



SITE ADDRESS: 2250 Catasauqua Road, \* Catasauqua Road, 2330 Eden Lane

Office Use Only:

DATE SUBMITTED: 1/30/19

HEARING DATE: 03-09-19

PLACARD: 3 posted

FEE: \$500.00

ZONING CLASSIFICATION: RG

LOT SIZE: 8,776 acres (Lot 1)

**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 4PM the 4<sup>th</sup> Wednesday of the month. The hearing will be held the 4<sup>th</sup> Wednesday of the next month.
3. If you are submitting MORE THAN 10 exhibits at the hearing, you MUST place them in an indexed binder and submit at one time.

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: Interpretation under City of Bethlehem Zoning Ordinance

**SECTION 1**

<b>APPLICANT:</b>
Name <u>Boardwalk Group Limited</u>
Address
<u>c/o Aion Partners Group Limited, 11 E. 44th St., Ste. 1000, New York, NY 10017</u>
Phone: <u>[REDACTED]</u>
Email: <u>[REDACTED]</u>
<b>OWNER</b> (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 Same as Applicant
Address
Phone:
Email:
<b>ATTORNEY</b> (if applicable):
Name Sarah M. Murray, Esq.
Address
Gross McGinley, LLP, 33 S. 7th St., P.O. Box 4060, Allentown, PA 18105
Phone: [REDACTED]
Email: [REDACTED]

**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. Attach photographs.
3. If the real estate is presently under Agreement of Sale, attach a copy of the Agreement.
4. If the real estate is presently leased, attached a copy of the present lease.
5. 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
1306.01(a)(3)	lot area of 4,000 square feet per unit	lot area of 3,475 square feet per unit	525 square feet per unit
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.

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

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

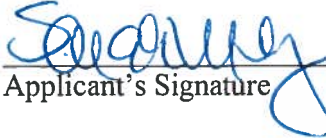
\_\_\_\_\_  
Please see attached for details  
\_\_\_\_\_

**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.  
I also certify that I understand that any and all federal, state or local rules and regulations, licenses and approvals shall be obtained if the appeal is granted.

  
Applicant's Signature *ATTORNEY ID # 203200*

1-30-19  
Date

\_\_\_\_\_  
Property owner's Signature

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

**NOTICE: If the Decision of the Zoning Hearing Board is appealed, the appellant is responsible for the cost of the transcript.**

**APPLICATION OF BOARDWALK GROUP LIMITED (“APPLICANT”)**

The subject property is consists of three (3) parcels identified as 2250 Catasauqua Road<sup>1</sup> (“Tract 1”), \* Catasauqua Road<sup>2</sup> (“Tract 2”), and 2330 Eden Lane<sup>3</sup> (“Tract 3”; collectively with Tract 1 and Tract 2, the “Property”). Tract 1 and Tract 2 are separated by Aster Road. Tract 3 is separated from Tracts 1 and 2 by a portion of the Beth-Allen Gardens subdivision.

When the Property was originally developed in the 1960s, it was developed as a coordinated project known as “Valley Park Apartments,” with Tracts 1 and 2 identified as “Valley Park West” and Tract 3 identified as “Valley Park East.” The Property currently contains a total of 276 multi-family dwellings, with 96 units on Tract 1, 20 units on Tract 2, and 160 units on Tract 3.

Section 1306.01(a)(3) of the Zoning Ordinance (“Ordinance”) requires a minimum lot area of 4,000 square feet per unit. The total lot area of each tract is as follows:

<u>Parcel</u>	<u>Lot Area</u>
Tract 1	382,285 square feet
Tract 2	71,567 square feet
Tract 3	706,721 square feet
<b>Total</b>	<b>1,160,573 square feet</b>

Applicant requests an interpretation of the Zoning Ordinance to consider the Property as a whole for purposes of calculating the maximum number of units permitted on the Property. Section 1306.01(a)(3) of the Ordinance requires a minimum of 4,000 square feet per multi-family dwelling. Based on the total square footage of 1,160,573 square feet, a total of 290 units are permitted on the Property. Because 276 units already exist on the Property, 14 additional units would be permitted on the Property.

All three (3) tracts composing the Property have been used collectively over the years. The leasing office for Valley Park Apartments is situated on Tract 1 and services the apartment complex as a whole. Similarly, amenities such as a swimming pool on Tract 3 and a fitness center on Tract 1, benefit the entire apartment complex. For these reasons, it logically follows that the Property should be considered jointly for purposes of density calculation and Applicant should be permitted to construct 14 additional units, as proposed.

Alternatively, Applicant seeks a variance from Section 1306.01(a)(3) of the Ordinance to construct 14 additional multi-family dwelling units on Tract 1 of the Property. Based on the 4,000 square foot per unit requirement set forth above, 95 units are permitted on Tract 1, while 96 units are already in existence on Tract 1. Therefore, Applicant seeks dimensional variance relief to permit a total of 110 units on Tract 1, which equates to a lot area of 3,475 square feet per unit. This would be a reduction of 525 square feet per unit on Tract 1.

As set forth above and as will be further detailed at the hearing, the Property has been used jointly since it was developed in the 1960s. Common facilities sitting on various tracts for the benefit of all three (3) tracts reinforce that position and support the reasoning that they should be treated as a single lot for calculation of minimum lot area under the Ordinance. Alternatively, variance relief to allow 14 additional units, as requested, would be appropriate.

<sup>1</sup> Lehigh County PIN 641846009558-1 and 641846009558-2

<sup>2</sup> Lehigh County PIN 641845253528-1 and 641845253538-2

<sup>3</sup> Lehigh County PIN 641856997743-1 and 641856997743-2