

**TOWN OF OLD ORCHARD BEACH
ZONING BOARD OF APPEALS MEETING MINUTES
OCTOBER 26, 2015**

<p>Call to Order at <u>6:33 pm</u></p>	<p>Call to Order</p>
<p>Roll Call: Present: Chairman Ray DeLeo, Ron Regis, Tianna Higgins, Paul Weinstein, Mark Lindquist, Owen Stoddard, David Boudreau Absent: 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>Chair DeLeo read the criteria for the Public Hearing.</i></p>	
<p><u>ITEM 1:</u> Acceptance of the minutes for January 26, 2015, May 18, 2015, July 30, 2015 and September 28, 2015 meetings.</p>	<p><u>ITEM 1</u></p>
<p><u>ITEM 2: Miscellaneous Appeal: Jim and Erin Hoxie, 44 Randall Avenue, MBL: 323-10-12 Zone: R-3</u> <u>In-fill front porch and move stairway to side of structure.</u></p> <p>Tom Rutka, representing the applicants introduced himself to the Board Members. Here to get an approval to expand the front porch by moving the front stairs to the side and in the process he will be able to infill the porch and create a rectangle. Proposed stairs would have a 4' x 4' landing and 4' wide stairs minus the railings on both sides. Current rise is 7 1/12 and current run is 7 7/8. Home was built in the 1890's. Wants to extend the front non-conforming line by 4' and not encroach further into the front setback. Rebuilding the entire front porch. Code Enforcement Official Dan Feeney stated that he sees no problem with this proposal. This item was closed to the public at 6:37 pm.</p> <p>Chair DeLeo read through the criteria:</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: Cottage was originally constructed in approximately 1890 and was remodeled in 1991 to be a year round residence with many improvements in the interior only.</p> <p>Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist – Agree Owen Stoddard - Agree Ray DeLeo – Agree</p>	<p><u>ITEM 2</u></p>

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 use of a larger enclosed 3-season porch and the improved landing and stairs will improve the use of the porch for the owners and their guests. The existing stairs are not built to code and are very steep.

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist – Agree
Owen Stoddard - 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: It would not be practical to cut the stairwell deeper into the existing front porch without diminishing the usability of the porch just to conform with the front and side yard setbacks.

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist – Agree
Owen Stoddard - 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: The impact of this proposed expansion of the front porch and newly relocated stairs will not be out of place with the adjacent houses in the neighborhood.

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist – Agree
Owen Stoddard - Agree
Ray DeLeo – Agree

Mark Lindquist made a motion to approve the Miscellaneous Appeal for Jim and Erin Hoxie, 44 Randall Avenue, MBL: 323-10-12 Zone: R-3
In-fill front porch and move stairway to side of structure. Seconded by Owen Stoddard.

Dan Feeney called for the vote:

Ron Regis – Yes
David Boudreau – Yes
Tianna Higgins – Yes
Mark Lindquist – Yes
Owen Stoddard – Yes
Ray DeLeo - Yes

MOTION

VOTE

(6-0)

**ITEM 3: Miscellaneous Appeal : Ronald B. and Susan C. Goode, 28 Saco Avenue, MBL: 206-24-35 Zone: DD-2
Expand structure to allow bathroom space.**

ITEM 3

Ronald Goode introduced himself to the Board Members and explained that he is asking for the Miscellaneous Appeal to put an expansion onto a downstairs and well as an upstairs bathroom. The first floor bathroom will be extended 36” and the upstairs bathroom with expand over the same footprint.

Mr. Feeney explained that this property is in the DD-2 District and is under 500 ft. so this would have to go to Administrative Review by the Planning Office.

This item was closed to the public at 6:38 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:

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist – Agree
Owen Stoddard - 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:

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist – Agree
Owen Stoddard - 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.

<p>Response: Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist – Agree Owen Stoddard - Agree Ray DeLeo – Agree</p> <p>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.</p> <p>Response:</p> <p>Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist – Agree Owen Stoddard - Agree Ray DeLeo – Agree</p> <p>.</p> <p><i>Mr. Feeney called for the vote:</i></p> <p>Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist – Agree Owen Stoddard - Agree Ray DeLeo – Agree</p>	<p><u>MOTION</u></p> <p><u>VOTE</u></p> <p><u>(5)</u></p>
<p>ITEM 4: Miscellaneous Appeal/Request For Consideration: Antonio Andrade, 11 Lawn Avenue, MBL: 309-3-5 Zone: R-2 Reduce setback request from 15’ sideline to 6’.</p> <p>This item was closed to the public at 6:50 pm <i>Chair DeLeo 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: Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist – Agree</p>	<p><u>ITEM 4</u></p>

Owen Stoddard - 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:

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist – Agree
Owen Stoddard - 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:

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist – Agree
Owen Stoddard - 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:

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist – Agree
Owen Stoddard - Agree
Ray DeLeo – Agree

Dan Feeney called for the vote:

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist – Agree
Owen Stoddard - Agree
Ray DeLeo – Agree

MOTION

VOTE

(5-0)

**ITEM 5: Miscellaneous Appeal: James and Franca Morgan, 121 Portland Avenue, MBL: 104-2-5 Zone: RD
Front yard setback (non conforming) from 40' to 32' to allow addition.**

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:

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist – Agree
Owen Stoddard – 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:

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist – Agree
Owen Stoddard – 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:

Ron Regis – Agree
David Boudreau – Agree
Tianna Higgins – Agree
Mark Lindquist - 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.

<p>Response: Ron Regis – Agree David Boudreau – Agree Tianna Higgins – Agree Mark Lindquist – Agree Owen Stoddard - Agree Ray DeLeo – Agree</p>	
<p><u>OTHER BUSINESS:</u></p>	
<p>ADJOURN David Boudreau made a motion to adjourn. Seconded by Mark Lindquist. The meeting adjourned at 7:00 pm.</p>	
<p>GOOD AND WELFARE</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 five (5) pages is a true copy of the original minutes of the Zoning Board of Appeals Meeting held on September 28, 2015

Valdine Camire