

**TOWN OF OLD ORCHARD BEACH  
ZONING BOARD OF APPEALS MEETING MINUTES February 22, 2010**

<b>Call to Order at 7:08 pm</b>	<b>Call to Order</b>
<b>Pledge to the Flag</b>	
<p><b>Roll Call:</b> Present: Chairman Ray DeLeo, Ms. Tianna Higgins, and Mr. Philip Denison. Mr. Robert Quinn was in attendance in the audience. Mr. Philip Weyenberg was excused.</p> <p><b>Staff:</b> Mike Nugent, Code Enforcement Officer. Tori Geaumont, ZBA Clerk.</p>	
<p><b><u>ITEM 1: Variance:</u></b> Norman Means, owner of 15 Clover Street, MBL 320-7-11 in the R3 Zone, to permit the adjustment of the front set back to allow the expansion of a porch. The owner is the appellant.</p>	<p style="text-align: center;"><b><u>ITEM 1:</u></b> <b><u>Variance:</u></b> <b><u>Norman Means,</u></b> <b><u>15 Clover Street</u></b> <b><u>MBL 320-7-11</u></b></p>
<p><b>Chairman DeLeo</b> read the appeal.</p> <p><b>Norman Means, 31 Winona Avenue.</b> Mr. Means explained he was replacing the siding on the house and needed to remove the front stairs to get to the siding behind them. When he attempted to put the stairs back it didn't work well, and he needed to expand the porch a little. He stated he has had complaints from his tenants about the porch not being wide enough and unsafe. He feels this is more aesthetically pleasing, as well.</p> <p><b>Ms. Higgins</b> asked Mr. Means to clarify on the drawing which was the new section of the porch. Mr. Means did.</p> <p><b>Chairman DeLeo called for any abutters or correspondence.</b></p> <p><b><i>PUBLIC HEARING CLOSED.</i></b></p> <p><b>Chairman DeLeo</b> read the criteria for number one.</p> <p><b>With regards to part A.</b> The land in question cannot yield a reasonable return unless the variance is granted the appellant stated the existing porch is so small the entrance door cannot be opened all the way. This makes moving furniture in and out very difficult.</p> <p><b>Ms. Higgins</b> agreed.</p> <p><b>Mr. Denison</b> agreed.</p> <p><b>Chairman DeLeo</b> agreed.</p> <p><b>With regards to part 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 the appellant stated this variance will allow the porch to be centered on the front of the house and will look more like other front porches in the neighborhood.</p> <p><b>Ms. Higgins</b> agreed.</p> <p><b>Mr. Denison</b> agreed.</p> <p><b>Chairman DeLeo</b> agreed.</p> <p><b>With regards to part C.</b> The granting of the variance will not alter the essential character of the locality the appellant stated the extension of the porch will only improve the character of the house and infringes on no one.</p> <p><b>Ms. Higgins</b> agreed.</p> <p><b>Mr. Denison</b> agreed.</p> <p><b>Chairman DeLeo</b> agreed.</p> <p><b>With regards to part D.</b> The hardship is not the result of action taken by the appellant or a prior owner the appellant stated the existing porch was just built too small to allow safe entry and exit.</p> <p><b>Ms. Higgins</b> agreed.</p> <p><b>Mr. Denison</b> agreed.</p> <p><b>Chairman DeLeo</b> agreed.</p>	<p style="text-align: center;"><b>PUBLIC HEARING</b></p>

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<p><b>Ms. Denison</b> moved to permit the adjustment of the front set back to allow the expansion of a porch. <b>Mr. Higgins</b> seconded. <i>Motion passes unanimously.</i></p>	<p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b></p>
<p><b>ITEM 2: Administrative Appeal:</b> Jeffrey Wu &amp; Janet Chao, owners of 42 West Old Orchard Avenue, MBL 312-8-6 in the R2 Zone, to review the determination that the structure is not legally a two unit building. James B. Maguire, Esq. is representing the owner.</p>	<p style="text-align: center;"><b>Item 2:</b> <b><u>Administrative Appeal. Jeffrey Wu &amp; Janet Chao, 42 West Old Orchard Avenue, MBL 312-8-6</u></b></p>
<p><b>Mr. Denison</b> moved to table items 2 and 3, as the appellants were not present. <b>Ms. Higgins</b> seconded. <i>Motion passed unanimously.</i></p> <p><b>John Coffey, owner of 16 Third Street</b> submitted three letters of opposition. The board received these to be entered into the information for the next meeting. Mr. Nugent gave Mr. Coffey a copy of a letter from the town attorney regarding 42 West Old Orchard Street.</p>	<p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b></p>
<p><b>Ms. Higgins</b> moved to adjourn. <b>Mr. Denison</b> seconded. <i>Motion passed unanimously.</i></p>	<p style="text-align: center;"><b>Motion</b></p> <p style="text-align: center;"><b>Vote</b></p>
<p><b>Meeting adjourned 7:20 pm</b></p>	<p style="text-align: center;"><b>Adjournment</b></p>

*I, Tori Geaumont, Secretary to the Zoning Board of Appeals of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting of two (2) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting on February 22, 2010*