

A meeting of the Zoning Board of Appeals was held November 6, 2017 for the purpose of reviewing applications.

MEMBERS PRESENT

William Truesdell, Chair
Eleanor Holland
Joe Marchetti
Bruce Goodwin

MEMBERS ABSENT

Albert Ferguson
Pam Murray

STAFF PRESENT

Scott Davis, Codes Enforcement Officer

Chairman Bill Truesdell called the meeting to order in the second floor conference room at 7:00 p.m.

Mr. Truesdell stated the following: "Welcome. The November 6, 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. Truesdell read the agenda.

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

Appeal Number 1035

Request from Susan & Jody Huntwood, for a Variance at 15 Somerset Place (Map 20, Lot 366).

The current owner had a deck built on the house that violates the setback requirements. Susan Huntwood, one of the applicants, the prospective buyers of the property, represented the project. Bill pointed out that to qualify for the variance, the Huntwoods would have to move in and occupy the site as their primary residence once they purchase it. Ms. Huntwood confirmed that they will.

Mr. Truesdell suggested that the Board consider the request as one request (the request was for variances on the north and east property lines), and the Board agreed that that was acceptable.

Mr. Truesdell read the approval standards from the Land-Use Ordinance Section 4.12 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.

Mr. Goodwin pointed out that the current owner of the property created the need for the variance, and that he felt that the project hence does not meet this standard.

Discussion ensued, and it was pointed out that the applicants could alter the deck meet the 10' setback, and then come in and request a variance to allow them to add to it using the 8' setback, negating the need for the variance being created by the current owner.

Mr. Truesdell opened the meeting to any public members that wanted to speak.

A woman who owns and lives at 13 Somerset Place said that she supports the applicants' request.

A woman who owns and lives at 1155 Washington Street said that she also supports the request.

Mr. Truesdell called for a vote on item E. The vote was 3-1 in favor, with Mr. Goodwin voting against it.

Land Use Ordinance Standard 4.12 H 1 (e) is approved.

(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, Mr. Truesdell solicited a motion to approve the variance. **MR. GOODWIN MOVED, SECONDED BY MS. HOLLAND TO GRANT APPEAL NUMBER 1035 - REQUEST FROM SUSAN AND JODY HUNTWOOD FOR A VARIANCE AT 15 SOMERSET PLACE (MAP 20, LOT 366), WITH THE CONDITION THAT THE HUNTWOODS MOVE IN AND OCCUPY THE SITE AS THEIR PRIMARY RESIDENCE.**

UNANIMOUS APPROVAL

Mr. Truesdell 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?"

Minutes approval of September 25, 2017, meeting

MR. MARCHETTI MOVED, SECONDED BY MS. HOLLAND TO APPROVE THE MINUTES FROM THE SEPTEMBER 25, 2017, MEETING.

UNANIMOUS APPROVAL

Mr. Truesdell then solicited a motion to appoint a Vice Chairman of the Board, to replace Thom Watson, who resigned, since he moved out of town.

MR. MARCHETTI NOMINATED MR. GOODWIN, SECONDED BY MS. HOLLAND.

UNANIMOUS APPROVAL

There being no further business before the Board, **THE BOARD ADJOUNED AT 7:25 P.M.**

Minutes prepared by Scott Davis, CEO.