

<p>Call to Order at 7:08 pm</p>	<p>Call to Order</p>
<p>Pledge to the Flag</p>	
<p>Roll Call: Present: Chairman Ray DeLeo, Ms. Tianna Higgins, Mr. Robert Quinn, and Mr. Phil Denison. Mr. Philip Weyenberg, arrived several minutes late. Staff: Mike Nugent, Code Enforcement Officer. Tori Geaumont, ZBA Clerk.</p>	
<p>ITEM 1: Variance: Kim G. Girard, owner of 34 Fern Park Avenue, MBL 206-14-2 in the R2 Zone, to permit the adjustment of the right side setback for the construction of a garage and the left side yard setback for the construction of a 6'X20" addition. The owner is the appellant.</p>	<p style="text-align: center;"><u>Item 1:</u> <u>Variance: Kim</u> <u>G. Girard, 34</u> <u>Fern Park</u> <u>Avenue, MBL</u> <u>206-14-2</u></p>
<p>Mr. Denison stated he was a member of rotary with Mr. Girard, but did not think that it would have any bearing on his decision. Mr. Girard explained the proposal of the addition and the garage he wished to build on his property. He hoped the answers were clearer at this meeting, as he adjusted the answers. He explained the need to downsize their home due to his deteriorating health. Mr. Denison asked if the letter should be read into the minutes. Mr. Nugent stated this was done at the last meeting so it is already recorded. Chairman DeLeo called for any abutters or correspondence. PUBLIC HEARING CLOSED</p>	<p style="text-align: center;">Public Hearing</p>
<p>Chairman DeLeo read the criteria for number one. With regards to part A. The land in question cannot yield a reasonable return unless the variance is granted the appellant stated to store vehicles in the winter months in Maine is a reasonable request. Protecting my vehicles with my future health problems is my life's plan. My intention was always to move back home that is why I kept the property. There is no other location to situate the garage addition. Mr. Quinn stated he the first part is reasonable, but he has a problem with the second part. He stated he wanted to consider his health. Disagreed. Mr. Denison asked if this was a two-car garage. Mr. Girard stated it was a two-car garage, but with one car in front of the other not side by side. Ms. Higgins agreed. Mr. Weyenberg agreed. Mr. Denison agreed. Chairman DeLeo agreed. With regards to part 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 answered when the house was first constructed by my father in 1951, it was situated on the lot to allow</p>	

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<p>for the addition of a garage at a future date. Since then, the setbacks have changed. The garage was figured on the 3' setback. This land has been in my family since its purchase in 1951. The exact amount of land was left for the construction of a garage with the 3' setback. The existing shop building was constructed as a business building and has always been used as such.</p> <p>Mr. Weyenberg agreed.</p> <p>Mr. Quinn agreed.</p> <p>Ms. Higgins agreed.</p> <p>Mr. Denison agreed.</p> <p>Chairman DeLeo agreed.</p> <p>With regards to part C. The granting of the variance will not alter the essential character of the locality the appellant stated the addition of a garage will definitely blend in with the surrounding houses.</p> <p>Mr. Quinn agreed.</p> <p>Mr. Weyenberg agreed.</p> <p>Ms. Higgins agreed.</p> <p>Mr. Denison agreed.</p> <p>Chairman DeLeo agreed.</p> <p>With regards to part D. The hardship is not the result of action taken by the appellant or a prior owner the appellant stated at the time of construction of the house in 1951, it was positions on the lot to accommodate the addition of a garage at a future time. This criteria favors grandfathering of the garage due to the original construction time. The existing driveway has always been within 3' of the lot line.</p> <p>Ms. Higgins agreed.</p> <p>Mr. Quinn agreed.</p> <p>Mr. Weyenberg disagreed.</p> <p>Mr. Denison agreed.</p> <p>Chairman DeLeo agreed.</p> <p>Mr. Denison moved to grant the variance to permit the adjustment of the right side setback for the construction of a garage and the left side yard setback for the construction of a 6'X20" addition.</p> <p>Mr. Weyenberg seconded.</p> <p>Motion passes unanimously.</p>	<p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p>
<p>Item 2: Variance: Robert Cogan, owner of 3 Cogan's Way, MBL 101-2-23, in the RD Zone, to permit the adjustment of the front yard setback. The owner is the appellant.</p>	<p style="text-align: center;">Item 2: Variance: Robert Cogan, 3 Cogan's Way, MBL 101-2-23</p>
<p>Mr. Denison stated he could not find Cogan's Way, and Mr. Weyenberg stated he could not either.</p> <p>Robert Cogan, owner of 3 Cogan's Way explained where it was located. He then explained when the home was built the front setback was not correct due to the cul-de-sac that was not there at the time. He stated he did some research and someone did come out and inspect the foundation. This was prior to Mr. Nugent working here. When looking at the home, it does not look to be too close to</p>	<p style="text-align: center;">Public Hearing</p>

<p>the setback and looks similar to the other two homes in the subdivision.</p> <p>Chairman DeLeo called for any abutters or correspondence. PUBLIC HEARING CLOSED</p> <p>Chairman DeLeo asked Mr. Nugent for any further information on this property.</p> <p>Mr. Nugent explained that the cul-de-sac was not built at the time when the tangent was measured for the lot line. He indicated that some code enforcement officers do set back inspections and some do not. He also pointed out that this does not qualify for a miscellaneous appeal because it was newly built.</p> <p>Mr. Quinn clarified if the cul-de-sac was there at the time the home was built. He felt it was not distinguishable by looking at it.</p> <p>Mr. Weyenberg pointed out this district has a 50 foot setback which is the largest of any zone in town.</p>	
<p>Chairman DeLeo read the criteria for number one.</p> <p>With regards to part A. The land in question cannot yield a reasonable return unless the variance is granted the appellant stated I purchased and developed the property to sell it and I am not able to do this because of the setback issue.</p> <p>Mr. Quinn agreed.</p> <p>Ms. Higgins agreed.</p> <p>Mr. Weyenberg agreed.</p> <p>Mr. Denison agreed.</p> <p>Chairman DeLeo agreed.</p> <p>With regards to part 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 because the frontage is based on a cul-de-sac, it was very difficult to determine the frontage of the property.</p> <p>Mr. Weyenberg agreed.</p> <p>Mr. Quinn agreed.</p> <p>Ms. Higgins agreed.</p> <p>Mr. Denison agreed.</p> <p>Chairman DeLeo agreed.</p> <p>With regards to part C. The granting of the variance will not alter the essential character of the locality the appellant stated nothing will change.</p> <p>Mr. Quinn agreed.</p> <p>Mr. Weyenberg agreed.</p> <p>Ms. Higgins agreed.</p> <p>Mr. Denison agreed.</p> <p>Chairman DeLeo agreed.</p> <p>With regards to part D. The hardship is not the result of action taken by the appellant or a prior owner the appellant stated at the time (January 2008) the foundation hole was dug, the general contractor Wabun Homes hired Greensmith Excavation from Cornish, ME to set</p>	

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<p>Mr. Nugent stated the impact would be the same. This would simply be drawing a line between two structures.</p> <p>Mr. Denison asked if this has any impact on recent issues that the board has been faced with.</p> <p>Mr. Nugent stated that recent issues involved vacant lot.</p> <p>Mr. Weyenberg feels that this is tidying up the situation and is not affecting the neighborhood. He feels this is an acceptable situation.</p> <p>Chairman DeLeo asked if there could be any stipulations on the variance.</p> <p>Mr. Nugent answered yes. The buildings can grow and still meet set backs.</p>	
<p>Chairman DeLeo read the criteria for number one.</p> <p>With regards to part A. The land in question cannot yield a reasonable return unless the variance is granted the appellant stated it would be very difficult to sell two buildings on one lot. I am eighty years old and trying to plan the future and trying to make my executer less complicated. A reasonable use of the property is to be able to sell it in the future.</p> <p>Chairman DeLeo asked if the properties were not combined could it not be sold.</p> <p>Mr. Aube answered yes it could be sold, but most buyers do not want both.</p> <p>Mr. Quinn asked if the cottage is year round or seasonable.</p> <p>Mr. Aube answered year round.</p> <p>Mr. Quinn agreed.</p> <p>Ms. Higgins agreed.</p> <p>Mr. Weyenberg agreed.</p> <p>Mr. Denison agreed.</p> <p>Chairman DeLeo agreed.</p> <p>With regards to part 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 the property is on a corner lot with two principal dwellings functionally dividing the parcel. It is unique.</p> <p>Mr. Weyenberg agreed.</p> <p>Mr. Quinn agreed.</p> <p>Ms. Higgins agreed.</p> <p>Mr. Denison agreed.</p> <p>Chairman DeLeo agreed.</p> <p>With regards to part C. The granting of the variance will not alter the essential character of the locality the appellant stated nothing will change except the ownership of each property.</p> <p>Mr. Quinn agreed.</p> <p>Mr. Weyenberg agreed.</p> <p>Ms. Higgins agreed.</p> <p>Mr. Denison agreed.</p> <p>Chairman DeLeo agreed.</p>	

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<p>With regards to part D. The hardship is not the result of action taken by the appellant or a prior owner the appellant stated the lots were purchased individually and already built upon in 1976. We seek to divide these for estate planning purposes.</p> <p>Ms. Higgins agreed. Mr. Quinn agreed. Mr. Weyenberg agreed. Mr. Denison agreed. Chairman DeLeo agreed. Mr. Quinn moved to grant the variance to permit the division of the lot at 3A and 3B Ryefield Drive. Ms. Higgins seconded. Motion passes unanimously.</p>	<p>Motion Vote</p>
<p>ITEM 4: Variance: David F. and Gayle M. Conroy, owners of 14 Odena Avenue, MBL 316-6-1, in the R3 Zone to permit the adjustment of the rear and left side yard setbacks and lot coverage to allow for the construction of a deck.</p> <p>David Conroy, owner of 14 Odena. Mr. Conroy explained that most of the time there is a great deal of water in their yard. The deck allows them to utilize their yard.</p> <p>Mr. Denison asked of the shed in the pictures was their neighbors and also asked about the berm.</p> <p>Mr. Conroy stated the berm was created a while ago and yard is basically a bowl and collects the water in the area.</p> <p>Mr. Quinn did not understand the bearing the water has on this project. He went by the property, and there was no water on the property.</p> <p>Mr. Nugent pointed out this is an after-the-fact permit. The deck is currently there.</p> <p>Mr. Quinn asked about the cement pads and why they were there.</p> <p>Mr. Conroy explained they were considering extending the deck, but did not do that.</p> <p>Mr. Quinn asked how close to the abutters this is.</p> <p>Mr. Nugent said that the property is very close.</p> <p>Chairman DeLeo asked what is on the other side.</p> <p>Mr. Nugent stated this was not a complaint, but when he drove by saw the deck and noticed it did not have a permit.</p> <p>Chairman DeLeo called for any abutters or correspondence.</p> <p>George Hogan, 17 Seacliff Ave. Mr. Hogan stated the water problems in the area, particularly for Mr. Conroy's property is large. Everything drains into that yard.</p> <p>Mr. Quinn stated the deck will not correct the problems. Is Mr. Hogan is support of the deck.</p> <p>Mr. Hogan stated very much. He feels very badly for Mr. Conroy.</p> <p>PUBLIC HEARING CLOSED</p>	<p>Public Hearing</p>
<p>Chairman DeLeo read criteria number one.</p> <p>With regards to section A. The land in question <u>cannot</u> yield a reasonable return unless the variance is granted the appellant stated the existing yard is the lowest point of surrounding area. Due to drastic grade change from the yard directly behind my yard, and</p>	

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<p>runoff from the street behind me, all nearby water accumulates in my yard rendering the area within the yard useless.</p> <p>Ms. Higgins agreed.</p> <p>Mr. Quinn agreed.</p> <p>Mr. Weyenberg agreed.</p> <p>Mr. Denison agreed.</p> <p>Chairman DeLeo agreed.</p> <p>With regards to part B. The need for a variance is due to the unique characteristics of the property and not to the general conditions of the neighborhood the appellant stated the property is unique to surrounding properties as stated above. It is the absolute low point. All area runoff accumulates within the yard with no drainage within the area. Spring rains will leave inches of water within the yard throughout most of the summer.</p> <p>Ms. Higgins agreed.</p> <p>Mr. Weyenberg agreed.</p> <p>Mr. Quinn agreed.</p> <p>Mr. Denison agreed.</p> <p>Chairman DeLeo agreed.</p> <p>With regards to part C. The granting of a variance will not alter the essential character of the locality the appellant stated there are no potential safety or health problems posed by the construction of a deck.</p> <p>Mr. Weyenberg agreed.</p> <p>Mr. Quinn agreed.</p> <p>Ms. Higgins agreed.</p> <p>Mr. Denison agreed.</p> <p>Chairman DeLeo agreed.</p> <p>With regards to part D. The hardship is not the result of action taken by the appellant or a prior owner the appellant stated the hardship is due to the severe lack of drainage throughout the neighborhood and the severe grade change behind the yard. The cottage is only usable four months a year, maximum, to my family and without a deck the back yard is unusable.</p> <p>Mr. Quinn agreed.</p> <p>Mr. Weyenberg agreed.</p> <p>Ms. Higgins agreed.</p> <p>Mr. Denison agreed.</p> <p>Chairman DeLeo agreed.</p> <p>Mr. Weyenberg moved to grant the variance to permit the adjustment of the rear and left side yard setbacks and lot coverage to allow for the construction of a deck.</p>	<p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p>
<p><u>ITEM 5: Tabled Variance:</u> Peter Gammo, owner of 91 Union Avenue, MBL 314-15-3, in the R2 Zone to permit the adjustment of the front, rear and left side set backs and lot coverage for the construction of a garage.</p>	<p style="text-align: center;"><u>Item 5:</u> <u>Variance</u> <u>Peter Gammo,</u> <u>91 Union Ave,</u> <u>MBL 314-15-3</u></p>

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Peter Gammo, 91 Union Ave. Mr. Gammo explained the revised plan of replacing the canvas garage with a permanent structure and where he wished to place it.

Chairman DeLeo stated he was concerned in the prior request that the garage was obtrusive to the neighbor next door.

Mr. Quinn questioned an inconsistency on the application in regards to the proposed reduction of set back. He wanted clarification if this was 10' or 5'.

Mr. Gammo stated this would be 10'. That was an oversight from the prior variance. He then stated that the neighbor that the board was concerned for before submitted a letter of support.

Chairman DeLeo read the abutters letter into the record.

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RE: Construction of a garage at 91 Union Avenue

I, Thomas Hill, of 89 Union Ave do not have any objection to a garage being built by Peter Gammo that is only 5' from our shared property line. Please approve the requested variance.

PUBLIC HEARING CLOSED

Chairman DeLeo read criteria number one.

With regards to section A. The land in question cannot yield a reasonable return unless the variance is granted the appellant stated the land has a home on it and setbacks restrict a garage to protect my cars, etc. the garage will replace the existing canvas garage.

Ms. Higgins agreed.

Mr. Quinn disagreed.

Mr. Weyenberg agreed.

Mr. Denison agreed.

Chairman DeLeo disagreed.

With regards to part B. The need for a variance is due to the unique characteristics of the property and not to the general conditions of the neighborhood the appellant stated the variance is necessary because the zoning setbacks were changed after my home was built.

Ms. Higgins agreed.

Mr. Weyenberg agreed.

Mr. Quinn agreed.

Mr. Denison agreed.

Chairman DeLeo agreed.

With regards to part C. The granting of a variance will not alter the essential character of the locality the appellant stated many homes in the area have garages and it would blend into the neighborhood. It will also improve the neighborhood by replacing the canvas garage currently there.

Mr. Weyenberg agreed.

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<p>Mr. Quinn agreed. Ms. Higgins agreed. Mr. Denison agreed. Chairman DeLeo agreed. With regards to part D. The hardship is not the result of action taken by the appellant or a prior owner the appellant stated the building was built before current setbacks and was built over 100 years ago (shown on assessor card provided). Mr. Quinn agreed. Mr. Weyenberg agreed. Ms. Higgins agreed. Mr. Denison agreed. Chairman DeLeo agreed. Mr. Quinn moved to grant the variance to permit the adjustment of the front, rear and left side set backs and lot coverage for the construction of a garage at 91 Union Avenue. Mr. Weyenberg seconded. Motion passed unanimously.</p>	<p>Motion</p> <p>Vote</p>
<p><u>Item 6 Approval of Minutes</u> April 26, 2010 Ms. Higgins moved to accept the minutes from April 26, 2010. Mr. Denison seconded. Motion passed unanimously</p>	<p>Motion</p> <p>Vote</p>
<p><u>Good & Welfare</u></p>	
<p>Ms. Higgins moved to adjourn. Mr. Weyenberg seconded. Motion passed unanimously. Meeting adjourned 8:10 pm</p>	<p>Adjournment</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 nine (9) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting on May 17, 2010

Tori Geaumont