

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
FEBRUARY 24, 2014**

<p>Call to Order at <u>7:00 pm</u></p>	<p>Call to Order</p>
<p>Pledge to the Flag</p>	
<p>Roll Call: Present: Mark Lindquist, Ron Regis, Owen Stoddard, Paul Weinstein, Chair Ray DeLeo. Absent: Tianna Higgins, David Boudreau. Staff: Dan Feeney, Code Enforcement Officer, Valdine Camire, ZBA Clerk.</p>	<p>PUBLIC HEARING</p>
<p>Chair DeLeo read the criteria for the Public Hearing.</p>	
<p><u>ITEM 1:</u> Acceptance of the minutes of November 25, and September 30th 2013 and February 3, 2014.</p> <p>Not enough members were present to vote on the November 25, 2013 meeting minutes so these will be postponed until the next meeting.</p> <p>Owen Stoddard made a motion to approve the September 30, 2013 meeting minutes, seconded by Ray DeLeo.</p> <p>Paul Weinstein made a motion to approve the February 3, 2014 meeting minutes, seconded by Ray DeLeo.</p>	<p><u>ITEM 1</u></p> <p><u>VOTE</u> <u>(5-0)</u></p> <p><u>VOTE</u> <u>(5-0)</u></p>
<p><u>ITEM 2:</u></p> <p>Request of extension on variance issued to MCJ, LLC. Mark Bureau, Owner - MBL 202-3-13 issued September 26, 2011.</p> <p>Owen Stoddard made a motion to approve the extension of the Variance for MCJ, LLC. Mark Bureau, MBL 202-3-13 issued September 26, 2011 to permit the adjustment to the setback from the highest annual tide (high watermark) to allow the construction of a single family dwelling, seconded by Chair Ray DeLeo.</p> <p><u>Code Enforcement Officer Dan Feeney called for the vote:</u></p> <p>Paul Weinstein – Abstain Ron Regis – Abstain Mark Lindquist – No Owen Stoddard - Agree Chair Ray DeLeo – Agree</p>	<p><u>ITEM 2</u></p> <p><u>MOTION</u></p> <p><u>VOTE</u> <u>(2-1-2)</u></p>

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ITEM 3: Variance - Thomas and Carol Wells, Applicant of 2 New Salt Road, MBL: 324-1-9 in the R-3 Zone, to reduce a 3¹ rear setback and a 12' front setback to construct a 29' x 18' garage with apartment.

ITEM 3

Applicant Thomas Wells introduced himself to the ZBA Board Members. He explained that he and his wife would like to re-build a garage that would be smaller than the garage that was there previously. And they would also like to add an apartment on top of the garage. The garage would be 18' x 29'. The building was torn down more than 2 years ago so that is why they are here asking for a variance. They already have an apartment in their home. This would be a second apartment.

There being no one here speaking for or against the appellant, the hearing was closed to the public at 7:07 p.m.

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: We are now retired and living at 2 New Salt Road with a reduced income.

Paul Weinstein – Agree
Ron Regis – Disagree
Mark Lindquist – Agree
Owen Stoddard - Agree
Chair Ray DeLeo – Agree

VOTE

(4-1)

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: 2 New Salt existed with a garage but we removed due to the age and condition. We have had severe damage to vehicles being exposed to the elements and this is a continuous loss.

Paul Weinstein – Agree
Ron Regis – Disagree
Mark Lindquist – Agree
Owen Stoddard - Agree
Chair Ray DeLeo – Agree

VOTE

(4-1)

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

RESPONSE: Several dwellings in our neighborhood have garages and adding our garage will not change the aesthetics, only improve the character of this area, nor will it pose health or safety problems.

