

**CITY OF BETHLEHEM, PENNSYLVANIA
CODE BOARD OF APPEALS**

APPLICATION FOR APPEAL
SUBMIT \$100.00 FEE & ORIGINAL PLUS (6) COPIES

PROPERTY ADDRESS 2467 Ringhoffer Rd. Hellertown Pa 18055

OWNER Michael Esleman / M&J Holdings PHONE 484-239-4090

OWNER'S ADDRESS 327 Constitution Ave Hellertown Pa 18055

APPLICANT _____ PHONE _____

APPLICANT'S ADDRESS _____

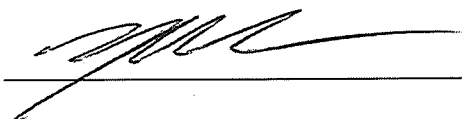
REASON FOR APPEAL:

- The true intent of the Act or Uniform Construction Code was incorrectly interpreted.
- The provisions of the Act do not apply.
- An equivalent form of construction is to be used.
- Extension of time.

List section(s) of the Act which are being appealed and a brief description of remedy sought.

*Recognition for proper use of building
Section 406 not required by the issued permit*

Signature



Date 3/28/24

LAW OFFICES
BROUGHAL & DEVITO, L.L.P.

38 WEST MARKET STREET
BETHLEHEM, PENNSYLVANIA 18018-5703

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May 17, 2024

*ALSO MEMBER NEW JERSEY BAR

VIA REGULAR and ELECTRONIC MAIL

Mike Simonson
Chief Building Inspector
Chief Building Code Official
City of Bethlehem
10 E. Church Street
Bethlehem, PA 18018
MSimonson@bethlehem-pa.gov

RE: 2467 Ringhoffer Road – COB Code Board of Appeals – May 23, 2024

Mr. Simonson:

As you know this office represents Michael Eshlemen/M & J Outdoor Services LLC, relative to the above-captioned matter. This correspondence follow up to our phone conversation dated May 15, 2024, whereby I respectfully requested a continuance to the next available hearing date due to scheduling conflicts. Kindly forward any and all applicable, future hearing materials to me at the above address or via email to anthonygiovannini@broughal-devito.com.

Should you have any questions or wish to discuss this matter further, please contact this office.

Very truly yours,

BROUGHAL & DeVITO, L.L.P



Anthony Giovannini, Jr.

CC: Michael Eshlemen/M & J Outdoor Services LLC *via electronic mail only*



CITY OF BETHLEHEM

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

BUREAU OF CODE ENFORCEMENT

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Michael Eshleman
M & J Holdings LLC
327 Constitution Avenue
Hellertown, Pa. 18055

February 27, 2024

RE: Fire Protection, 2467 Ringhoffer Road
Building Permit 21060747

Dear Mr. Eshleman,

Please be advised that review of your project has determined that the building currently under construction is classified as "Motor Vehicle Related Occupancy" under the requirements of the Pennsylvania Uniform Construction Code:

SITE USE AND OPERATION

The owners of the property plan to expand their business, M&J Outdoor Services.

The service business provides grounds maintenance, general landscaping, and other outdoor services. Operations are usually between 7:30AM and 6:00PM Monday thru Friday, with occasional activity on Saturdays. There will be no retail or wholesale sales of materials at this location, and there is no need for customers to visit the property.

The property and building will be used to store vehicles, trucks, equipment, and materials for security and to keep out of the weather. The building will also include office space for use by company owners/management. The site will be used as another point of operation, where a limited number of employees will come to pick up equipment and materials. Parking is proposed to accommodate the maximum number of employees anticipated at the site at a given time (5).

The building is subject to the requirements of the International Building Code (IBC), section 406, covering buildings that house motor powered vehicles and equipment. IBC sections 406.2 thru 406.8 break down and classify various Motor-Vehicle related activities and assign requirements depending upon the specifics of the use.

Of those seven classifications, your building would seem to fall into one of either section 406.6 'Enclosed parking Garage' ("Enclosed vehicle parking garages and portions thereof that do not meet the definition of *open parking garages...*"), or section 406.8 'Repair Garage'; either classification will require the installation of an NFPA 13 compliant Fire Sprinkler system in the building (IBC section 406.6.3 or 406.8.6).

Additionally, it is noted that the current approved Site Plan requires a fire-fighting reservoir meeting Fire Department approval (Note #6):

6. The project will be served by an on-lot well, as City water service is distant from the site. Fire fighting water supply system will require on-lot fire fighting water supply on-site. Proposed is an underground tank system subject to approval by the City Fire Department.

Several weeks ago, I approved the 'roof truss' framing only, permitting the contractor to install the steel sheet ceiling. Your next steps are likely to be required under-slab utilities, followed by the slab insulation and concrete floor, all of which require city building inspections and approval; prior to any further approvals at this facility, it will be necessary for



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you to demonstrate that you have adequate system design, along with required fire pump and an appropriately sized underground (or otherwise freeze protected) water supply to adequately supply the fire-sprinkler system, along with whatever other fire-fighting equipment might arrive on-site as determined by the city Fire Department.

While the water supply/reservoir require City Fire Department approval, the city Building Inspections Department requires that actual Fire Protection design plans be submitted to the city bearing the indication that the plans have been reviewed and approved by a Pennsylvania registered third party plan review agency.

Moving forward, your next step should be to contract with a Bethlehem licensed Fire Protection firm to finalize a design for the fire sprinkler system, as well as sizing for the fire pump and water supply. Once the design is completed and reviewed, the plans should be submitted to the City along with required applications.

Additionally, if it is not already designed and permitted, this project will require a Carbon Monoxide detection and exhaust system.

Kind Regards,

A handwritten signature in black ink, appearing to read "David W. Taylor". The signature is written in a cursive style with a large loop at the end.

David W. Taylor
Building Inspector
City of Bethlehem

cc: Permit File



CITY OF BETHLEHEM

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

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Memo To File: 2467 Ringhoffer

May 1, 2024

In regards to the property at 2467 Ringhoffer, for context:

- The constructed building is 60' x 120' (7200 sqft) and incorporates six(6) 12' by 12' overhead doors (allowing for six bays);
- A note on the official site plan, included and submitted with the building plans includes the note: "The property and building will be used to store vehicles, trucks, equipment, and materials...";
- The plan further notes that "materials" shall be stored outdoors.

Consequently, the building is determined to be "MOTOR-VEHICLE-RELATED [OCCUPANCY]" subject to the requirements of IBC section 406. The permit set was issued under the 2015 IBC; verbiage and section numbering are altered in 2018, but both code cycles end up at the same place.

Section 406.1 states: *Motor-vehicle-related occupancies shall comply with Sections 406.1 through 406.8.*

Of those 8 sections, 406.2 is "Definitions" and of the remaining sections:

406.3 relates to **Private garages**, garages not larger than 1000 sqft. (406.3.1).
Not Applicable

406.4 relates to **Public parking garages**: "Parking garages, other than *private garages*".
Public Parking Garages must also comply with 406.5 (Open) or 406.6 (Enclosed).

406.5 relates to "Open parking garages" of which this project does not meet.
Not Applicable

406.6 relates to "Enclosed parking garages", and **406.6.3** requires "An enclosed parking garage shall be equipped with an *automatic sprinkler system* in accordance with **Section 903.2.10.**"

903.2.10.1 requires: "An *automatic sprinkler system* shall be provided throughout buildings used for storage of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m2)."

406.7 relates to "Motor fuel-dispensing facilities".
Not Applicable



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406.8 relates to “**Repair garages**”; this section may be applicable. 406.8.6 requires “A repair garage shall be equipped with an *automatic sprinkler system* in accordance with Section **903.2.9.1**.”

903.2.9.1 requires: “An *automatic sprinkler system* shall be provided throughout all buildings used as repair garages in accordance with Section 406, as shown:”

and, Condition 4: “A Group S-1 *fire area* used for the repair of commercial motor vehicles where the *fire area* exceeds 5,000 square feet (464 m²)”.