

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
APRIL 28, 2014**

<p>Call to Order at <u>7:03 pm</u></p>	<p>Call to Order</p>
<p>Roll Call: Present: Tianna Higgins, Mark Lindquist, Owen Stoddard, David Boudreau. Absent: Chairman Ray DeLeo, Paul Weinstein, Ron Regis.</p> <p>Staff: Dan Feeny, Code Enforcement Officer, Valdine Camire, ZBA Clerk</p>	<p>PUBLIC HEARING</p>
<p>Pledge to the Flag</p>	
<p><i>Chair DeLeo read the criteria for the Public Hearing.</i></p>	
<p><u>ITEM 1:</u> Acceptance of the minutes of March 31, 2014</p> <p>These minutes could not be approved because not enough members in attendance. Postponed until the next meeting.</p>	<p><u>ITEM 1</u></p>
<p><u>ITEM 2: VARIANCE-</u> Phillip and Paulette Thibodeau Owner 7 Union Avenue, Old Orchard Beach, ME. MBL 316-11-4- in the BRD Zone – Paul Descoteau as agent. Applicant is seeking to rebuild/ replace existing stairs and landing and increase foot print by an additional 144 Square Feet.</p> <p>Paul Descoteau, applicant and contractor for Mr. and Mrs. Thibodeau introduced himself to the Board Members. Mr. Descoteau explained that they would like to remove the existing cement stairs (for safety issues) and rebuild the front stairs and increase the foot print by 144 sq.ft., increasing the landing and making these stairs conform to the proper codes and the possibility in the future for creating a ramp.</p> <p>Dorothy Cook, abutter from 5 Union Avenue introduced herself to the Board Members and is in agreement for this project.</p> <p>Jean Bryant, abutter from 9 Union Avenue introduced herself to the Board Members and is in agreement for this project.</p> <p>The public hearing closed to the public at 7:10 pm.</p> <p><i>Ms. Higgins reads off the four criteria of hardship:</i></p> <p style="padding-left: 40px;">A. The land in question <u>cannot</u> yield a reasonable return unless the variance is granted.</p> <p>RESPONSE: The Variance request is a safety issue, not an economic issue.</p> <p>Tianna Higgins – Agree Mark Lindquist – Agree David Boudreau– Agree Owen Stoddard – Agree</p>	<p><u>ITEM 2</u></p>

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

RESPONSE: The existing stairs are difficult to navigate as proven by the owners present. Mrs. Thibodeau has had a broken ankle.

Tianna Higgins – Agree
Mark Lindquist – Agree
David Boudreau– Agree
Owen Stoddard – Agree

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

RESPONSE: As per the attached pictures, proposed construction is a mirror image of all abutters.

Tianna Higgins – Agree
Mark Lindquist – Agree
David Boudreau– Agree
Owen Stoddard – Agree

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

RESPONSE: Old stairs were built to old code from 1940.

Tianna Higgins – Agree
Mark Lindquist – Agree
David Boudreau– Agree
Owen Stoddard – Agree

Mark Lindquist made a motion to grant a Variance to Phillip and Paulette Thibodeau, owner of 7 Union Avenue, MBL: 316-11-4 in the BRD Zone to rebuild/replace existing stairs and landing and increase footprint by an additional 144 Square Feet. Seconded by David Boudreau.

Code Enforcement Officer Dan Feeney called for the vote:

Tianna Higgins – Agree
Mark Lindquist – Agree
David Boudreau– Agree
Owen Stoddard – Agree

MOTION

VOTE

(4-0)

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ITEM 3: CODE OFFICIAL – Discussion of time change of future meetings to start at 6:00 pm instead of 7:00 pm. This item was tabled until the next meeting when all Board Members have expressed their opinion on this discussion.	
ADJOURN Tianna Higgins moved to adjourn at 7:12 p.m. seconded by Owen Stoddard. Unanimous.	
GOOD AND WELFARE	

I, Valdine Camire, 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 April 28, 2014

Valdine Camire