

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
August 25, 2014**

<p>Call to Order at <u>7:03 pm</u></p>	<p>Call to Order</p>
<p>Roll Call: Present: Chairman Ray Deleo, Mark Lindquist, David Boudreau, Ron Regis. Absent: Tianna Higgins, Paul Weinstein, Owen Stoddard.</p> <p>Staff: Dan Feeney, 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 April 28, 2014</p> <p>These minutes were tabled. 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> David A. Edwards 2 Cookman Avenue Old Orchard Beach MBL 317-8-1 Zone R-2 Applicant seeking permission to build out decks and stairs to lot lines.</p> <p>David Edwards introduced himself to the Board Members. He is looking to add an 8' x 27'6" deck across the front of my house with stairs to the driveway as another means of egress. He is well within the setback limits. He has not steps at all and it is a safety issue.</p> <p>Ron Regis stated that this is an incomplete application as the proposed space and bulk dimensions are not included in the application.</p> <p>Ron Regis made a motion to table this proposal until more information can be added to the application. Seconded by Mark Lindquist.</p> <p><i>All agreed.</i></p>	<p><u>ITEM 2</u></p> <p><u>MOTION</u></p> <p><u>VOTE</u> <u>(4-0)</u></p>
<p><u>ITEM 3 VARIANCE</u> - Non conforming Lot – Donald Collard 144 Portland Avenue MBL 104-1-17 Zone RD Applicant removed derelict structure to prepare to build new dwelling and time for grandfathering has lapsed. Requesting to be able to build a home on the site.</p> <p>Mark Bureau from 139 Portland Avenue stated that he was asked to take down the condemned building about 2 ½ years ago which was approximately 24' x 32'. The</p>	<p><u>ITEM 3</u></p>

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building next door is the worst blight that he has ever seen and he has been trying for a couple of years to get things cleaned up. We have the blight laws that are totally in effect however we have a lack of the town enforcing the rules.

The ordinance in regards to a building that is torn down, they have 2 years to rebuild a house.

Mr. Collard stated that he was unaware of this ordinance. He would like to start building on May 1, 2015.

Chair DeLeo stated that if they do approve this tonight, he would like to add a contingency to the motion stating that the variance would disappear after two years if the property isn't developed.

Mark Bureau is in favor of seeing this variance granted because of a new building, new tax base and hopefully an incentive to get the remainder of the neighborhood lots cleaned up. We only want the community to be moving forward and not stepping back.

The public hearing closed to the public at 7:53 pm.

Mr. Deleo reads off the four criteria of hardship:

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

Response: The land is currently undeveloped as we had to tear down the original house due to it had become unlivable and dilapidated. Currently it has no value to me if I cannot build a replacement home.

Ron Regis - Yes
Mark Lindquist - Yes
David Boudreau - Yes
Ray Deleo – Yes

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: This property lot size is 40' x 220' so it does not adhere to the variance laws on the state codes. This lot is a unique size and it is believed it was originally a part of a neighboring lot and was split in two, which made it smaller.

Ron Regis - Yes
Mark Lindquist - Yes
David Boudreau - Yes
Ray Deleo – Yes

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

Response: There is no desire to alter the area. I simply wish to re-build a home on this lot

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<p>that will fit in with what is already in the community.</p> <p>Ron Regis - Yes Mark Lindquist - Yes David Boudreau - Yes Ray Deleo – Yes</p> <p>D. The hardship is not the result of action taken by the appellant or a Prior owner.</p> <p>Response: When the property was purchased, there was a home on the lot, however this home had not been taken care of and become run down and unlivable. It was considered dilapidated and needed to be torn down completely. My plans we to build a new home but did not get it accomplished in the appropriate time frame required due to finances. I did not realize that there was a time limit, however I am anxious to move forward at this time.</p> <p>Ron Regis - Yes Mark Lindquist - Yes David Boudreau - Yes Ray Deleo – Yes</p> <p>David Boudreau made a motion to grant the variance to Donald Collard, 144 Portland Avenue MBL 104-1-17 RD Zone to construct a 24 x 32 foot home and to start on May 1, 2015 and complete the project within 2 years.</p> <p><i>Dan Feeney called for the vote:</i></p> <p>Ron Regis - Yes Mark Lindquist - Yes David Boudreau - Yes Ray Deleo – Yes</p>	<p style="text-align: center;"><u>MOTION</u></p> <p style="text-align: center;"><u>VOTE</u></p> <p style="text-align: center;"><u>(4-0)</u></p>
<p><u>ITEM 4- ADMINISTRATIVE INTERPRETATION</u> Pine Ridge Realty – agent Edward S. Mac Coil Appeal is for building permit issued to: Bernard J. Saulnier LLC. 3 Nicholas Drive MBL 105A-1-702 Zone PMUD- Pine Ridge Realty is disputing whether a building permit should have been issued for this property.</p> <p>This item was tabled.</p>	<p style="text-align: center;"><u>ITEM 4</u></p>
<p><u>ITEM 5 VARIANCE</u> –Non Conforming Lot Jane Morin DUBE Street Old Orchard Beach, Scott McLeod Builder ASH COVE Construction is seeking a Variance to demolish a derelict building and build a 5 unit structure on the site. The owner of the abutting property wants to add this site to their structures built in 2013-2014. MBL 305-1-3 Zone DD-2</p> <p>Scott McLeod from Ash Cove Construction introduced himself. He is here</p>	<p style="text-align: center;"><u>ITEM 5</u></p>

