

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
DECEMBER 28, 2015**

<p>Call to Order at <u>6:33 pm</u></p>	<p>Call to Order</p>
<p>Roll Call: Present: Vice Chair, Tianna Higgins. Ron Regis, Mark Lindquist, Owen Stoddard, Absent: Chairman Ray DeLeo, Paul Weinstein.</p> <p>Staff: Dan Feeney; Code Enforcement Official, Valdine Camire; ZBA Clerk</p>	<p>PUBLIC HEARING</p>
<p>Pledge to the Flag</p>	
<p><i>Vice Chair Tianna Higgins read the criteria for the Public Hearing.</i></p>	
<p>ITEM 1: Acceptance of the minutes for May 18, 2015 and November 30, 2015 meetings.</p> <p>The May 18, 2015 meeting minutes were postponed because there were not enough members to approve.</p> <p>Owen Stoddard made a motion to approve the November 30, 2015 meeting minutes, seconded by Ron Regis.</p> <p>Ron Regis – Agree Mark Lindquist – Agree Owen Stoddard – Agree Vice Chair Higgins – Abstained (she did not attend that meeting)</p>	<p><u>ITEM 1</u></p> <p><u>MOTION</u></p> <p><u>VOTE</u> <u>(3-1)</u></p>
<p><u>ITEM 2: Miscellaneous Appeal: George Hogan, 17 Seacliff Avenue, MBL: 315-7-1 Zone: R-3</u> <u>Reduction of sideline setback to 4.6 ft.</u></p> <p>George Hogan introduced himself to the Board members. Mr. Hogan is requesting a setback reduction of 4.6'. He would like to be able to expand 16' on the side of his house to add on an addition.</p> <p><i>Vice Chair Higgins read through the criteria:</i></p> <p>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>Response: Erected prior to date of adoption</p> <p>Ron Regis – Agree Owen Stoddard - Agree Chair Higgins – Agree</p>	<p><u>ITEM 2</u></p>

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Mark Lindquist – 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.

Response: Many of the properties in this district have been allowed to apply and have qualified for a setback reduction.

Ron Regis – Agree
Owen Stoddard - Agree
Vice Chair Higgins – Agree
Mark Lindquist – 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.

Response: It would not be practical.

Ron Regis – Agree
Owen Stoddard - Agree
Vice Chair Higgins – Agree
Mark Lindquist – 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.

Response: Correct.

Ron Regis – Agree
Owen Stoddard - Agree
Vice Chair Higgins – Agree
Mark Lindquist – Yes

Mark Lindquist made a motion to grant a Miscellaneous Appeal to George Hogan, 17 Seacliff Avenue, MBL: 315-7-1 Zone: R-3 to reduce the sideline setback to 4.6 feet to build a 16' expansion to his home, seconded by Ron Regis.

MOTION

Dan Feeney called for the vote:

Ron Regis – Yes
Owen Stoddard - Yes
Vice Chair Higgins – Yes
Mark Lindquist – Yes

VOTE

(4-0)

Code Official Dan Feeney stated for the record that 4.6' is the absolute maximum that they are asking for. It appears they actually could have more room there so they could actually move away a little bit more. But they cannot go any closer than 4.6'.

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**ITEM 3: Variance: Seth and Nancy Koket, 17 Odena Avenue, MBL: 316-1-2
Zone: R-3
Remove structure encroachment to lot line. (current right of way of town)**

ITEM 3

Ron Sabin from 18 Odena Avenue, builder/neighbor for the applicant introduced himself to the Board members. The home on 17 Odena Avenue They have the lowest spot on the street and every time it rains the house floods so they would like to lift it up and put a foundation under it. They want to use the exact same footprint but move it back 2 feet back from the right of way of the town. They want to reduce the house by 6". Currently the driveway is on the side of their property and half of that driveway is on the neighbor's property so they would like to remove that and there would be a front load garage, then the driveway would be on their own property.

Vice Chair Higgins read through the criteria:

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

Response: The land itself would not have much value without a residential house that it is zoned for. The current home is deteriorating quicker than we can keep up with repairs due to flooding. It is a small property with 1 bedroom and 1 bath so the footprint is small. The property and home floods almost every time it rains. The water flows into the house from one side and fills up the basement/underground area until it gets full then starts flowing out the other side. The water continues to sit underneath the home for days after the rain has stopped. The new floor joists and internal floor space is rotting and shifting considerably since they were repaired/replaced in 2011. It seems no matter what we do to improve the flooding from the rain it does not help. We would like to start over with a new foundation so that the property will be stable and able to handle normal rain. With a footprint that is close to 700 square feet it would be hard to make use of the property if it were any smaller. Currently it has 1 bedroom and a small amount of living space and kitchen area.

Ron Regis – Agree
Mark Lindquist – Agree
Owen Stoddard - Agree
Vice Chair Higgins – Agree

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 property sits on a small lot in a low lying area of the neighborhood. The water flow from most of the homes on the street as well as the next street seems collect in our yard which is the reason we want to tear down the house and rebuilt. We would like to enhance the drainage options so the water will naturally flow away from the property like it should and as it does with most other homes on the street. The footprint is a straight line but it appears the city property line is slightly angled so currently an angled piece of our property is over the city line.

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We are 2.38” on the town property. We would like to rebuild the new house 6” smaller and move the house 2’ back closer to the rear yard. This would allow us to keep essentially the same footprint of the house and remove us from the town right of way. Also, the plan design has a garage under the front of the house, this would allow us to remove the existing driveway that encroaches on the neighbor’s property and install a new driveway in front of the house.

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

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

Response: There will not be any health or safety problems with the surrounding area with what is being proposed as we are staying with the current footprint. We will be improving the drainage flow both on the sides and below the house which will enhance the neighbor’s property as well. The property will be a huge improvement to the current condition and look of the home. It will increase in value therefore increasing property taxes payable.

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

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

Response: It appears the property predates the city zoning boundary lines.

Ron Regis – Agree
Mark Lindquist – Agree
Owen Stoddard - Agree
Vice Chair Higgins - Agree

Owen Stoddard made a motion to approve the Variance for Seth and Nancy Koket, 17 Odena Avenue, MBL: 316-1-2 Zone: R-3 to remove the structure encroachment to the lot line. To lift up the home and put a foundation on the same footprint, reducing the size by 6” and moving the home back 2 feet, seconded by Ron Regis.

Dan Feeney called for the vote:

Ron Regis – Yes
Owen Stoddard - Yes
Vice Chair Higgins– Yes
Mark Lindquist – Yes

MOTION

VOTE

(4-0)

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<u>OTHER BUSINESS:</u> Code Official Dan Feeney asked the Board Members to keep in mind that according to the ordinance, next month's meeting (first meeting of the new year) we will be having elections.	
ADJOURN Mark Lindquist made a motion to adjourn the meeting at 6:55 pm., seconded by Owen Stoddard.	
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 five (5) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on December 28, 2015

Valdine Camire