

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
March 26, 2012**

<p>Call to Order at <u>7:05 pm</u></p>	<p>Call to Order</p>
<p>Pledge to the Flag</p>	
<p>Roll Call: Present: Mark Lindquist, Owen Stoddard, Chairman Ray DeLeo. Tianna Higgins. Absent: Philip Denison, Ron Regis. Staff: Valdine Helstrom, ZBA Clerk</p> <p>Chair DeLeo read the criteria for the Public Hearing.</p>	<p>PUBLIC HEARING</p>
<p><u>ITEM 1: Variance:</u> Ann Garvey and Gretchen Garvey of 99 Portland Avenue, MBL 203-1-14, in the R-1 Zone. Applicant is requesting a one year extension to a variance (originally approved on 11-28-2011) from minimum lot size, minimum frontage requirements and buildable area requirements. Owner is the appellant.</p> <p>The applicant did not get the abutters notices out in the time allotted for getting this item on this months ZBA agenda. Tianna Higgins made a motion to table this item without prejudice. Seconded by Mark Lindquist.</p> <p><i>Motion passes unanimously.</i></p>	<p><u>ITEM 1</u> <u>TABLED</u></p> <p><u>MOTION</u> <u>(4-0)</u></p>
<p><u>ITEM 2: Variance:</u> James R. and Francis E. Buckley, owner of 34 Staple St., MBL 206-31-12 in the DD1 Zone. The owner is seeking a variance to allow construction of a 10' x 24' front porch. This includes a reduction in the following setbacks: Front yard proposed 9' (15' required) and side yard proposed 6' & 13' (15' required); and a 4% increase in building coverage to 41% (35% max. required). Owner is the appellant. Note: This proposal will require a Design Review Certificate.</p> <p>James Buckley introduced himself to the Board and stated that he and his wife would like to build a front porch and is seeking a variance to allow them to build this 10' x 24' porch to be able to use the house to its full potential and be able to enjoy it with family. He has talked with his neighbors and they don't have a problem with this. The immediate neighbors around 34 Staples Street all have porches and all he is trying to do is to have a porch like the neighbors. Nothing fancy or too large, just want to install a porch that fits in with the neighborhood.</p> <p>Tom Nugent from 36 Staples Street introduced himself to the Board. Mr. Nugent stated that he, along with his wife who lives at 38 Staples Street was involved with how the porch was going to be built and this will not interfere with the views that they already have. And he was assured that there would be no negative affect on their property. They have no issues with this Variance for the Buckley's.</p> <p>Dave Darling introduced himself to the Board and stated that he would be the builder and if the Board had any questions, he would be willing to answer them.</p>	<p><u>ITEM 2</u></p>

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Chair DeLeo read the four criteria of hardship:

A. The land in question cannot yield a reasonable return unless the variance is granted.

Just want to construct a three season porch to be able to use the house to its full potential and be able to enjoy it with family.

Owen Stoddard – Agree
Mark Lindquist – Agree
Tianna Higgins - Disagree
Ray DeLeo - Agree

B. The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood.

Yes I am looking to install the three season porch to be able to enjoy the summer months and be able to view the carnival and the tourists out front. With what we have now we cannot do that. Whereas the neighborhood has that.

Owen Stoddard – Agree
Mark Lindquist – Agree
Tianna Higgins - Agree
Ray DeLeo - Agree

C. The granting of a variance will not alter the essential character of the locality.

The immediate neighbors around 34 Staples Street all have porches and all I am trying to do is have a porch like the neighbors. Nothing fancy or too large, just want to install a porch that fits in with the neighborhood.

Owen Stoddard – Agree
Mark Lindquist – Agree
Tianna Higgins - Agree
Ray DeLeo - Agree

D. The hardship is not the result of action taken by the appellant or a prior owner.

Just trying to modernize the home by constructing a three season porch.

Owen Stoddard – Agree
Mark Lindquist – Agree
Tianna Higgins - Agree
Ray DeLeo - Agree

Mark Lindquist made a motion to grant a variance to James R. and Francis E. Buckley, owners of 34 Staples Street, MBL 206-31-12 in the DD1 Zone. Seconded by Tianna Higgins.

Val Helstrom called for the vote:

Tianna Higgins – Yes
Ray DeLeo – Yes
Mark Lindquist – Yes
Owen Stoddard – Yes

Motion passes 4-0

MOTION

VARIANCE
APPROVED

(4-0)

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<p><u>ITEM 3: Acceptance of Minutes:</u> February 27, 2012</p> <p>Owen Stoddard made a motion to approve the February 27, 2012 meeting minutes, seconded by Mark Lindquist.</p> <p><i>Motion passes unanimously.</i></p> <p>Mark Lindquist made a motion to adjourn at 7:35 p.m. seconded by Owen Stoddard. <i>Unanimous.</i></p>	<p style="text-align: center;"><u>ITEM 3</u> <u>APPROVAL</u> <u>OF</u> <u>MINUTES</u></p> <p style="text-align: center;"><u>MOTION</u></p> <p style="text-align: center;"><u>VOTE</u> <u>(4-0)</u></p>
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I, Valdine Helstrom, Secretary to the Zoning Board of Appeals of the Town of Old Orchard Beach, do hereby certify that the foregoing document consisting (3) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on March 26, 2012.

Valdine L. Helstrom