

A meeting of the Zoning Board of Appeals was held July 6, 2009 for the purpose of reviewing applications.

MEMBERS PRESENT

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

MEMBERS ABSENT

Pam Murray
Rick Davis

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 7:03 p.m.

Mr. Truesdell stated the following: "Welcome. The July 6, 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 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?"

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

Appeal Number 1022

Request from Paul Hasenfus, owner of The Cabin Restaurant, for a Sign Code Waiver for an off-site directional sign to be placed at the intersection of Vine and Washington Streets for 552 Washington Street, (Map 32, Lot 53) in the C2 zone.

Laura Colon, General Manager for the Cabin Restaurant, stated that the Cabin was before the Zoning Board of Appeals to request a Sign Code Waiver to place a sign at the intersection of Vine and Washington Streets. Ms. Colon explained that the owners had asked to have a sign placed on the kiosk which advertised the Community College but because of current City staff discussions regarding that sign kiosk the owners had been advised to seek another location.

The Zoning Board of Appeals discussed the proposed location, the proposed size of the sign, proposed colors for the sign, the difficulty for people not familiar with Bath to find the Cabin Restaurant, and whether it was appropriate to approve a sign without first approving the location.

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;

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 1022— REQUEST FROM PAUL HASENFUS, OWNER OF THE CABIN RESTAURANT, FOR A SIGN CODE WAIVER FOR AN OFF-SITE DIRECTIONAL SIGN TO BE PLACED AT THE INTERSECTION OF VINE AND WASHINGTON STREETS FOR 552 WASHINGTON STREET, (MAP 32, LOT 53) IN THE C2 ZONE.

UNANIMOUS APPROVAL

Mr. Truesdell explained that members of the public objecting to the decision of the Board of Appeals would be able to file a suit with the Superior Court for the next 45 days.

Minutes of January 5, 2009

MR. GOODWIN MOVED SECONDED BY MR. WATSON TO APPROVE THE MINUTES OF THE JANUARY 5, 2009 MEETING AS PRESENTED.

UNANIMOUS APPROVAL

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

UNANIMOUS APPROVAL

Meeting adjourned 7:24 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary