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## BATH ZONING BOARD OF APPEALS

November 7, 2005

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### MEMBERS PRESENT:

William Truesdell, Chair  
Tim Beaulieu  
Harry Story  
Madeline Williams  
Thomas Watson  
Pam Murray

### VISITORS PRESENT:

### MEMBERS ABSENT:

Nate Bowditch

### STAFF ABSENT:

Marsha Hinton, Recording Secretary

### STAFF PRESENT:

Scott Davis, Codes Enforcement Officer

## AGENDA

Kellie Lee Murphy. Request for setback variance at 16 Pleasant Street, Map 33, Lot 195.

### Minutes Approval September 19, 2005

Chair Bill Truesdell called the meeting to order at 7:00 p.m.

Mr. Truesdell stated the following: "Welcome. The April 4, 2005 meeting of the Bath Zoning Board of Appeals will come to order. I appreciate your presence here and your recognition of the authority of this board. This is a public proceeding and, unless the Board specifically votes to go into executive session, you have the right to hear everything that is being said and to look at all of the exhibits that are offered. Please notify me if you are unable to hear or see. The Board works from a prepared agenda and will be considering tonight's items in the following order." Mr. Truesdell read the agenda.

"Generally speaking, appeals from adverse decisions must be filed with the appropriate Appeals Board or Superior Court, as otherwise provided by law, within 45 days of this Board's decision. Also, to be certain that you preserve your individual right to file any such appeal, you must be certain that this Board's record evidences your appearance this evening in opposition and the basis for your opposition. Are there any questions?"

Mr. Truesdell asked if there were any questions. Hearing none, he called on who was here to present his case for the first item on the agenda:

**Appeal Number 1005:** Kellie Lee Murphy. Request for setback variance at 16 Pleasant Street, Map 33, Lot 195.

Mr. Truesdell opened the floor to members of the public who wished to comment. There were none. The Board moved on to the approval criteria (Land Use Code Section 4.12 H).

- (a) The single-family dwelling is the year-round residence of the person seeking the variance.

**The Zoning Board of Appeals agreed unanimously that criteria (a) is met.**

- (b) The granting of the variance will not cause the area of the dwelling to exceed the maximum permissible lot coverage according to the space and bulk regulations.

**The Zoning Board of Appeals agreed unanimously that criteria (b) is met.**

- (c) The need for a variance is due to the unique circumstances of the property and not to the general conditions of the neighborhood.

**The Zoning Board of Appeals agreed unanimously that criteria (c) is met.**

- (d) The granting of a variance will not alter the essential character of the locality.

**The Zoning Board of Appeals agreed unanimously that criteria (d) is met.**

- (e) The hardship is not the result of action taken by the applicant or a prior owner.

**The Zoning Board of Appeals agreed unanimously that criteria (e) is met.**

- (f) The granting of the variance will not substantially reduce or impair the use of the abutting property.

**The Zoning Board of Appeals agreed unanimously that criteria (f) is met.**

- (g) That the granting of a variance is based upon demonstrated need, not convenience, and no other feasible alternative is available.

**The Zoning Board of Appeals agreed unanimously that criteria (g) is met.**

**Mr. Truesdell solicited a motion to approve the application as submitted.**

There being no further business before the board, they adjourned at X:XX p.m.

Respectfully submitted,

Scott Davis  
Acting Recording Secretary