



SITE ADDRESS: 1565 LINDEN STREET

Office Use Only:

DATE SUBMITTED: \_\_\_\_\_

HEARING DATE: \_\_\_\_\_

PLACARD: \_\_\_\_\_

FEE: \_\_\_\_\_

ZONING CLASSIFICATION: \_\_\_\_\_

LOT SIZE: \_\_\_\_\_

**APPLICATION FOR APPEAL TO THE CITY OF BETHLEHEM ZONING HEARING BOARD,**  
**10 E. CHURCH STREET, BETHLEHEM, PA 18018**

1. Return one (1) original and seven (7) copies of this application and all supporting documentation to the Zoning Officer, along with the filing fee. Include site plans and/or floor plans as necessary.
2. *THE APPLICATION IS DUE BY 4 PM THE LAST WEDNESDAY OF THE MONTH FOR THE NEXT MONTH'S ZONING HEARING BOARD MEETING. MEETINGS ARE GENERALLY THE FOURTH WEDNESDAY OF THE MONTH. ONLY COMPLETE SUBMISSIONS WILL BE ADDED TO THE AGENDA FOR HEARING.*

Appeal/Application to the City of Bethlehem Zoning Hearing Board is hereby made by the undersigned for: (check applicable item(s):

- Appeal of the determination of the Zoning Officer
- Appeal from an Enforcement Notice dated \_\_\_\_\_
- Variance from the City of Bethlehem Zoning Ordinance
- Special Exception permitted under the City Zoning Ordinance
- Other: \_\_\_\_\_

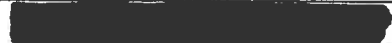

**SECTION 1**

<b>APPLICANT:</b>	
Name	<u>Novus Adult Care Services, LLC</u>
Address	<u>1565 LINDEN STREET</u> <u>BETHLEHEM PA 18017</u>
Phone:	<u>[REDACTED]</u>
Email:	<u>[REDACTED]</u>

**OWNER** (if different from Applicant): Note. If Applicant is NOT the owner, attach written authorization from the owner of the property when this application is filed.

Name NOVUS RE, LLC  
 Address 275 BUCKINGHAM DRIVE  
BETHLEHEM PA 18017  
 Phone:  
 Email:

**ATTORNEY** (if applicable):

Name JAMES J. HOLZINGER  
 Address 1216 LINDSEY STREET PO BOX 1409  
BETHLEHEM PA 18017  
 Phone:   
 Email: 

**SECTION 2. INFORMATION REGARDING THE REAL ESTATE**

1. Attach a site plan, drawn to scale, of the real estate. Include existing and proposed natural and man-made features.
2. If the real estate is presently under Agreement of Sale, attach a copy of the Agreement.
3. If the real estate is presently leased, attached a copy of the present lease.
4. If this real estate has been the object of a prior zoning hearing, attach a copy of the Decision.

**SECTION 3.**

**THE RELIEF SOUGHT:**

If the Applicant seeks a dimensional variance for any setback, lot coverage, distance between certain uses, etc., please state the following:

Section of Code	Dimension Required by Code	Dimension Proposed by Applicant	Variance Sought
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

If the Applicant seeks a use or other variance, please state the **specific section(s)** of the Zoning Ordinance applicable and describe the variance sought.

Please see attached narrative  
\_\_\_\_\_  
\_\_\_\_\_

If the Applicant seeks a Special Exception, please state the **specific section (s)** of Zoning Ordinance applicable: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

If the Applicant seeks an appeal from an interpretation of the Zoning Officer, state the remedy sought in accordance with Sec. 1325.11 (b):

\_\_\_\_\_  
\_\_\_\_\_

**NARRATIVE**

A brief statement reflecting why zoning relief is sought and should be granted must be submitted.

**CERTIFICATION**

I hereby certify that the information contained in and attached to this application is true and correct to the best of my knowledge and belief.

NOUS ADULT CARE SERVICES LLC

BY: [Signature]  
Applicant's Signature

2/28/18  
Date

NOUS RE LLC

BY: [Signature]  
Property owner's Signature

2/28/18  
Date

\_\_\_\_\_  
Received by


\_\_\_\_\_  
Date

By Decision dated December 31, 2010 (copy attached), the Zoning Board granted a Use Variance allowing a medical office with a separate dwelling unit (non-owner occupied) on the second floor. Applicant requests a Variance pursuant to Code Section 1325.06(b), to expand the medical office into the separate apartment area, thus abandoning that use. The expansion of the medical office area is to accommodate the ever increasing administrative demands placed upon a medical practice today.

Specifically relief is sought for from the strict application of Code Section 1304.01(b) as it applies to the RG Zoning District. Applicant believes that the medical office expansion into the dwelling area will not cause any impact on the character of the neighborhood nor will it impact traffic and the like.

# THOMPSON LAW OFFICES

1177 North Sixth Street  
Whitehall, PA 18052



December 31, 2010

Allen C. Smith  
275 Buckingham Drive  
Bethlehem, PA 18017

**RE: MATTER: Appeal of Allen Smith**  
**ADDRESS: 1565 Linden Street**  
**FILE: 2010-38**

Dear Mr. Smith:

Under Section 908(9) of the Municipalities Planning Code, the Zoning Hearing Board may issue written findings of fact to accompany an approved application before the Board. This letter constitutes such findings of fact.

## **I. Findings**

1. A hearing was held on November 17, 2010 regarding the Applicant's request for a use variance to convert an existing first floor permitted dental home professional office to a general medical practice without the practitioner residing within the dwelling.
2. The specific request for the use variance was from Section 1306.02 and 1325.06 of the Zoning Ordinance.
3. In attendance at the hearing were Chairman Gus Loupos, members William Fitzpatrick, Kenneth Kraft, and alternate member Ron Lutes.
4. The Applicant, Allen C. Smith, proposed to occupy a former home professional dental office to a general medical practice. Such uses are not permitted within the RG Residential Zoning District.
5. The property is 8,407 square feet.
6. Mr. Smith is a nurse practitioner and identified the building as suiting his particular needs to treat patients.

7. Presently, Mr. Smith lives with his mother who is handicapped. By utilizing this dwelling as a residence, Mr. Smith's mother would necessarily need to traverse a second story which she is not capable of doing.

8. The site was the former location of a dental practice owned by Dr. Tran. Dr. Tran owned the property since 1985.

9. The property has been marketed for sale since 2004. The repeated issue was the zoning classification and trying to market the property as a home professional office.

10. Dr. Tran is 79 years old and desires to retire.

11. Initially Dr. Tran placed the home on the market for \$470,000.00. It was subsequently reduced to \$200,000.00 (reduced by more than half).

12. The Applicant desires to rent the second floor as an apartment and use the first floor for the general medical practice.

13. The Applicant will see a patient every one-half hour. There will be no extensive waiting times for patients.

14. There may be a maximum of two employees in the building which includes Mr. Smith.

15. Parking will not be an issue.

16. The property would be difficult to convert to a single family residence as there is no kitchen downstairs and the first floor was set up for a medical practice.

17. The proposed hours will be from 8:00 a.m. to 8:00 p.m. Monday through Saturday.

## **II. Exhibits**

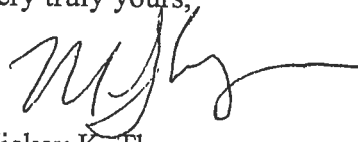
**Board's Exhibit #1:** Application and attached plan.

## **III. Decision of the Board**

Based upon the testimony and evidence presented at the hearing, the Board granted the use variance for the general medical practice subject to the hours of operation being Monday through Saturday 8:00 a.m. to 8:00 p.m.

You have a right to appeal these findings of fact within thirty (30) days from the date of this letter to the Court of Common Pleas where the subject premises is situated. Other parties who either may have entered their appearance at the hearing or did not appear before the Zoning Hearing Board may also appeal these findings within the thirty (30) days. These findings will be on file with the City of Bethlehem Zoning Department.

Very truly yours,



Mickey K. Thompson  
Solicitor  
Bethlehem Zoning Hearing Board

MKT/owk  
c: John Lezoche, Zoning Officer  
City of Bethlehem