel Patry of Atlantic Blvd. LLC located at 133 Saco Ave (see Exhibit 1).</p> <p><i>Public Hearing closed at 7:22 p.m.</i></p>	Public Hearing
	Motion Vote

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<p>Mr. Murphy read the four justifications.</p> <ul style="list-style-type: none"> a. Mr. Evans agreed; Mr. Weyenberg disagreed; Ms. Higgins disagreed; Mr. Deleo disagreed; Chair Murphy disagreed. (4-1) b. Mr. Evans agreed; Mr. Weyenberg agreed; Ms. Higgins agreed; Mr. Deleo agreed; Chairman Murphy agreed. (5-0) c. Mr. Evans agreed; Mr. Weyenberg agreed; Ms. Higgins agreed; Mr. Deleo agreed; Chair Murphy agreed. (5-0) d. Mr. Evans agreed; Mr. Weyenberg agreed; Ms. Higgins agreed; Mr. Deleo agreed, Chair Murphy agreed. (5-0) <p>Mr. Weyenberg motioned to deny the variance request. Ms. Higgins seconded the motion. <i>Motion denied 5-0</i></p>	
<p><u>ITEM 2: Approval of Minutes</u> July 30, 2007 Ms. Higgins motioned to approve the minutes. Mr. Weyenberg seconded the motion <i>Motion carried 3-0</i></p>	<p style="text-align: center;">ITEM#2</p> <p style="text-align: center;">MOTION</p> <p style="text-align: center;">VOTE</p>
<p>Good & Welfare Mr. Evans asked what is considered a fair reversal of the rules in consideration of a citizen's request. Is there a reasonable reason for saying no? Mr. Deleo asked if there was a precedent for this. Chair Murphy indicated no and defined the rules under which the Zoning Board of Appeals is mandated to uphold the zoning law and although regretful that consideration cannot be given, the first denial far outweighs the remaining agreement. Mr. Gagne stated disappointment and not being able to comprehend or understand the reasonableness of the denial.</p>	<p style="text-align: center;">GOOD & WELFARE</p>
<p>Ms. Higgins motioned to adjourn the Zoning Board of Appeals meeting at 7:29 p.m.</p>	<p style="text-align: center;">ADJOURNMENT</p>

I, Caroline Segalla, Secretary to the Zoning Board of Appeals, do hereby certify that the foregoing document consisting of three (3) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting of August 27, 2007.

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Exhibit 1

To: Zoning Board of Appeals
From: Neighbors/Abutters
Re: Marc Gagne / Appeal Variance

August 2, 2007

We the undersigned neighbors and abutters of Marc and Martha Gagne of 24 Central Park Avenue have been informed and have viewed their plans to improve their home on 24 Central Park Avenue.

We have no objections to this proposed project and feel it would be a positive addition to our neighborhood.



Janet /Michael Lavenbein
16 Hillcrest Ave
OOB,Me



Judy/Mark Roenish
14 Hillcrest Ave
OOB,Me



Atlantic Blvd LLC
133 Saco Ave
OOB,Me



Kevin/Paula Girard
31 Central Park
OOB,Me