



SITE ADDRESS: 565 W LEHIGH STREET

Office Use Only:

DATE SUBMITTED: MAY 29, 2019

HEARING DATE: JULY 24, 2019

PLACARD: YES

FEE: 500.00

ZONING CLASSIFICATION: CL

LOT SIZE: 1.286 ACRES



**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 4th Wednesday of the month. The hearing will be held the 4th 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: _____

SECTION 1

APPLICANT:	
Name	565 West Lehigh Partners LLC
Address	1007 Prospect Avenue
	Bethlehem, PA 18018
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	565 Associates
Address	c/o 901 W. Lehigh Street
	Bethlehem, PA 18018
Phone:	[REDACTED]
Email:	
ATTORNEY (if applicable):	
Name	James J. Holzinger
Address	1216 Linden Street, P.O. Box 1409
	Bethlehem, PA 18016
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
<u>1306.01.(b)2(a)</u>	<u>2500sf/dwelling unit</u>	<u>1866sf/dwelling unit</u>	<u>634sf/dwelling unit</u>
<u>1322 (kk)(4)</u>	<u>180'</u>	<u>186'</u>	<u>6'</u>
<u>1322(kk)(5)</u>	<u>15'</u>	<u>7'</u>	<u>8'</u>

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):
Please see attached narrative

NARRATIVE


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

CERTIFICATION

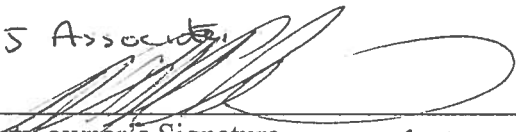
I hereby certify that the information contained in and attached to this application is true and correct to the best of my knowledge and belief.

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.

565 West Lehigh Partners LLC

BY: 
Applicant's Signature *Authorized Member*

5-28-19
Date

565 Associates
BY: 
Property owner's Signature *- Authorized Partner*

5-28-19
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.

Applicant is the equitable owner of the subject property under an Agreement of Sale with the legal owner with settlement thereon to occur before the scheduled hearing. The Property is zoned CL and was part of a prior approved Planned Urban Development (PUD), that approval allowing the Property to be the commercial center in an otherwise residential development. The current legal owner has owned the Property since 1992 and has had difficulty securing commercial tenants of the type allowed under CL. As a result, the legal owner had to pursue multiple variances in the past to allow non-CL approved commercial uses. Despite such variances, the legal owner still suffered a high percentage of vacancies.

The Applicant desires to use the Property for multiple family dwellings which are allowed under CL but seeks a certain interpretation and/or multiple variances to allow same. The Variances are as follows:

1. Code Section 1305.01.a allows Multi Family Dwellings provided there is a principal commercial use in the front of the building at street level. Applicant proposes to raze the existing structure and rebuild as a multi-family building only, it being alleged that no commercial use can reasonably be sustained in this area. Applicant requests a Variance to eliminate the otherwise required first floor commercial use.
2. Code Section 1306.01(b)2.a, which regulates density by referencing the RT Zoning District standards set forth at 1306.01(a).4. allows for one dwelling unit per 2500 s.f. (3 ½ stories or less) and one dwelling unit per 1200 s.f. (more than 3 ½ stories). Applicant purposes 30 dwelling units which would be allowed in a 4 story building, but in an effort to conform to the surrounding area the Applicant is proposing only a 3 story structure. As a three story structure, applying the 2500 s.f. standard, Applicant would be limited to 22 units instead of an allowed 46 units if 4 stories. Applicant requests a Variance to build 30 units in a 3 story structure.
3. Code Sections 1322 (kk)4 and 5. Applicant proposes 7' separation from the front of the building to the proposed (existing) front parking area instead of the required 15', and a building 186' long (or wide) as opposed to an allowed 180'. There exists (a) a substantial storm water detention area to the east of the proposed building and (b) storm water facilities under the existing front parking area. There is also an access easement encumbering the rear of the proposed building. As such, the Applicant requests Variances to construct the 186' long building with only a 7' separation from the front parking area

The Applicant also requests an Interpretation of Code Section 1311.08(a) to utilize and maintain the existing parking to be used in conjunction with proposed building in that Applicant proposes no "new" parking spaces. In the alternative, Application requests a Variance to continue to use the existing front parking area.