

A meeting of the Zoning Board of Appeals was held June 18, 2012 for the purpose of reviewing applications.

MEMBERS PRESENT

William Truesdell, Chair
Thomas Watson
Pam Murray
Joe Marchetti

MEMBERS ABSENT

Bruce Goodwin
Harry Story
Eleanor Holland

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 7:05 p.m.

Mr. Truesdell stated the following: "Welcome. The June 18, 2012, 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 1025

Request from Thomas Coffill for a variance at 12 Russell Street (Map 32, Lot 55)

Mr. Granville Wallace, representing Mr. Thomas Coffill, described the improvements made on the site by Mr. Coffill since 1974, the difficulty with the topography of the site, the need to move the laundry facilities from the cellar to the first floor for safety reasons, the small size of the lot, the proposed deck and renovations to the bathroom, setback, comments from abutters, and the age of the applicant.

Mr. Davis, code enforcement officer, stated the proposal meets all the zoning requirements except for the setback.

The Zoning Board of Appeals discussed the setback, the deck, lot size, comfort of the applicant, encroachment into setback, ordinance requirements for single family setback variance, and relocation of laundry facilities for reasons of safety.

Zoning Board of Appeals consideration of Land-Use Ordinance Section 14.12 H Set-back Variance for Single-family Dwellings

1. The ZBA may, in accordance with 30-A M.R.S.A. Section 4353 (4-B), grant a variance to the set-back requirement of the space and bulk regulations provided all of the following criteria are met:

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

The Board unanimously agreed that this application meets Land Use Ordinance Standard 14.12 H 1 (a).

(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 Board unanimously agreed that this application meets Land Use Ordinance Standard 14.12 H 1 (b).

(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 Board unanimously agreed that this application meets Land Use Ordinance Standard 14.12 H 1 (c).

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

The Board unanimously agreed that this application meets Land Use Ordinance Standard 14.12 H 1 (d).

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

The Board unanimously agreed that this application meets Land Use Ordinance Standard 14.12 H 1 (e).

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

The Board unanimously agreed that this application meets Land Use Ordinance Standard 14.12 H 1 (f).

(g) That the granting of a variance is based upon demonstrated need, not

convenience, and no other feasible alternative is available.

The Board unanimously agreed that this application meets Land Use Ordinance Standard 14.12 H 1 (g).

THERE BEING NO FURTHER DISCUSSION FROM THE BOARD, MS. MURRAY MOVED, SECONDED BY MR. MARCHETTI TO GRANT THE REQUEST FROM THOMAS COFFILL FOR A VARIANCE AT 12 RUSSELL STREET (MAP 32, LOT 55).

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 December 6, 2010

MS. MURRAY MOVED SECONDED BY MR. MARCHETTI TO ACCEPT THE MINUTES OF THE DECEMBER 6, 2010 MEETING AS PRESENTED.

UNANIMOUS APPROVAL

ELECTION OF OFFICERS

MS. MURRAY MOVED, SECONDED BY MR. WATSON TO APPOINT THE CURRENT SLATE OF OFFICERS MR. TRUESDELL – CHAIR, MR. GOODWIN – VICE CHAIR AS ZONING BOARD OF APPEALS OFFICERS.

UNANIMOUS APPROVAL

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

UNANIMOUS APPROVAL

Meeting adjourned 7:30 p.m.

Minutes prepared by Marsha Hinton, Recording Secretary