

A meeting of the Zoning Board of Appeals was held January 5, 2009 for the purpose of reviewing applications.

MEMBERS PRESENT

William Truesdell, Chair
Bruce Goodwin
Harry Story
Eleanor Holland
Thomas Watson
Rick Davis

MEMBERS ABSENT

Pam Murray

STAFF PRESENT

Scott Davis, Codes Enforcement Officer
Marsha Hinton, Recording Secretary

Chair William Truesdell called the meeting to order in the Zoning and Planning Room at 7:00 p.m.

Mr. Truesdell stated the following: "Welcome. The January 5, 2009 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 every thing 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?"

Hearing no questions, Mr. Truesdell called on the applicant to present his appeal.

Appeal Number 1021

Request from Steven Leask, owner of South Gate Restaurant, for a Sign Code Waiver for an off-site directional sign, at 510 Washington Street, (Map 32, Lot 8) in the C2 zone.

Mr. Leask stated that he was before the Zoning Board of Appeals to apply for a sign waiver. Mr. Leask explained that he did not realize that he needed to get a permit for a sign when he erected the sign for his restaurant. Mr. Leask pointed out that due to the location of the South Gate Restaurant he needed a sign to direct people to his business.

The Zoning Board of Appeals held discussion on comments from the Code Enforcement Officer, the need for the sign, and other businesses who have signs posted in the same location that have received signage waivers.

Mr. Truesdell polled the Board with regard to the following criteria from section 3.211.II of the Sign Ordinance:

- A. That the need for the waiver is due to the unique circumstances of the property, its location or unusual configuration of structure or property boundaries, and is not due to the general characteristics of the neighborhood;

The Board unanimously agreed that this application meets standard A

- B. That the granting of the waiver will not alter the essential character of the neighborhood or impact in a negative fashion surrounding properties particularly as relates to lighting, additional pedestrian and vehicle traffic as a result of signing, screening of the pedestrian or vehicle traffic, noise or similar types of impact;

The Board unanimously agreed that this application meets standard B

- C. That the hardship is not the result of action taken by the applicant or prior owner on their own to create the hardship and;

The Board unanimously agreed that this application meets standard C

- D. That the design of the sign is generally consistent with the sign design standards for the district in which the sign is to be located.

The Board unanimously agreed that this application meets standard D

THERE BEING NO FURTHER DISCUSSION FROM THE BOARD, MR. WATSON MOVED, SECONDED BY MR. STORY TO GRANT THE WAIVER FOR APPEAL NUMBER 1021— REQUEST FROM STEVEN LEASK, OWNER OF SOUTH GATE RESTAURANT, FOR A SIGN CODE WAIVER FOR AN OFF-SITE DIRECTIONAL SIGN, AT 510 WASHINGTON STREET, (MAP 32, LOT 8) IN THE C2 ZONE.

UNANIMOUS APPROVAL

Minutes of October 6, 2008

Mr. Goodwin pointed out that language on page one should be corrected as follows:

Before proceeding, Mr. Goodwin asked to be removed from the proceedings as ~~his wife is on the school board and~~ there is a strong financial connection. The Board agreed to let Mr. Goodwin not participate.

Mr. Watson asked to have the language on page three clarified as follows:

Mrs. Murray moved, seconded by Mr. Watson to accept ~~the same~~ as officers (Mr. Truesdell – Chair, Mr. Goodwin – Vice Chair).

MR. GOODWIN MOVED, SECONDED BY MR. WATSON TO ACCEPT THE MINUTES OF OCTOBER 6, 2008 WITH THE FOLLOWING AMENDMENTS: ON PAGE ONE – “BEFORE PROCEEDING, MR. GOODWIN ASKED TO BE REMOVED FROM THE PROCEEDINGS AS THERE IS A STRONG FINANCIAL CONNECTION. THE BOARD AGREED TO LET MR. GOODWIN NOT PARTICIPATE.” AND ON PAGE 2 – “MRS. MURRAY MOVED, SECONDED BY MR. WATSON TO ACCEPT AS OFFICERS MR. TRUESDELL – CHAIR, MR. GOODWIN – VICE CHAIR.”

UNANIMOUS APPROVAL

There being no further business before the Board, **MR. WATSON MOVED, SECONDED BY MR. DAVIS TO ADJOURN**

UNANIMOUS APPROVAL

Meeting adjourned 7:15 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary