

A meeting of the Zoning Board of Appeals was held September 25, 2017 for the purpose of reviewing applications.

**MEMBERS PRESENT**

Thomas Watson, Vice Chair  
Eleanor Holland  
Joe Marchetti  
Pam Murray

**MEMBERS ABSENT**

William Truesdell, Chair  
Albert Ferguson  
Bruce Goodwin

**STAFF PRESENT**

Scott Davis, Codes Enforcement Officer

Vice Chairman Watson called the meeting to order in the Zoning and Planning Room at 7:00 p.m.

Mr. Watson stated the following: "Welcome. The September 25, 2017, 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. Watson read the agenda.

**Minutes approval of July 10, 2017, meeting**

**MS. MURRAY MOVED, SECONDED BY MS. HOLLAND TO APPROVE THE MINUTES FROM THE JULY 10, 2017, MEETING.**

**UNANIMOUS APPROVAL**

Hearing no questions, Mr. Watson requested the applicant present the appeal.

**Appeal Number 1034**

Request from Ken & Kathy Brill for a Variance at 702 Washington Street (Map 27, Lot 165)

At Mr. Watson's request, Mr. Davis gave an overview of the request, which was to reduce the required setback between a proposed new property line to divide the western portion of the lot from the eastern portion, and a deck on the back of the house.

Ken Brill then went through the application, explaining the plans and pictures in the application.

Mr. Watson asked the one audience member, a gentleman from the church that owns the property to the west, if he had any questions. He did not.

Mr. Watson read the approval standards from the 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 4.12 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 4.12 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 4.12 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 4.12 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 4.12 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 4.12 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 4.12 H 1 (g).**

There being no further discussion from the Board, **MS. MURRAY MOVED, SECONDED BY MS. HOLLAND TO GRANT APPEAL NUMBER 1034 - REQUEST FROM KEN & KATHY BRILL FOR A VARIANCE AT 702 WASHINGTON STREET (MAP 27, LOT 165)**

#### **UNANIMOUS APPROVAL**

Mr. Watson stated "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?"

**Other Business None**

There being no further business before the Board, **THE BOARD ADJOUNED AT 7:12 P.M.**

Minutes prepared by Scott Davis, CEO.