

**ZONING HEARING BOARD
CITY OF BETHLEHEM**

Narrative

Applicants: Jack E. Jerrett and MaryAnne Jerrett

Property: 525 Barclay Drive, Bethlehem, PA 18017
PARID: N6 1B-63 0204

District: RR

Relief Sought:

1. Dimensional Variance from Zoning Ordinance, Section 1306.01(a) of approximately 2.1% (15% dimension allowed, 17.1% dimension proposed) from the Maximum Building Coverage to allow renovations to an existing single family home in the RR District.

Narrative:

Applicants recently purchased an older single-family home and have engaged a contractor to perform renovations. Applicants have applied or will apply for a building permit to do renovations to modernize the dwelling, which would result in the Maximum Building Coverage being 17.1%. Section 1306.01(a) of the Zoning Ordinance provides for a Maximum Building Coverage on a lot in the RR District of 15%. Applicants seek a dimensional variance of approximately 2.1% to allow renovations to modernize the dwelling.

Legal Standard for Dimensional Variances

The Pennsylvania Supreme Court has held that when seeking a dimensional variance within a permitted use, the owner is asking only for reasonable adjustment of zoning regulations in order to utilize property in a manner consistent with applicable regulations; thus, the granting of a dimensional variance is of lesser moment than the granting of a "use variance," since the latter involves a proposal to use the property in a manner that is wholly outside the zoning regulation. *Hertzberg v. Zoning Bd. of Adjustment of City of Pittsburgh*, 721 A.2d 43 (Pa. 1998). It has been noted that most zoning practitioners recognize that zoning boards and courts have been somewhat more liberal in granting or sustaining variances from regulations that are dimensional in nature than in cases where a use variance is sought. See Ryan on Zoning § 6.3.1 (2004 Suppl.).

A variance applicant must show that unnecessary hardship will result if a variance is denied and that the proposed use will not be contrary to the public interest. *Allegheny West Civic Council, Inc. v. Zoning Bd. of Adjustment of the City of Pittsburgh*, 689 A.2d 225, 227 (Pa. 1997). Numerous factors should be considered when evaluating whether an

applicant for a dimensional variance established unnecessary hardship; including economic detriment to the applicant if the variance is denied, the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements, and the characteristics of the surrounding neighborhood. *See Hertzberg*, 721 A.2d at 50; *Daley v. Zoning Hearing Bd.*, 770 A.2d 815 (Pa. Cmwlth. 2001).

Conclusion

Applicant respectfully submits that the requested zoning relief, a variance of 2.1% from the Maximum Building Coverage constitutes dimensional relief which is warranted because the building renovations, as proposed, are consistent with the characteristics of the surrounding neighborhood. The Applicants purchased the home as they were in need of a one-story dwelling to accommodate their physical needs going forward, and would suffer an economic detriment if the relief is denied.