

BETHLEHEM ZONING BOARD OF ADJUSTMENT
PUBLIC HEARING MINUTES
BETHLEHEM TOWN BUILDING MEETING ROOM
APRIL 18, 2013

Kevin Morse opened the meeting at 6:05 pm; in attendance were Kevin Morse, Amy Deventhal, Mary "Tinker" Stevenson, and Maurice Stebbins. The board went over the check list to make sure the applicant, Helen Cunningham, had submitted all the required documentation. They agreed that Helen had submitted all necessary documents, and discussed the need to update the checklist as many of the requirements are more applicable to site plan review.

Amy motioned to accept the application, Tinker seconded the motion. All in favor, Application was accepted.

Kevin opened the meeting to the public hearing at 6:16 for *consideration of an application for a Variance pursuant to the Zoning Ordinance, Section B District II, Dimensional Standards for side line setbacks. The subject property for Helen Cunningham, Map 204 Lot 023, is 418 Lewis Hill Road.* Dawn Ferringo was introduced as the new Planning and Zoning secretary. Ms. Cunningham is proposing a simple two car garage; she would like the garage on the south side of the house because the ground there is already level.

Marilyn Johnson, an abutter, said that she is not opposed to Helen's garage as long as the roof is not any higher than that of the adjoining roof. Helen's contractor stated that it would be possible to build a garage given that condition. The proposed variance would allow the garage to be 9 feet from the lot line, instead of the required 30 feet.

The board then went over Helen's application section by section. Amy motioned to accept that the proposed use would not diminish surrounding property values, Maurice seconded motion, all in favor; motion passes.

Amy motioned to accept that granting the variance would not be contrary to public interest. Tinker seconded the motion, all in favor, motion passes.

Amy makes a motion to accept that, *the zoning restriction as applied to the applicant's property interferes with the applicant's reasonable use of the property, considering the unique setting of the property in its environment, because "it is the only reasonable location for an attached garage and makes better use of the space"*. Maurice seconds motion, all in favor, motion passes.

Maurice motions to accept that “there is no residential building within the proximity of the proposed garage. The garage no way interferes with neighbors and would cause no harm to neighbor or abutters.” Amy seconds the motion. All in favor, motion passes.

Amy makes a motion to accept that, *the variance would not injure the public or private rights of other because* Helen has, “spoken with the neighbor and it would not affect her right and would be very help to me (Helen).” Tinker seconds the motion. All in favor, motion passes.

Amy makes a motion to accept that granting the variance would do substantial justice because, it would “add value to the property and town tax rolls, It would be very helpful to me (Helen) without causing any negative effects on other properties.” Maurice seconds the motion. All in favor, motion passes.

Tinker makes a motion to accept that the use is not contrary to the spirit of the ordinance. Amy seconds the motion. All in favor, motion passes.

The board spoke with Marilyn Johnson and Ms. Cunningham’s contractor and came up with the following condition of approval, “New construction height will not exceed the height of the existing roof to which it will be attached.”

Tinker made a motion to grant variance including the condition. Amy seconded the motion. All in favor, Motion passed. Variance accepted provided the new construction height will not exceed the height of the existing roof to which it will be attached.

Amy made a motion to adjourn the meeting, Tinker seconded the motion. All in favor. Meeting adjourned at 6:35 pm.

Respectfully submitted,

Nicole McGrath
Clerical Assistant