

**TOWN OF OLD ORCHARD BEACH  
ZONING BOARD OF APPEALS MEETING MINUTES  
July 30, 2015**

<b>Call to Order at <u>6:32 pm</u></b>	Call to Order
<p><b>Roll Call:</b> Present: Chairman Ray Deleo, Ron Regis, Paul Weinstein. Absent: Mark Lindquist, David Boudreau, Owen Stoddard, Tianna Higgins.</p> <p>Staff: Dan Feeney; Code Enforcement Official, Valdine Camire; ZBA Clerk</p>	<b>PUBLIC HEARING</b>
<b>Pledge to the Flag</b>	
<i>Chair DeLeo read the criteria for the Public Hearing.</i>	
<p><b><u>ITEM 1:</u> Acceptance of the minutes of for April 27, 2015, May 18, 2015 and June 22, 2015 meetings.</b></p> <p>These minutes were tabled. Postponed until the next meeting.</p>	<b><u>ITEM 1</u></b>
<p><b><u>ITEM 2 Variance: Antonio Andrade, 11 Lawn Avenue, MBL: 309-3-5 Zone: R-2. Reduction of setback for garage.</u></b></p> <p>Antonio Andrade introduced himself and stated that he would like to be able to put a garage on his property.</p> <p>Mr. Feeney added that in order for him to put an appropriate 18' x 24' detached single car garage on his property, he would have to reduce the side setback from 15' to 6'.</p> <p>Ron Regis brought up the fact that if Mr. Andrade would be asking for just under a 7 1/2' setback this would be considered a Miscellaneous Appeal.</p> <p>Paul Weinstein stated that a Variance is a tough burden to meet with this request. The land can yield a reasonable return without it. Suggested to reduce the setbacks and go through a Miscellaneous Appeal.</p> <p>Ron Regis made a motion that this request be brought before the Board as a Miscellaneous Appeal instead of a Variance as long as he works under the dimensions that the Board Members bring forward that he agrees to. Seconded by Paul Weinstein and agreed to by Chair DeLeo in favor of changing Variance to a Miscellaneous Appeal request.</p> <p><i>Chair DeLeo read through the criteria for a Miscellaneous Appeal.</i></p> <p><b>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</b></p>	<p><b><u>MOTION</u></b></p> <p><b><u>VOTE</u></b></p> <p><b><u>(3-0)</u></b></p>

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**a vacant nonconforming lot of record.**

**Response:** Setbacks will be going from 17 ½' to 16'

Ron Regis – Agree  
Paul Weinstein - Agree  
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.**

**Response:** Built in the 1900's. Neighborhood built up with similar size lots have garages.

Ron Regis – Agree  
Paul Weinstein - Agree  
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.**

**Response:** Adding a garage will make this dwelling more conforming.

Ron Regis – Agree  
Paul Weinstein - Agree  
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.**

**Response:** Dwelling has been in existence since the 1900's.

Ron Regis – Agree  
Paul Weinstein - Agree  
Ray DeLeo – Agree

Ron Regis made a motion to grant a Miscellaneous Appeal to Antonio Andrade, 11 Lawn Avenue, MBL: 309-3-5 in the R-2 Zone to build an 18' x 24' detached garage and leaves a 7 ½' side yard setback. Seconded by Paul Weinstein.

Mr. Feeney called for the vote:

Ron Regis – Agree  
Paul Weinstein - Agree  
Ray DeLeo – Agree

**MOTION**

**(3-0)**

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**ITEM 3: Miscellaneous Appeal : Kate and Wayne Howe, 74 Randall Avenue, MBL: 322-10-6 Zone: R-3. Lift Structure and add garage and breezeway.**

**ITEM 3**

Adam Goodwin from Carl A. Goodwin Inc. representing Mr. and Mrs. Howe, introduced himself to the Board Members. Here to ask for a Misc. Appeal to lift the house and put a foundation under and to winterize the camp which will now become a house for year round occupancy. Also like to add a minimal breezeway and a small 2 car garage. It will be built with a full dormer on the back and an A dormer on the front for either a bonus room or a master suite. Need a side yard setback reduced to 9' for the drip edge and the trim reduced from 15' on the garage side of the building.

Dan Feeney added that FEMA is now requiring an individual to file a LOMR-F on any change of elevation of land when someone elevates a structure and brings in fill because of the shedding of water on neighbor's property. If it's approved you have to come up with a plan to keep the water on the property. If water doesn't have appropriate drainage on site you have to show that now. FEMA wants to map all the changes in the elevation of land.

Concerned neighbor to the East, Margaret Lee from 72 Randall Ave. Ocean Park introduced herself to the Board Members and stated that she was there to listen to what the plan was for this appeal.

The meeting was closed to the public at 6:55 p.m.

Chair DeLeo read through the criteria:

- 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.**

**Response:** The existing house at 74 Randall Avenue was built in 1925. This concludes that the house was erected prior to the adoption of this provision.

Ron Regis – Agree  
Paul Weinstein - Agree  
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.**

**Response:** The requested reduction is necessary to convert the home into a year-round primary residence, which is becoming common place in the neighborhood as the years pass.

Ron Regis – Agree  
Paul Weinstein - Agree  
Ray DeLeo – Agree

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<p><b>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.</b></p> <p><b>Response:</b> Despite the property originally being two separate lots, we still need to request a setback reduction based on the small size of the property as well as the existing home's placement on it.</p> <p>Ron Regis – Agree Paul Weinstein - Agree Ray DeLeo – Agree</p> <p><b>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.</b></p> <p><b>Response:</b> The impacts on the neighborhood would be the same for our addition as they would for the same addition on a lot that would allow the setbacks to be met. More off-street parking in both instances is the positive only impact to the neighborhood.</p> <p>Ron Regis – Agree Paul Weinstein - Agree Ray DeLeo – Agree</p> <p>Ron Regis made a motion to approve a Miscellaneous Appeal to Kate and Wayne Howe, 74 Randall Avenue, MBL: 322-10-6 Zone: R-3 to lift up the house and place on a foundation. Build addition of garage with breezeway with a limited side yard setback of 9.4' and conform to all FEMA Regulations.</p> <p>Ron Regis – Agree Paul Weinstein - Agree Ray DeLeo – Agree</p>	<p style="text-align: center;"><b><u>MOTION</u></b></p> <p style="text-align: center;"><b><u>Vote</u></b></p> <p style="text-align: center;"><b><u>(3-0)</u></b></p>
<p><b><u>OTHER BUSINESS:</u></b></p>	
<p><b>ADJOURN</b> The meeting adjourned at 7:00 pm.</p>	
<p><b>GOOD AND WELFARE</b></p>	

*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 four (4) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on July 31, 2015*

*Valdine Camire*