

**TOWN OF OLD ORCHARD BEACH  
ZONING BOARD OF APPEALS  
Monday, September 29, 2008**

|   |  |
|---|--|
| <p><b>Roll Call:</b> Mr. Ray DeLeo, Mr. Phillip Weyenberg, Mr. Howard Evans, Mr. Phillip Denison were present and Mike Nugent was present as Staff Support</p>  | <p><b>Roll Call</b></p>  |
| <p><b>ITEM 1: APPROVAL OF MINUTES</b><br/>This was moved to the end of the meeting</p>  | <p><b>Approval of Minutes</b></p>  |
| <p><b>ITEM 2: Tabled Variance:</b> Peaches LLC, Owner of 88-90 Saco Avenue, MBL 206-9-7 in the GB-2 zone to permit the demolition of 5 cottages and replace 2 duplex condominiums. This request requires a variance in the density requirement. King Weinstein is representing the corporation, Owner is the appellant.</p>   | <p><b>Item 2<br/>Peaches LLC<br/>88-90 Saco<br/>Ave. 206-9-7<br/>GB2 Zone</b></p>                                      |
| <p><b>Chairman DeLeo read the appeal.</b></p> <p>Mike Nugent advised that he received an email requesting that this matter be tabled until the October meeting.</p>   | <p><b>Item Tabled</b></p>  |
| <p><b>ITEM 3: Variance:</b> Clifford &amp; Nancy Kenney., Owners of 30 Maine Ave, MBL 322-7-11 in the R-3 zone to permit the demolition of the building and replace with a new structure on existing footprint. This request requires a reduction in the front, side, and rear yard setback. Owner is the appellant.</p>  | <p><b>Item #3<br/>Clifford &amp;<br/>Nancy<br/>Kenney<br/>Variance<br/>30 Maine<br/>Ave, 322-7-11<br/>R-3 Zone</b></p> |
| <p><b>Chairman DeLeo read the appeal.</b></p> <p>Mr. DeLeo and Mr. Denison both advised that they were familiar with the applicant and builder, but felt that this would not impact their ability to hear and decide the appeal in a fair manner. The Board expressed no concern with this.</p> <p>Adam Goodwin, representing the owners for Carl Goodwin Builders explained that the owner would like to demolish the existing cottage and rebuild within the existing footprint, including vertical expansion and winterization of the structure.</p> | <p><b>Public Hearing</b></p>   |

**TOWN OF OLD ORCHARD BEACH  
ZONING BOARD OF APPEALS  
Monday, September 29, 2008**

|   |  |
|---|--|
| <p>Chairman DeLeo and Mr. Denison confirmed that this would be within the same footprint as the existing. Adam Goodwin indicated that it would be.</p> <p><b>Chairman DeLeo called for abutters</b><br/>Helene Whitaker, 32 Maine Ave, directly next door, stated that this was an “absolutely wonderful” thing that is happening and would increase the value of the neighborhood and enhance the area and a great addition to the community.</p> <p><b>Chairman DeLeo read</b> the 4 criteria of approval for a Variance</p> <p>With regard to the property yielding a reasonable use without the variance, Mr. Evans asked if they were rebuilding or replacing the structure. Chairman DeLeo advised that they were asking to replace it. The Board agreed that the existing building cannot be replaced on the lot and meet all of the dimensional requirements. The applicant stated reintegrated that in the second criteria of hard ship and the Board agreed. The Board also agreed that the many seasonal cottages in the area have been replaced w/ new year-round structures. Mr Weyenberg was interested in seeing the design of the house. The Board and applicant reviewed a concept plan. The applicant stated that the hardship was a result of the footprint being established prior to modern zoning and the present ordinance disallowing the reconstruction of the structure using existing footprint. The Board agreed.</p> <p><b>Mr. Weyenberg</b> moved to grant the appeal as presented</p> <p><b>Mr. Denison</b> seconded the Motion</p> <p><i>Motion carries Unanimously</i></p> | <p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b></p>  |
| <p><b><u>ITEM 4: Miscellaneous Appeal:</u></b> Anne C. Pomroy., Owner of 30 School St., MBL 206-28-29 in the R-1 zone to permit the demolition of a side deck and replace with an expanded sunroom. This request requires a reduction in the right side yard setback. Owner is the appellant.</p>   | <p style="text-align: center;"><b>Item #4<br/>Anne C.<br/>Pomroy<br/>Miscellaneous<br/>Appeal<br/>30 School St.,<br/>206-28-29<br/>R1 Zone</b></p> |
| <p><b>Chairman DeLeo read</b> the appeal.</p> <p>Anne Pomeroy explained that she had previously (11 years prior) received a variance for the existing deck and wanted to replace it and expand it with a sunroom. She would like to continue the variance like to extend the footprint 6’8” the rear of the house without further</p>   | <p style="text-align: center;"><b>Public<br/>Hearing</b></p>   |

**TOWN OF OLD ORCHARD BEACH  
ZONING BOARD OF APPEALS  
Monday, September 29, 2008**

|  |   |
|--|---|
| <p>encroaching toward the side lot line. The structure complies with the rear setback and lot coverage.</p> <p>Chairman Deleo asked some clarifying questions, Mr. Denison asked about the date of the original variance. Ms. Pomeroy advised that it was 1996. Mr. Denison asked if the deck was built in a timely fashion after the original variance was granted and the appellant responded that it had been.</p> <p>Discussion ensued regarding the project.</p> <p>Ms. Pomeroy also advised that she had made an error in her application indicating on the second page that there was an existing 5 foot right side setback when there was really a 10 foot setback.</p> <p>Mr. Weyenberg advised that under today's standard the original variance would have been a Miscellaneous appeal.</p> <p><b>Chairman DeLeo called for abutters</b></p> <p>No Abutters were present</p> <p><b>Chairman DeLeo read</b> the 4 criteria of approval for a Miscellaneous Appeal</p> <p>The Board agreed that the building predated the date of the adoption of the Miscellaneous Appeal provision. with regard to the second criteria, the applicant stated a number of School St. residents have enclosed sunrooms, the Board agreed. The Board also agreed that the arrangement of the building and configuration of the lot hake this area the most practical for the sunroom and also that the project would not have a different impact than a conforming structure.</p> <p><b>Mr. Evans</b> moved to approved the appeal as presented</p> <p><b>Mr. Weyenberg</b> seconded the Motion</p> <p><i>Motion carries Unanimously</i></p> | <p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b></p> |
|  |   |

**TOWN OF OLD ORCHARD BEACH  
ZONING BOARD OF APPEALS  
Monday, September 29, 2008**

|  |  |
|--|--|
| <p><b>ITEM 5: Variance:</b> George &amp; Margaret Downes, Owners of 51 School St., MBL 206-24-50, in the R-1 zone to permit the demolition of a portion of the building and replace with a new structure on existing footprint. This request requires a reduction in the front yard setback that abuts the paper street on the left side of the building. Owner is the appellant.</p>  | <p style="text-align: center;"><b>George &amp;<br/>Margaret<br/>Downes,<br/>Variance<br/>51 School St.<br/>206-24-50<br/>R1 Zone</b></p> |
| <p><b>Chairman DeLeo</b> read the appeal</p> <p>Mr. and Mrs. Downes explained that their insurance company had cancelled their homeowner's coverage do to the condition of the existing garage. The got a permit to tear it down, understanding that they would need to come to the ZBA to get approval to replace it within the footprint. The garage has been torn down.</p> <p>Mr. Weyenberg asked if they would be putting in a new foundation. The applicant advised that they would be using the existing foundation.</p> <p>Mr. Weyenberg asked about the status of the paper street to the right of the property.</p> <p>The applicant indicated that it was undeveloped and not used.</p> <p><b>Chairman DeLeo called for abutters</b></p> <p>No Abutters were present</p> <p><b>Chairman DeLeo read</b> the 4 criteria of approval for a Variance</p> <p>With regard to the property yielding a reasonable use without the variance the applicant stated that they are being deprived of the use of the garage by their insurance company. The storage is desperately needed. The Board agreed. The applicant stated the property is unique because of the paper street and the arrangement of the house. Mr. Evans asked if the insurance company was aware of their plans to rebuild. Mrs. Downes advised that they are not with them any longer. That their agent was aware. Mr. DeLeo asked when the garage was built. The applicant stated that it was in the 1930's or 40's, when the house was built. The Board agreed that the construction would improve the property and the neighborhood and enhance the safety of the inhabitants. The applicant stated that the hardship was a result of the action of the insurance company forcing the demo of the structure and not of actions taken by the owner. The Board agreed.</p> | <p style="text-align: center;"><b>Public<br/>Hearing</b></p>   |





**TOWN OF OLD ORCHARD BEACH  
ZONING BOARD OF APPEALS  
Monday, September 29, 2008**

|   |                                       |
|---|---------------------------------------|
| <p><b>ITEM 1: APPROVAL OF MINUTES</b></p> <p>Mr. Denison moved to approve the minutes of the 8/25/08 ZBA Regular Meeting as written.<br/>Mr. Weyenberg Seconded the motion</p> <p><i>Motion carries Unanimously</i></p> | <p><b>Approval of<br/>Minutes</b></p> |
| <p>Mr. Evans moved to adjourn @ 8:38 pm<br/>Mr. Weyenberg seconded.</p> <p><i>Motion carries Unanimously</i></p>  |                                       |

*I, Mike Nugent ,Acting Secretary to the Zoning Board of Appeals, do hereby certify that the foregoing document consisting of seven (7) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting of September 29 , 2008.*