



SITE ADDRESS: Webster Street / East Morton Street (P6SE1C-1-1-0204E)

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**

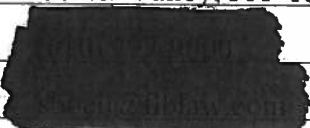

1. Return one (1) original and seven (7) copies of this application and all supporting documentation to the Zoning Officer, along with the filing fee. Include site plans and/or floor plans as necessary.
2. *THE APPLICATION IS DUE BY 4 PM THE LAST WEDNESDAY OF THE MONTH FOR THE NEXT MONTH'S ZONING HEARING 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

APPLICANT:	
Name	Lehigh University
Address	461 Webster Street
	Bethlehem, PA 18015-1796
Phone:	
Email:	

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	
Address	
Phone:	
Email:	
ATTORNEY (if applicable):	
Steven T. Boell, Esquire	
Name	Fitzpatrick Lentz & Bubba, P.C.
Address	4001 Schoolhouse Lane, P.O. Box 219
	Center Valley, PA 18034-219
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
1306.02(p)	35'	20'	15'

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.

See attached Narrative.

If the Applicant seeks a Special Exception, please state the **specific section (s)** of Zoning Ordinance applicable: N/A.

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

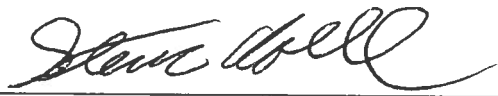
N/A.

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.



Applicant's Signature
Steven T. Boell, Esquire, Attorney and Authorized Agent

May 29, 2018
Date

Property owner's Signature

Date

Received by

Date

**BEFORE THE ZONING HEARING BOARD OF THE
CITY OF BETHLEHEM, NORTHAMPTON COUNTY, PENNSYLVANIA**

IN RE: APPEAL OF LEHIGH UNIVERSITY

**SUPPLEMENTAL STATEMENT
IN SUPPORT OF THE REQUESTED RELIEF**

I. BACKGROUND

Lehigh University (“Applicant”) is the owner of property located at the intersection of Webster Street and E. Morton Street in the I-O (Institutional Overlay) District (the “Subject Property”). The Subject Property (previously comprised of multiple parcels and a vacated street now in one tax parcel) is 150,239 square feet in size and Applicant is proposing to repurpose the property to construct a five-story state-of-the-art Health Science Technology Building to house faculty and student laboratories, offices and related accessory uses. “College or University – Educational Support Buildings” are a use permitted by right in the IO-District. Zoning Ordinance §1305. Applicant requests variances from the setback requirements relative to height of Zoning Ordinance §1306.02(f).

II. RELIEF REQUESTED

With regard to Additional Height Restrictions, Zoning Ordinance §1306.02(f) provides:

In the Institutional Zone¹, height of buildings may equal the right-of-way of an adjacent street. Buildings may exceed this height if building is set back, in addition to the required setback, one (1) foot for each three (3) feet, or fraction thereof by which such building exceeds the width of the street.

Zoning Ordinance §1318.20 provides:

Height limitations specified in Section 1306 shall not apply to barns and silos, nor to place of worship spires, belfries, cupolas, domes, radio or television aerials, electric utility towers and poles, observation, transmission or radio towers, flagpoles, chimneys, parapet walls which extend not more than 4 feet above the limiting height, bulkheads, water tanks and water towers, elevator shafts, elevator and/or machinery penthouses. Any such structures shall not have a horizontal area greater than 25 percent of the roof area of the building, except solar energy collectors have no limit. See Section 1318.27(d) for solar collection devices.

¹ Pursuant to Zoning Ordinance §1312.01(b) “[w]ithin the I-O District, all of the same regulations shall apply as apply within the I District, except for provisions specifically modified by this Article 1312.” Article 1312 includes provision specially regulating height in the I-O District.

Given the need to accommodate additional and atypical mechanical systems necessary to serve the laboratory facilities, the horizontal area of the penthouse structure is 55% of the roof area exceeding the 25% maximum for exclusion from the setback requirement.

The required relief is as follows:

Frontage	Width of Right of Way	Building Height	Required Setback	Proposed Setback	Variance
E Morton Street	60'	105'-0"	35'	20'	15'
Webster Street	60'	105'-0"	35'	20'	15'

*Asa drive is a private street and not subject to setback requirements.

The grant of the variance is necessitated by unique hardships pertaining to the topography and existing development of the Lehigh University Campus. First, given its nature, the proposed Health Science Technology Building must be situated in an area on campus with suitable topography and which is proximate to complimentary facilities and uses including other science facilities such as the Whitaker and Sinclair Labs. Following a review of the Lehigh Campus to identify a sufficiently sized lot which could accommodate a building of this size and specification, the Subject Property was identified as being uniquely situated for the project.

The proposed Health Science Technology Building is sized to facilitate crucial and necessary laboratory and support facilities with a square footage sufficient to meet demonstrated need. Additional setback pursuant Zoning Ordinance §1306.02(f) cannot be accommodated without decreasing the size and, ultimately, the function of the building. Further, the proposed setback exceeds the existing setbacks for adjacent buildings and uses.

A significant portion of the building height (26') relates to the "penthouse" designed to screen and shield the pertinent mechanical systems and facilities. Applicant is unable to comply with the 25% maximum for exclusion of the penthouse as the laboratories require additional mechanical systems not typical of a university building. These additional mechanical systems, many of which must be vented to the roof, must be accommodated by placing them on the roof of the building and increasing the floor area of the penthouse. Further, unlike most buildings, these mechanical systems cannot be accommodated in other areas of the building because even typical vibrations from these units would interfere with the use and function of the laboratories and the sensitive equipment utilized therein.

The proposed use is consistent with the spirit, purposes and intent of the Zoning Ordinance given its nature and benefit to the public. It is in the best interests of Bethlehem, the convenience of the community, the public welfare and will be a substantial improvement to the Property. Granting the requested variance will not be a detriment to public health, safety or welfare. The proposed building is suitable for the Property and will be designed, constructed, operated and maintained so as to be in harmony with an appropriate appearance with the existing or intended character of the general vicinity, particularly the adjacent University campus.


The proposed use will not substantially change the character of the surrounding neighborhood. The proposed use will not create a significant hazard to public health, safety and welfare such as fire, toxic or explosive hazards. In fact, the expanded penthouse will facilitate screening and shielding of mechanical systems so as to insure that they will not interfere with the use or enjoyment of the surrounding properties. The proposed use is suitable for the site and will not result in disturbance of any important natural features. Applicant is requesting the minimum relief necessary.


III. CONCLUSION

For the aforementioned reasons, the relief requested herein, and any other relief for the development of the Subject Property should be granted.

Respectfully submitted,

FITZPATRICK LENTZ & BUBBA, P.C.

By: 

Steven T. Boell, Esquire
Attorneys for Applicant
4001 Schoolhouse Lane
P.O. Box 219
Center Valley, PA 18034-0219


Date: May 30, 2018

ADAMS STREET

CB - COMMERCIAL/CENTRAL BUSINESS DISTRICT

EMORTON STREET

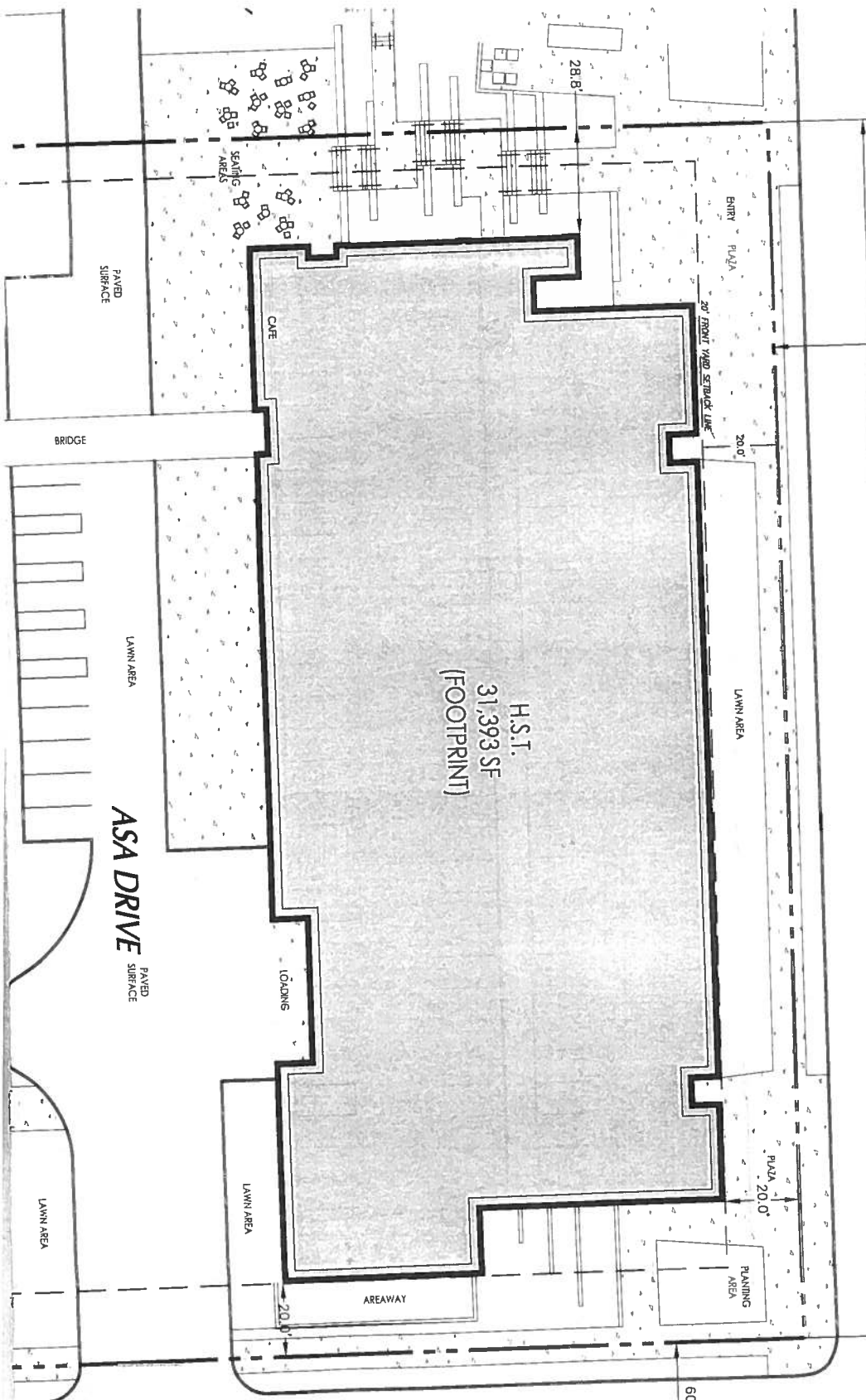
330'

60' RIGHT-OF-WAY

60' RIGHT-OF-WAY

WEBSTER STREET

H.S.I.
31,393 SF
(FOOTPRINT)



ASA DRIVE

LAWN AREA

CAFE

LAWN AREA

PLANTING AREA

AREAWAY

LOADING

LAWN AREA

LAWN AREA

BRIDGE

PAVED SURFACE

28.8'

CL-LIMITED C
DISTR

RT - HIGH D
1