

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
MARCH 25, 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, Tianna Higgins, Ron Regis, Chairman Ray DeLeo. Absent: Paul Weinstein. Staff: James Butler, Code Enforcement Officer, Valdine Helstrom, ZBA Clerk</p>	<p>PUBLIC HEARING</p>
<p><u>ITEM 1: Acceptance of the minutes of the February 25, 2013 meeting.</u> Owen Stoddard made a motion to approve the ZBA meeting minutes of February 25, 2013. Seconded by Mark Lindquist. All in favor.</p>	<p><u>ITEM 1</u> <u>VOTE</u> <u>(5-0)</u></p>
<p><u>ITEM 2: Miscellaneous Appeal : Matthew Mangels, Applicant of 27 Adelaide Road, MBL 206-29-24 in the R-1 Zone to 50% reduce side yard setback to allow an addition to principal structure up to 7.5 feet from side yard setback, also 50% reduce side yard setback up to 5 feet from side yard setback for an accessory structure to allow for a free floating deck. Owner is Appellant.</u> Tianna Higgins wanted to state for the record that she lives at 38 Adelaide Road. Matthew Mangels introduced himself to the Board Members and informed them of what he would like to do. This is a 4 bedroom house that has only one bathroom. He would like to put a second bathroom on the 1st floor. He would also like to put a deck on the back of the property as well. Also are looking for the 50% Variance for the deck. There being no one speaking for or against this proposal, the meeting was closed to the public at 7:14 p.m. 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 existing structures (house and garage) were (assumed) built prior to the current setback requirements being in place. As such, the main house is located approximately 1 foot from the property line. Ron Regis - Agree</p>	<p><u>ITEM 2</u> <u>MISC. APPEAL</u></p>

Mark Lindquist – Agree
Owen Stoddard – Agree
Tianna Higgins – Agree
Chair Ray DeLeo – 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 proposed changes do not change the way the house has been or is intended to be used. Houses of similar size have 2 bathrooms – for Example, 1B Street, and 2 B street. Most of the area houses also have a deck where occupants can sit outside and enjoy the outdoors. The proposed changes help to better align this property with the features already available in other homes in this neighborhood.

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

The house appears to sit approximately 1' from the property line. There is no practical way to add an addition or deck to the house without a Miscellaneous Appeal. The lot size is .225 acres. The proposed changes maintain the minimum yard size requirements.

Ron Regis - Agree
Mark Lindquist – Agree
Owen Stoddard – Agree
Tianna Higgins – Agree
Chair Ray DeLeo – 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 effects would be similar. If the house were not situated so close to the property line, this work would not require a Miscellaneous Appeal. Given the spacing between the adjacent houses, this addition would not seem to have any material impact on the neighboring homes.

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

Owen Stoddard made a motion to approve the Miscellaneous Appeal for Matthew Mangels, 27 Adelaide Road, MBL 206-29-24 in the R-1 Zone to 50% reduce side yard setback to allow an addition to principal structure up to 7.5 feet from side yard setback, also 50% reduce side yard setback up to 5 feet from side yard setback for

MOTION

<p>an accessory structure to allow for a free floating deck. Seconded by Ron Regis.</p> <p><i>Code Officer James Butler called for the vote:</i></p> <p>Ron Regis – Yes Mark Lindquist – Yes Owen Stoddard – Yes Tianna Higgins – Yes Chair Ray DeLeo – Yes</p> <p>All in favor.</p>	<p style="text-align: center;"><u>MISC.</u> <u>APPEAL</u> <u>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 Miscellaneous Appeal: Robert Stevenson, Applicant of 178 West Grand Avenue, MBL 321-14-2 in the R-3 Zone to reduce front yard setback to permit construction of nonconforming means of egress construction. This is required by the town fire prevention code. Owner is the Appellant.</u></p> <p>Robert Stevenson introduced himself to the Board Members and stated that he needs a 2nd exit to rent his property. He removed the stairs because they were worn and now he needs to put them back.</p> <p>Mr. Butler stated that because we do not know when the stairs were removed, and that it is a corner lot, it does not meet the setbacks. They are converting the first floor of the single family house into a 2 unit rental. The second exit that was previously there is required by the town Fire Department.</p> <p>There being no one speaking for or against this proposal, the public hearing closed at 7:22 p.m.</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 style="padding-left: 40px;">Front landing and stairs for egress required for each unit stairs on front on West Grand Avenue (178). Replacement as to originally built.</p> <p>Ron Regis - Agree Mark Lindquist – Agree Owen Stoddard – Agree Tianna Higgins – Agree Chair Ray DeLeo – Agree</p> <p style="padding-left: 40px;">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.</p> <p>Same stairs and landing there originally need to be put back. Other properties have same set of stairs.</p>	<p style="text-align: center;"><u>ITEM 3</u></p> <p style="text-align: center;"><u>MISC. APPEAL</u></p>

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

Stairs same as before. Proposed location is only place for stairs.

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

Stairs same as before. Stairs will be the same as stairs in area.

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

Mark Lindquist made a motion to grant a Miscellaneous Appeal to Robert Stevenson, 178 West Grand Avenue, MBL 321-14-2 in the R-3 Zone to reduce front yard setback to permit construction of nonconforming means of egress construction. Seconded by Tianna Higgins, with one amendment that the stairs need to meet current code requirements.

Code Officer James Butler called for the vote:

Ron Regis – Yes
Mark Lindquist – Yes
Owen Stoddard – Yes
Tianna Higgins – Yes
Chair Ray DeLeo – Yes

All in favor.

MOTION
MISC.
APPEAL
APPROVED

VOTE

(5-0)

Tianna Higgins made a motion to adjourn at 7:35 p.m. Seconded by Owen Stoddard.	
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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 of Five (5) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on March 25, 2013.

Valdine L. Helstrom