**TOWN OF BETHLEHEM**

**Bethlehem Public Library**

**ZONING BOARD HEARING**

**September 13, 2022**

**In person and ZOOM VIRTUAL HEARING MINUTES**

6:00 PM

Present: Chair Andrea Bryant, David Van Houten, Chris McGrath, and Ruth Heintz

Excused absence alternate Shane MacElhiney and Nancy Strand

Chair Bryant opened the Hearing at 6pm

All stood for the Pledge of Allegiance

Andrea read the agenda.

Public Hearing for Dalbec Variance request - 95 Wing Road map and lot 415-37 D2

Mrs. Dalbec explained to the Board their plan to build a 24x28 garage. The garage will be closer to the center line than the required 60 feet. They were required by condition of their previous Special Exception to apply for a Variance.

The lot is undersized at .69 acreage.

The board went over the Variance checklist. (Same as Special Exception checklist)

They asked about a camper and a shed that is currently on the property map. Mrs. Dalbec explained that both would be going away before construction.

Mr. McGrath made a motion to accept the checklist for Dalbec Variance request as complete. Chair Bryant seconded. All in favor 4-0

**Facts in support of granting the variance:**

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

***Abutting and other neighborhood properties have substantially less than the required setback for buildings and there is nowhere else to build the garage.***

**Andrea Bryant motion to approve #1 Ruth Heintz seconded. 3-0 passed**

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

***The setback is 45 feet and matches or exceeds other abutting and neighborhood properties***

***Andrea Bryant motion to approve #2 Ruth Heintz seconded. 3-0 passed***

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

***Benefits owners and Town with increasing the property value.***

**Andrea Bryant motion to approve #3 Ruth Heintz seconded. 3-0 passed**

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

***The setback is 45 feet and matches or exceeds other abutting and neighborhood properties***

***It is an improvement of the property. A camper and shed are being taken off the property.***

**Ruth Heintz motion to approve #4 Chris McGrath seconded. 3-0 passed**

5. Unnecessary Hardship

a. Owing to special conditions of the property that distinguish it from other properties in the area, denial of the variance would result in **unnecessary hardship** because:

1. No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property because:

- and –

***We will not have proper storage space.***

**Ruth Heintz motion to approve#5i Chris McGrath seconded. 3-0 passed**

1. The proposed use is a reasonable one because:

***Abutting and other neighborhood properties have substantially less than the required setback for buildings and there is nowhere else to build the garage.***

**Ruth Heintz motion to approve#5ii Chris McGrath seconded. 3-0 passed**

b. Explain how, if the criteria in subparagraph (a) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

***It will fall in line with other properties.***

**Ruth Heintz motion to approve#5b Chris McGrath seconded. 3-0 passed**

**Chris McGrath motion to grant the Dalbec Variance application for a 45’ setback from the centerline for 95 Wing Road. Proposed 24’ by 28’ garage. Andrea Bryant seconded. 3-0 passed**

Dave Van Houten joined the meeting.

Next meeting date - January 10, 2023.

Ruth Heintz motion to adjourn. Andrea Bryant seconded. 4-0 adjourned

Respectfully submitted

Deb Bayley

Planning/Zoning Clerk