

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
PUBLIC HEARING
January 28, 2013**

<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, Ron Regis, Tianna Higgins. Alternate Paul Weinstein.</p> <p>Staff: James Butler, Code Enforcement Officer</p>	
<p><i>Chair DeLeo read the criteria for the Public Hearing.</i></p>	
<p><u>ITEM 1:</u> Acceptance of the minutes of the November 26, 2012 meeting.</p> <p>Owen Stoddard made a motion to accept the November 26, 2012 meeting minutes. Seconded by Ron Regis.</p> <p>Unanimous.</p>	<p><u>ITEM 1</u></p> <p><u>Motion</u></p> <p><u>Vote</u></p> <p><u>(5-0)</u></p>
<p><u>ITEM 2: Miscellaneous Appeal:</u> Edward Lavertu, Agent for the owners David Mead-Fox & Cynthia Paradis of 7 Weymouth Avenue, MBL 324-11-4 in the R-3 Zone to permit expansion of existing deck by 1’ towards front yard and 1’ towards side yard. Applicant is seeking approval of a miscellaneous appeal of the minimum side yard setback. Agent is the appellant.</p> <p>Edward Lavertu introduced himself to the Board Members. He is here representing David Mead-Fox and Cynthia Paradis.</p> <p>Mr. Lavertu stated that they want to expand the existing deck by 1’ towards front yard and 1’ towards side yard to bring it in line with the existing building. The main purpose for doing this is to square it up and also to prevent water from damaging the building.</p> <p>There being no one for or against this item, the meeting closed to the public at 7:12 p.m.</p> <p><i>Chair DeLeo read the four criteria for hardship:</i></p> <p style="padding-left: 40px;">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.</p> <p>The lot is a non-conforming parcel.</p>	<p><u>ITEM 2</u></p> <p><u>MISC. APPEAL</u></p>

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Ron Regis – Agree
Mark Lindquist – Agree
Chair DeLeo - Agree
Tianna Higgins - Agree
Owen Stoddard - Agree

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 requested reduction is necessary primarily to prevent water from damaging building not as a means to increase square footage.

Ron Regis – Agree
Mark Lindquist – Agree
Chair DeLeo - Agree
Tianna Higgins - Agree
Owen Stoddard - Agree

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.

Due to the physical features, it would not be practical to construct the proposed expansion with current applicable yard size or lot coverage requirements.

Ron Regis – Agree
Mark Lindquist – Agree
Chair DeLeo - Agree
Tianna Higgins - Agree
Owen Stoddard - Agree

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.

The above statement is true. The impacts and effects of the enlargement will not be substantially different than the impacts and effects of a building or structure which conforms to yard size requirements.

Ron Regis – Agree
Mark Lindquist – Agree
Chair DeLeo - Agree
Tianna Higgins - Agree
Owen Stoddard – Agree

Tianna Higgins moved to approve the Miscellaneous Appeal for a minimum side yard setback for David Mead-Fox and Cynthia Paradis of 7 Weymouth Avenue, MBL 324-11-4 in the R-3 Zone to permit expansion existing deck by 1' towards front yard and 1' towards side yard. Seconded by Ron Regis.

MOTION

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<p><i>Code Officer James Butler called for the vote:</i></p> <p>Ron Regis – Yes Mark Lindquist – Yes Chair DeLeo - Yes Tianna Higgins - Yes Owen Stoddard – Yes</p>	<p style="text-align: center;"><u>MISC. APPEAL APPROVED</u></p> <p style="text-align: center;"><u>(5-0)</u></p> <p style="text-align: center;"><u>Unanimous</u></p>
<p><u>ITEM 3</u></p> <p>ELECTION OF OFFICERS:</p> <p>Tianna Higgins made a motion to nominate Ray DeLeo for Zoning Board of Appeals Chair, seconded by Owen Stoddard.</p> <p>All in favor.</p> <p>Mark Lindquist made a motion to nominate Tianna Higgins for Zoning Board of Appeals Vice Chair, seconded by Owen Stoddard.</p> <p>All in favor.</p>	<p style="text-align: center;"><u>ITEM 3</u></p> <p style="text-align: center;"><u>Motion Vote (5-0)</u></p> <p style="text-align: center;"><u>Motion Vote (5-0)</u></p>
<p>Mark Lindquist made a motion to adjourn the meeting at 8:18 p.m.</p>	
<p>GOOD AND WELFARE ADJOURNMENT CHAIRMAN</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 Three (3) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on January 28, 2013.

Valdine L. Helstrom