

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

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 neighborhood consists of single and multiple unit homes. Some year round and others of a seasonal nature primarily used as rentals.

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

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: The only reasonable possibility would be to construct the addition to the rear of the existing unit due to driveway and significantly more limited side space.

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

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: The addition will have no impact to neighbors at the side or rear (where setback reduction is being requested.)

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

Owen Stoddard made a motion to approve the 12 x 21 two story expansion for accessibility to accommodate living area in the rear. Seconded by Ron Regis.

MOTION

Dan Feeney called for the vote:

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

VOTE

(4-0-1)

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ITEM 3: Miscellaneous Appeal : Constance Caron, 23 Odena Ave, MBL: 315-6-2 Zone: R-3.

ITEM 3

Addition to existing structure to accommodate living area requires reduced setbacks.

Dennis Baker, Baker & Son Inc., 462 Alfred Road, W. Kennebunk, agent for the Caron's introduced himself to the Board Members. The Caron's are looking to expand the kitchen/dining room on the left hand side of the home. This will be a single story addition. Proposing to reduce the setback from 20' to 14'.

This item was closed to the public at 6:45 pm.

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: Both issues exist. 1930 and structure on lot well before zoning laws. Lot size originally was a conforming lot of structure.

Ron Regis – Agree
Mark Lindquist – Agree
Owen Stoddard - Agree
Chair DeLeo – Agree
Paul Weinstein - 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: Due to the shape of the structure and lot location, the only feasible concept is to add to this structure to accommodate room for family and friends to gather.

Ron Regis – Agree
Mark Lindquist – Agree
Owen Stoddard - Agree
Chair DeLeo – Agree
Paul Weinstein - 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: This is the only area that is reasonable to add on a dining area/living space/sleeping area to keep the appearance uniform.

Ron Regis – Agree
Mark Lindquist – Agree

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

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: Due to the unique conditions of this property, this is the only location that a small garage can be built.

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: This variance would not alter the essential character of the locality. Indeed there are three other homes on the street with the same type of garage. In fact by having a garage it would complement and blend in with the surrounding homes.

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: The construction of this small 12' x 22' garage is essential and without this garage any future owner would not be able to have a reasonable return on their investment.

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

This item was not approved because it could not meet the criteria.

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ITEM 5

ITEM 5: Variance: Susan Evans, 8 Sandpiper Road, MBL: 324-11-11 Zone: R-3. The existing structure is at or in the Town Right of Way. This would allow it to be moved to a central location of the lot, making it less nonconforming.

Dan Feeney stated that we had received several letters in support of this proposal and 2 that were not in favor.

Susan Evans introduced herself. She is here along with her husband Dan. They are seeking to become full time residents and own a small cottage on 8 Sandpiper Road. The property was originally 2 lots (50 x 50) and this cottage was built on one of the lots. The front is intruding on the town's right of way. They would like to move that footprint, turn it and center it more on the 50' x 100' lot because the town combined the two lots together. It would be far less non-conforming. The back of the house would be 7' x 10' from the property line, the sides would be compliant and the front would no longer be intruding on the town's right of way. Dan Feeney stated that they cannot built on that footprint. This would be a tear down and re build.

Diane Doyle, here representing the Evan's, introduced herself to the Board Members. The Evan's would like to tear down and rebuilt on a smaller footprint and 3 stories high (33.3' high). They will be under the 35' maximum height. The new proposed front setback will be 6' from the town line. Moving the house back with the rest of the houses.

Todd Kaczynski, 11 Sandpiper Road, abutter to the Evan's property introduced himself and stated that this would be an asset to the neighborhood and he urges the Zoning Board to grant this Variance.

This item was closed to the public at 7:37 pm
Chair DeLeo read through the criteria:

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

Response: The current house is small, uninsulated, and occasionally fills with water. We would like to remove and rebuild a house with a slightly smaller footprint. Code Enforcement will not issue a permit to rebuild on the same footprint as the current house is partially in the city right-of-way. If we rebuild to meet set back, the house will be 10' x 70' which are not practical dimensions for a house.

Ron Regis – Agree
Mark Lindquist – Agree
Owen Stoddard - Agree
Chair DeLeo – Agree
Paul Weinstein – 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 is 50' x 100' which would allow a 10' x 70' structure if all setbacks were met.

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<p>Ron Regis – Agree Mark Lindquist – Agree Owen Stoddard - Agree Chair DeLeo – Agree Paul Weinstein – Agree</p> <p>C. The granting of a variance will not alter the essential character of the locality. Response: The size and location of the proposed new house is in keeping with the character of Ocean Park. A 10’ x 70’ would not. If this variance is given the house will be in line with houses on either side. Currently it sits closer to the road than the others.</p> <p>Ron Regis – Agree Mark Lindquist – Agree Owen Stoddard - Agree Chair DeLeo – Agree Paul Weinstein – Agree</p> <p>D. The hardship is not the result of action taken by the appellant or a prior owner. Response: The hardship is due to the size of the lot and to the fact that in 1929 the house was built partially I the city right-of-way.</p> <p>Ron Regis – Agree Mark Lindquist – Agree Owen Stoddard - Agree Chair DeLeo – Agree Paul Weinstein – Agree</p> <p>Mark Lindquist made a motion to approve a variance to Susan Evans, 8 Sandpiper Road , MBL: 432-11-11 Zone: R-3 to demolish the existing house and reposition it on the lot in a way that will be less non-conforming. Seconded by Owen Stoddard.</p> <p><i>Dan Feeney called for the vote:</i></p> <p>Ron Regis – Yes Mark Lindquist – Yes Owen Stoddard - Yes Ray DeLeo – No Paul Weinstein – 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>(4-1)</u></p>
<p><u>OTHER BUSINESS:</u></p> <p>Dan Feeney would like to thank David Boudreau for his guidance and help being on the Zoning Board of Appeals for several years. Mr. Boudreau resigned and is taking a new position on the School Board. All wish him the best.</p>	

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ADJOURN Mark Lindquist made a motion to adjourn this meeting at 7:45 pm. Seconded by Ron Regis.	
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 eight (8) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on November 30, 2015

Valdine Camire