**TOWN OF BETHLEHEM**

**ZONING BOARD HEARING**

**May 10, 2022**

**In person and ZOOM VIRTUAL HEARING MINUTES**

6:00 PM

Present: Chair Andrea Bryant, David Van Houten, Chris McGrath, Nancy Strand, and Vice Chair Ruth Heintz.

Excused absence alternate Shane MacElhiney

Andrea Bryant opened the Hearing.

All stood for the Pledge of Allegiance

Andrea read the agenda.

**Public Hearing for Huggins Variance request 92 Jefferson Street**

Mr. Huggins explained to the Board his plan for his undersized lot.  He is in District one.  Due to having an undersized lot he is requesting relief from the 15 feet side and back setback.  This is the north and west sides of the house.  He explained that prior to purchasing the home he spoke with the abutters in the back of the lot. His plan was to purchase some of their acreage to be able to meet the setback.  Somehow this plan changed, and the landowners don’t want to sell.  Mr. Huggins wants to add a bedroom to the first floor of the home because as they are aging, they can’t walk up the stairs.  Without the bedroom they won’t be able to live in that house. He also said they would like to add a garage and possible handicap ramp in the future. Mr. Huggins also mentioned that when the lot was established it was before zoning and all the parcels on that road are very small.

Ruth Heintz asked what the abutter letter asked for relief from.  First floor bedroom and water issue.

She feels as though the abutters were not notified about a possible garage.  Board members discussed that the application asked for relief from the north and west side.  It should not matter what will be built that is a building permit issue.

Nancy Strand agreed with Ruth’s point on the garage.  But noted that the application said relief from the North and West side.  There will be no negative impact to the larger lot out back.  The board also discussed that the abutter is the same for the back and side parcel and they were noticed and voiced no concerns.

Abutter Paul Reuben from next door told the board that since it’s not on his side: it does not affect him.  He told the board the prior owners did a lot of things on the property that were not even permitted.  He was supposed to share a shed with the previous owners; it never transpired.

No further questions.

Andrea Bryant motion to accept the checklist as complete. Chris McGrath second.  4-1 Ruth Heintz opposed.  Passed.

**Variance criteria**

Facts in support of granting the variance:

1. **Granting the variance would not be contrary to the public interest because:**

*The property has been an eyesore for several years and completing the renovation will enhance the neighborhood and improve property values of abutters.*

**Motion Andrea Bryant to approve criteria 1.  David Van Houten 2nd.**

4-1.  Passed.  Ruth Heinz abstained

1. **If the variance were granted, the spirit of the ordinance would be observed because:**

*The requested change of setbacks of the three feet abut to a larger undeveloped parcel of land which is wooded and consists of 14.7 acres.*

**Motion   David Van Houten to approve criteria 2. Chris McGrath 2nd.  4-1 passed.  Ruth Heintz abstained**

1. **Granting the variance would do substantial justice because:**

*A letter from the applicate attached to this document.*

**Motion Nancy Strand to approve criteria 3. Chris McGrath 2nd.  4-1 Passed.**

**Ruth Heintz abstained**

1. **If the variance were granted, the values of the surrounding properties would not be diminished because:**

*The proposed additional living space would increase the value of the property, bringing the value more in line with other nearby properties.*

**Andrea Bryant motion to approve criteria 4.  Chris McGrath 2nd.   4-1 Passed.  Ruth abstained**

1. **Unnecessary Hardship**

*A denial of variance would make it impossible to remedy the wetness problem or to add a first-floor bedroom.*

**Motion Andrea to approve criteria 5.  Chris McGrath 2nd. Passed.  4-1 Ruth Heintz abstained.**

***Andrea Bryant motion to approve a 3-foot Variance from the setbacks for 92 Jefferson Street North and West sides. David Van Houten 2nd. Passed Ruth Heintz abstained.***

**Closed Huggins Variance hearing.**

**Open Aldrich Special Exception 139 Hazen Road**

Mr. Aldrich would like to build a garage with the 30-foot setbacks.  He is asking for relief to15 feet.

Mr. Aldrich and the board went over the necessary paperwork involved with the application.  He needed to add his name, date, and address on the map.

He had a letter from his neighbor Mr. Stanley expressing his approval for the garage being closer to the property line.

Andrea Bryant motion to accept the Special Exception application checklist as complete.  David Van Houten 2nd. 5-0 passed

**Special Exceptions Criteria**

***The proposed use, structure, or change to a structure or use:***

1. shall meet the requirements of the Bethlehem zoning ordinances and is consistent with the spirit and intent of the Bethlehem Master Plan.

*There will remain 15’ to the property line and only one corner of the building will be that close*.

**Motion David Van Houten to approve criteria one.  Chris McGrath second.  5-0 passed**

2. shall not negatively impact the health, safety, or general welfare of the neighborhood and/or the town, including but not limited to noise, odor, vibration, glare, hours of operation, traffic, lighting, runoff, and/or pollutants.

*This garage is for personal use and parking of personal vehicles.*

**Motion Chris McGrath to approve criteria 2.  Nancy Strand second. 5-0 passed**

1. shall be compatible with the character of the neighborhood and the town and will not diminish or have a negative effect on property values.

*It will enhance property values for the neighborhood.*

**Motion Nancy Strand to approve criteria 3.  Andrea Bryant second.  5-0 passed**

1. shall not overload or result in an excessive demand on municipal services and/or facilities, including but not limited to schools, emergency services, water and sewage, waste disposal and road maintenance.

*No, none of the above*

**Motion David Van Houten to approve criteria 4.  Chris McGrath second.  5-0 passed**

Andrea Bryant motion to grant the special exception for the 15’ setback for a 2-car garage at 139 Hazen Drive. Nancy Strand second.  5-0 passed

In other business Chair Bryant wanted to look at the draft special exception application and checklist. The board asked Deb Bayley to send Chair Bryant’s edits to them so they could discuss it at the next meeting.

Next quarterly meeting set for September 13, 2022.

Motion to adjourn Chair Bryant. Nancy Strand second.  5-0 all in favor

Respectfully submitted

Deb Bayley

Planning/zoning clerk