**TOWN OF BETHLEHEM**

**ZONING BOARD**

**Tuesday January 26, 2021**

**ZOOM VIRTUAL MEETING**

**Minutes**

**6:00 pm**

**Present**: Andrea Bryant Chair, Shane MacElhiney, Patrick Doughty and Vice Chair David Van Houten

**Excused absence**: Ruth Heintz

**Alternate.** Martie Cook

Chair Bryant opened the meeting at 6:05 pm. She appointed alternate Martie Cook to step in as a full voting member due to Ruth Heintz absence. She then read the Agenda.

All stood for the Pledge of Allegiance.

Andrea Bryant opened the hearing for a Variance application. Mr. Resnick would like to add a deck to his home at 46 Elm Street. Due to setbacks in this district, there is not enough area to meet the footage requirement. Asking for a Variance to add a deck to one’s property can be proven as a hardship. Most homes on Elm Street are undersize for the setback requirement.

**To grant a variance, the ZBA must agree that all the following tests are met.**

**#1 The proposed use would not diminish surrounding property values because:**

*The use of the house will remain as a single-family home and the deck and stairs will increase the property value.*

David Van Houten Motion to accept Criteria 1. Shane MacElhiney second. 5-0 passed.

**#2. Granting the variance would not be contrary to the public interest because.**

The new deck and stairs would be in keeping with the character of the neighborhood an all-abutting property have front porches/decks and stairs.

David Van Houten motion to accept criteria 2. Martie Cook second 5-0 passed

**#3. Denial of the variance would result in unnecessary hardship to the owner because of the following special circumstances for the property that distinguish it from other properties similarly zoned. All three condition under this section must be satisfied for unnecessary** *hardship to exist under this standard.*

*A. The zoning restriction as applied for 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:*

The property is unique as it is a smally lot with the house being located within the side setbacks. Any new stairway or deck at the front or side would require a Variance.

Andrea Bryant motion to accept criteria 3. Martie Cook second 5-0 passed

***B. No fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restrictions on the property because:***

The restrictions of the Zoning create our unnecessary hardship because the ordinance prohibits another entry stair except the back corner by the existing side entry.

Andrea Bryant motion to accept criteria 3b. David Van Houten second 5-0 passed

***C. The variance would not injure the public or private rights of other because:***

The stairway and deck are entirely on the applicant’s property and do not interfere with the abutters or the public roadway.

Patrick Doughty motion to accept criteria 3c. David Van Houten second 5-0 passed

***4. Granting the Variance would do substantial justice because:***

It would allow the house to have a proper front entrance and improve the value of the property and neighborhood.

Patrick Doughty motion to accept criteria. Andrea Bryant second. 5-0 passed.

Martie Cook asked if the deck would be covered. It will not be. answered Mr. Resnick.

***5. The use is not contrary to the spirit of the ordinance because:***

The use is not contrary to the spirit of the ordinance as it would not be detrimental to the health, safety, and welfare of the community.

Patrick Doughty motion to accept criteria 5. David Van Houten second 5-0 passed

**Patrick Doughty motion to approve the Variance application for Mr. Resnick. David Van Houten second 5-0 passed.**

**Agenda item:**

**Minutes: December 8, 2020**

Shane MacElhiney motion to approve minutes from December 8, 2020. Martie Cook second. All in favor 5-0 motion passed.

**Next meeting April 13th, 2021.**

Respectfully submitted.

Deb Bayley

Planning/Zoning clerk