

**TOWN OF OLD ORCHARD BEACH  
PUBLIC HEARING  
ZONING BOARD OF APPEALS MEETING MINUTES  
May 21, 2012**

<p><b>Call to Order at <u>7:04 pm</u></b></p>	<p>Call to Order</p>
<p><b>Pledge to the Flag</b></p>	
<p><b>Roll Call:</b> Present: Mark Lindquist, Owen Stoddard, Ron Regis, Chairman Ray DeLeo. Absent: Tianna Higgins, Philip Denison. Staff: Val Helstrom, ZBA Clerk</p>	<p><b>PUBLIC HEARING</b></p>
<p>Chair DeLeo read the criteria for the Public Hearing.</p> <p><b><u>ITEM 1: Miscellaneous Appeal:</u></b> Ernest &amp; Jeannette Cox, owners of 27 Birkdale Circle, MBL 204-3-9 in the R1 Zone to permit replacement of attached deck(wood 10x10) with a new deck (composite 12x12) on the rear of their home. Owner is the appellant.</p> <p>Mr. Ernest Cox introduced himself to the Zoning Board of Appeals. Mr. Cox stated that his deck is 15 – 16 years old and would like to replace his 10’ x 10’ deck with a 12’ x 12’ composite deck. It would be 2’ deeper and 2’ wider. No electricity. Mr. Cox also stated they are going to replace the steps that are according to code.</p> <p>There was no one from the public to speak for or against this item the Public Hearing closed at 7:09 pm.</p> <p>Chair DeLeo read off the Criteria for a <b>Miscellaneous Appeal:</b></p> <p style="padding-left: 40px;"><b>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.</b></p> <p style="padding-left: 40px;">The house with deck was built prior to this provision.</p> <p>Stoddard – Approved Lindquist – Approved Regis - Approved DeLeo - Approved</p> <p style="padding-left: 40px;"><b>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.</b></p> <p style="padding-left: 40px;">May others in this area have decks of larger size also built prior to this provision. We are asking only a small increase in size so when family is here we can eat together.</p> <p>Stoddard – Approved Lindquist – Approved</p>	<p style="text-align: center;"><b><u>ITEM 1</u></b></p>

<p>Regis - Approved DeLeo - Approved</p> <p><b>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 structure in conformance with the currently applicable yard size or lot coverage requirements.</b></p> <p>There is no other practical location for the deck.</p> <p>Stoddard – Approved Lindquist – Approved Regis - Approved DeLeo - Approved</p> <p><b>D. The impacts and effects of the enlargement, expansion or new principal building or structure on existing uses in the neighborhood will not be substantially different from or greater than the impacts and effects of a building or structure which conforms to the yard size requirements.</b></p> <p>There is no impact on the neighborhood. Most homes will not be aware as the deck is not visible except to three homes, and only far to the side.</p> <p>Stoddard – Approved Lindquist – Approved Regis - Approved DeLeo - Approved</p> <p>Mark Lindquist made a motion the we grant a Miscellaneous Appeal to Ernest and Jeannette Cox, owners of 27 Birkdale Circle, MBL 204-3-9 in the R1 Zone to permit the replacement of an attached deck (wood 10' x 10') with a new deck (composite, 12' x 12') on the rear of their home. This was seconded by Ron Regis.</p> <p>Ms. Helstrom recorded the vote:</p> <p>Stoddard – Agreed Lindquist – Agreed Regis - Agreed DeLeo - Agreed</p>	<p><b><u>MOTION</u></b></p> <p><b><u>MISC. APPEAL APPROVED</u></b></p> <p><b><u>(4-0)</u></b></p>
<p><b><u>MINUTES</u></b></p> <p>Owen Stoddard made a motion to approve the April 30, 2012 Zoning Board Meeting Minutes. Seconded by Mark Lindquist. All approved.</p>	<p><b><u>MINUTES</u></b></p> <p><b><u>VOTE</u></b></p> <p><b><u>(4-0)</u></b></p>

*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 of Two (2) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on May 21, 2012.*

*Valdine L. Helstrom*

