

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES November 29, 2010**

Call to Order at 7:00 pm	Call to Order
Pledge to the Flag	
<p>Roll Call: Present: Mr. Philip Weyenberg, Chairman DeLeo, and Mr. Phil Denison. Tianna Higgins was excused.</p> <p>Staff: Mike Nugent, Code Enforcement Officer. Tori Geaumont, Secretary to the ZBA.</p>	
<p>ITEM 1: Variance: Karen Anderson, owner of 23 Massachusetts Avenue, MBL 322-3-2 in the R2 Zone to permit the adjustment of the front setback and lot coverage to allow for the infill of the space between the garage and main dwelling unit. Diane Doyle is representing the owner.</p>	<p>Item 1: Variance: <u>Karen Anderson,</u> <u>23 Massachusetts</u> <u>Avenue</u> <u>MBL 322-3-2</u></p>
<p>Mr. Nugent noted that the appellant's representative is not here and asked to move this to the last item. The board agreed.</p>	
<p>ITEM 2: Miscellaneous Appeal: Richard Hilton, owner of 8 Benoit Avenue, MBL 211-7-31 in the R2 Zone to permit the reduction of the right side yard setback for the construction of an addition. The owner is the appellant.</p>	<p>Item 2: <u>Miscellaneous</u> <u>Appeal, Richard</u> <u>Hilton, 8 Benoit</u> <u>Avenue</u> <u>MBL 211-7-31</u></p>
<p>Richard Hilton, explained he had come in front of the board in September for an addition and received approval, but in the process of beginning construction it was found that he needed to add another foot on to the addition. Therefore, he needed to return to the board for this.</p> <p>Mr. Nugent stated that the appeal is for a 14'x14' addition which gives him a few extra feet in the event he needs this.</p> <p>Chairman DeLeo asked if this was still a miscellaneous appeal.</p> <p>Mr. Nugent confirmed it was.</p> <p>Chairman DeLeo called for any abutters or correspondence.</p> <p><i>PUBLIC HEARING CLOSED AT 7:05 P.M.</i></p>	<p style="text-align: center;">PUBLIC HEARING</p>
<p>Chairman DeLeo read the criteria for number one.</p> <p>With regards to part 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 the appellant stated this home was built in 1943 and has not been updated in any way.</p> <p>Mr. Weyenberg agreed.</p> <p>Mr. Denison agreed.</p> <p>Chairman DeLeo agreed.</p> <p>With regards to part B. The requested reduction is reasonably necessary to permit the owner or 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 the appellant stated I cannot open the back door with someone standing on the existing porch. The existing porch is unsafe and needs to be replaced so I would like to enlarge it by two feet at the same time. My home is currently 785 sf with only one bedroom. I would like to add a 14' x 14' room on the back of my home so that I could invite family or friends to stay a night or two.</p> <p>Mr. Denison agreed.</p> <p>Mr. Weyenberg agreed.</p> <p>Chairman DeLeo agreed.</p> <p>With regards to part 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</p>	

TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES November 29, 2010

<p>expansion, enlargement or new structures in conformance with the currently applicable yard size or lot coverage requirements the appellant stated this home was built before the existing zoning and did not take into consideration safety features in today's world. The existing stairs and porch are just too narrow to be safe. This home is the only one on Benoit Ave that has not put an addition on the back or side of the home. My request for the new room would not interfere with neighbors and would fit in with surrounding homes. The home is only 785 sf which is one-third of the sizes of the average home.</p> <p>Mr. Denison agreed. Mr. Weyenberg agreed. 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 I have lived in my home for just five months. The attached pictures will show that I have improved the looks of the neighborhood and I would not do anything to damage the neighborhood or the value of my new home.</p> <p>Mr. Denison agreed. Mr. Weyenberg agreed. Chairman DeLeo agreed.</p> <p>Mr. Denison moved to permit the reduction of the right side yard setback for the construction of an addition. Mr. Weyenberg seconded. <i>Motion passes unanimously.</i></p>	<p>Motion</p> <p>Vote</p>
<p>ITEM 3: Variance: Carole Smith, owner of 11 School Street, MBL 206-24-37 in the DD2 Zone to permit the reduction of the right side yard setback to permit the construction of an addition. Mike Romano is representing the owner.</p>	<p>Item 3: Variance: <u>Carole Smith, 11</u> <u>School Street</u> <u>MBL 206-24-37</u></p>
<p>Mike Romano, representing the owners, explained the owners were in their late 60's and would like to have their bedroom on the first floor of their home. There is no room currently for a bedroom which necessitates the addition.</p> <p>Mr. Weyenberg asked if Mr. Romano would come forward and explain the sketch of the addition. Mr. Romano approved the board and explained the sketch.</p> <p>Chairman DeLeo called for any abutters or correspondence. PUBLIC HEARING CLOSED AT 7:10 PM</p>	<p>PUBLIC HEARING</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 my husband and I are in our late sixties. We need a bedroom on the first floor because it is difficult for us to talk up and down the stairs. The only place for the bedroom is to expand the house because of the minimal existing footage.</p> <p>Mr. Weyenberg agreed. Mr. Denison agreed. 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 existing house was built short of the setbacks. Therefore, the six feet we are added on the right side falls short of the right setback.</p> <p>Mr. Weyenberg agreed. Mr. Denison agreed. Chairman DeLeo agreed.</p> <p>With regards to part C. The granting of the variance will not alter the essential</p>	

TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES November 29, 2010

<p>character of the locality the appellant stated the addition was designed to match the existing lines and roof lines of the original building. So as not to change the characteristics of the house. Mr. Weyenberg 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 hardship is a result of advancing age and inadequate facilities. Mr. Weyenberg agreed. Mr. Denison agreed. Chairman DeLeo agreed. Mr. Weyenberg moved to permit the reduction of the right side yard setback to permit the construction of an addition. Mr. Denison seconded. <i>Motion passes unanimously</i></p>	<p>Motion</p> <p>Vote</p>
<p>ITEM 4: Miscellaneous Appeal: Kim McLaughlin, owner of 20 Foote Street, MBL 205-19-17 in the DD2 Zone to permit the reduction of the front yard and right side yard setbacks to allow construction for a garage. The owner is the appellant.</p>	<p>Item 4: <u>Miscellaneous Appeal: Kim McLaughlin, 20 Foote Street, MBL 205-19-17</u></p>
<p>Kim McLaughlin, owner of the property explained she would like to build a garage on her property with living space above. Mr. Weyenberg stated there was a lot of land and why they wished to put the garage there. He asked if the swail area was marsh. Ms. McLaughlin answered she did not want to get close to the wetland in the back of her property. Mr. Weyenberg asked if the deck will stay. Ms. McLaughlin stated part of it in the back will. Chairman DeLeo called for any abutters or correspondence. <i>PUBLIC HEARING CLOSED AT 7:15 PM</i></p>	<p>PUBLIC HEARING</p>
<p>Chairman DeLeo read the appeal. With regards to part 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 the appellant stated the existing building was built in 1991 and erected prior to the date of adoption of this provision. Mr. Dension agreed. Mr. Weyenberg agreed. Chairman DeLeo agreed. With regards to part B. The requested reduction is reasonably necessary to permit the owner or 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 the appellant stated many of the properties on the street and in the area have similar garages. Mr. Weyenberg asked if staff could clarify the swail area. He asked if the town had jurisdiction over this. Mr. Nugent stated the town does not own it and therefore does not have jurisdiction. He stated it was up to the owners to maintain it. Mr. Weyenberg inquired whether the new structure would affect it. Ms. McLaughlin answered no. The board then returned to the application. The</p>	

TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES November 29, 2010

<p>board answered: Mr. Dension agreed. Mr. Weyenberg agreed. Chairman DeLeo agreed. With regards to part 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 structures in conformance with the currently applicable yard size or lot coverage requirements the appellant stated due to the house being in the enter of the lot, to add a standard garage to maximize usage for lack of storage (no basement) and car storage and possible accessory apartment in garage. Mr. Dension agreed. Mr. Weyenberg 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 due to the nature of this older neighborhood the garage addition will not be substantially different from or greater than any existing conforming structure with regard to yard size requirements. Mr. Dension agreed. Mr. Weyenberg agreed. Chairman DeLeo agreed. Mr. Denison moved to permit the reduction of the front yard and right side yard setbacks to allow construction for a garage. Mr. Weyenberg seconded, <i>Motion passed unanimously.</i></p>	<p>Motion</p> <p>Vote</p>
<p>ITEM 5: Variance: Richard & Jean MacDonald, owner of 11 Reggio Avenue, MBL 319-12-9 in the R3 Zone to permit the adjustment of the rear and side yard setback and lot coverage to reconfigure/rebuild the existing structure. The owner is the appellant.</p>	<p>Item 5: Variance <u>Richard & Jean MacDonald, ac</u> <u>Avenue,</u> <u>MBL 206-9-7</u></p>
<p>Jean MacDonald, owner of 11 Reggio explained that the board had approved this variance back in August of 2008, but due to money issues they were unable to do the work within the six month time frame. Chairman DeLeo asked if the variance was exactly the same. Mr. Nugent indicated it was. He then stated that the board could move to reaffirm the variance or go through the entire application. Mr. Weyenberg asked where the new building is going to be on the property. Will it be in the same footprint. Mr. and Mrs. MacDonald approached the board to show, as did Mr. Nugent and the contractor for the project, Carl Goodwin. He had blueprints to show where the building will be situated. Chairman DeLeo called for any abutters or correspondence. PUBLIC HEARING CLOSED AT 7:20 PM</p>	<p>PUBLIC</p> <p>HEARING</p>
<p>Mr. Weyenberg moved to reaffirm the variance to permit the adjustment of the rear and side yard setback and lot coverage to reconfigure/rebuild the existing structure. Mr. Denison seconded. <i>Motion passed unanimously.</i></p>	<p>Motion</p> <p>Vote</p>
<p>ITEM 1: Variance: Karen Anderson, owner of 23 Massachusetts Avenue, MBL 322-3-2 in the R2 Zone to permit the adjustment of the front setback and lot coverage to allow for the infill of the space between the garage and main dwelling unit. Diane Doyle is representing the owner.</p>	<p>Item 1: Variance: <u>Karen Anderson,</u> <u>23 Massachusetts</u> <u>Avenue,</u> <u>MBL 322-3-2</u></p>
<p>Diane Doyle, explained that the appellant's son is handicapped and needs to renovate the area for his motorized wheelchair.</p>	<p>PUBLIC</p> <p>HEARING</p>

TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES November 29, 2010

<p>Chairman DeLeo called for any abutters or correspondence. <i>PUBLIC HEARING CLOSED AT 7:20 PM</i></p>	
<p>Chairman DeLeo read the appeal. With regards to part A. The land in question cannot yield a reasonable return unless the variance is granted the appellant stated the house is being rehabilitated for a disabled young man. We are asking to fill in the 5’X20’ space that exists between the current game foundation and house foundation. This additional space along with the garage space will be renovated into a handicap bathroom and expansion of a small bedroom. Without the space filled in the home would be difficult to make accessible for a motorized wheelchair making the home unsuitable for the owner and her son. Mr. Dension agreed. Mr. Weyenberg 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 stated the property is unique as it has an odd 5’x 20’ unusable space between two structures, actually it is surrounded by structure on three sides. Mr. Dension agreed. Mr. Weyenberg agreed. Chairman DeLeo agreed. With regards to part C. The granting of the variance will not alter the essential character of the locality the appellant stated filling in the 5’x 20’ space between the buildings will not effect the character of the neighborhood. The renovation will improve the appearance of the home which is in need of repair. Mr. Dension agreed. Mr. Weyenberg 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 house was constructed in ? and the garage wads attached at some later date. It was attached to the house on one side, creating the 5’x 20’ space between the house and garage. Mr. Dension agreed. Mr. Weyenberg agreed. Chairman DeLeo agreed. Mr. Denison moved to permit the adjustment of the front setback and lot coverage to allow for the infill of the space between the garage and main dwelling unit. Mr. Weyenberg seconded. <i>Motion passed unanimously.</i></p>	<p style="text-align: center;">Motion</p> <p style="text-align: center;">Vote</p>
<p><u>Item 6: Acceptance of Minutes:</u> Mr. Weyenberg moved to table the acceptance of the September 27, 2010 and October 18, 2010 minutes until the next meeting. Mr. Denison seconded. <i>Motion passes unanimously.</i></p>	<p style="text-align: center;"><u>Item 6:</u></p>
<p>GOOD & WELFARE Mr. Nugent talked about how at the next Ordinance Revision Committee meeting the committee will be starting to go over Chapter 78, and the chairs of all boards have been invited to attend. He also invited the rest of the board if they would like to attend. He informed the board that the ORC will be interested in only fixing things and not changing or deleting things drastically.</p>	
<p>Mr. Weyenberg moved to adjourn.</p>	<p style="text-align: center;">Motion Vote</p>

TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES November 29, 2010

Mr. Denison seconded. <i>Motion passes unanimously.</i>	
	Adjournment

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 ten (10) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting on November 29, 2010

Tori Geaumont