



SITE ADDRESS: 306 BROADHEAD AVE

Office Use Only:

DATE SUBMITTED: 06-30-2021

HEARING DATE: 07-28-2021

PLACARD: _____

FEE: \$ 500

ZONING CLASSIFICATION: CB

LOT SIZE: _____



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

1. Return one (1) original and eight (8) 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 on the 4th Wednesday of the month. The hearing will be held on 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	<u>Plinio M Rodriguez</u>
Address	<u>802 N 9th St Allentown, PA 18102</u>
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	Angelina M LLC
Address	PO Box 22107
	Lehigh Valley, PA 18002-2107
Phone:	
Email:	
ATTORNEY (if applicable):	
Name	
Address	
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. Attach architectural plans and elevations depicting proposed alterations or new construction.
3. Attach photographs.
4. If the real estate is presently under Agreement of Sale, attach a copy of the Agreement.
5. If the real estate is presently leased, attached a copy of the present lease.
6. 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.

In accordance with section 1317.29
We seek a variance of section 1305.01(b)
at the abovementioned location, whereby the
use is indicated as "NOT PERMITTED"

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.

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

8/30/22
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.

Use Variance Application – 306 Brodhead Ave, Rear Unit, Bethlehem, PA 18015

Dear honorable members of the City of Bethlehem Zoning Hearing Board. We file this narrative along with our formal application to seek a variance on the use of the property located at 306 Brodhead Ave, Rear Unit, Bethlehem, PA 18015. In accordance with Section 1317.29 of the City of Bethlehem Zoning Ordinance, we seek a variance of Section 1305.01 (b) - Auto Body Shop or Auto Repair Garage (Use Type) – for Zoning District Central Business (CB) at the abovementioned location, whereby the use is indicated as “Not Permitted.” We seek a variance based on the following facts and believe there is good and sufficient cause of this use. We believe that granting such variance would not create a threat to public safety, or an extraordinary public expense nor create nuisances, cause fraud on, or victimize the public, or conflict with any other applicable state or local ordinances and regulations.

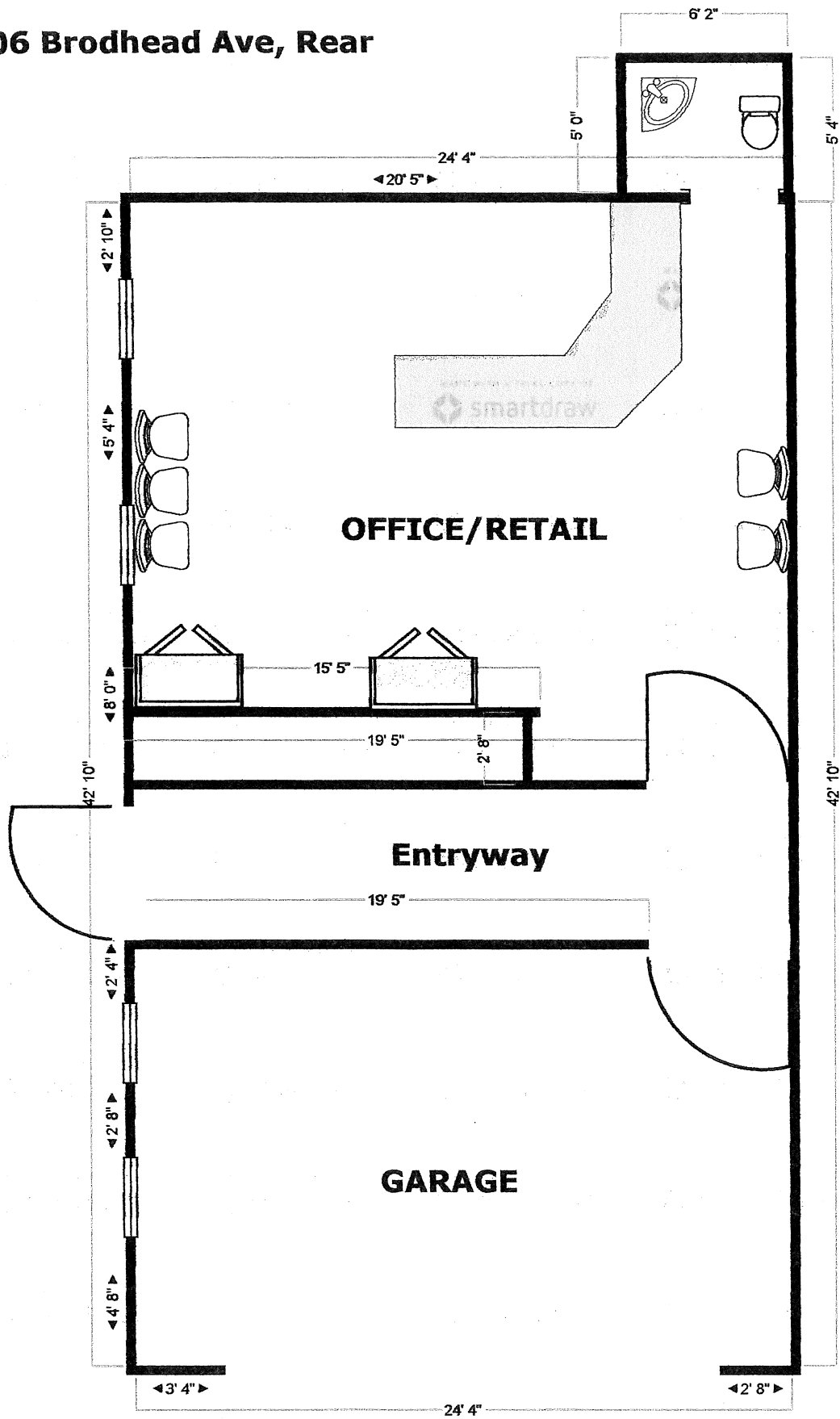
On June 21, 2021, the applicant sought a property to lease for the purpose of establishing a retail store and installation facility for the sale and installation of vehicle audio and alarm equipment. The applicants currently operate a similar business in the City of Philadelphia and are looking to expand to the Lehigh Valley area. The applicants located Commercial MLS #649239 advertising the above mentioned address as a commercial lease space of 2000 Sqft and could be used for “dry storage, small mechanic shop, print shop or car detailing service.” (See attached MLS sheet) The applicant checked with the Zoning Office at the time and was advised the use of said property as a retail store and installation site would be authorized. The applicants also confirmed via tax records the property was located in a “CG” zone. On May 18, 2021, applicants entered into a 3-year lease agreement with the property owner, Angelina M LLC, with the specific purpose of establishing an “Alarm and Audio” retail and installation service at this location (See attached Lease Agreement). The applicants filed formal application for a “use permit” in accordance with City of Bethlehem rules and were denied the permit on the basis that the above property was located in a “CB” zone (tax records were incorrect) and an “Auto Body Shop or Auto Repair Garage” was “Not Permitted” in accordance with the zoning ordinance. The applicants subsequently spoke with Zoning Office, Craig Peiffer, and were advised to seek out a use variance.

The applicant’s intent in securing the above lease was to establish a minority owned retail store with the expressed purpose of selling auto audio components, speakers, radios, alarm components, and related parts for various vehicles. The applicants would have a limited amount of inventory on hand for customer selection and any additional inventory could be ordered if necessary off-site. The property would consist of a retail space and waiting area (see diagram) where the client would select the product they would like to purchase, and the item would be installed in the garage area by appointment only by an employee (See garage diagram). In accordance with 1305.01 (b), retail use is permitted by right use (zoning decision by Zoning Officer) and would meet the requirement that “All retail and service uses must be enclosed within a building.” The applicant is seeking to provide the additional service of “installing, repairing, and affixing” said components to the clients’ vehicles within the two (2) car garage

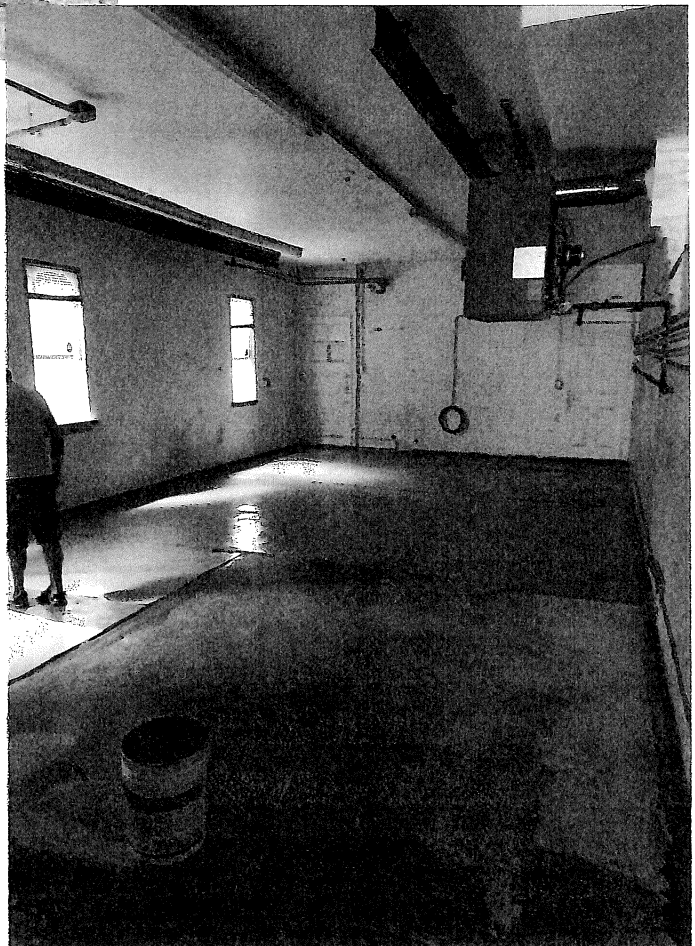
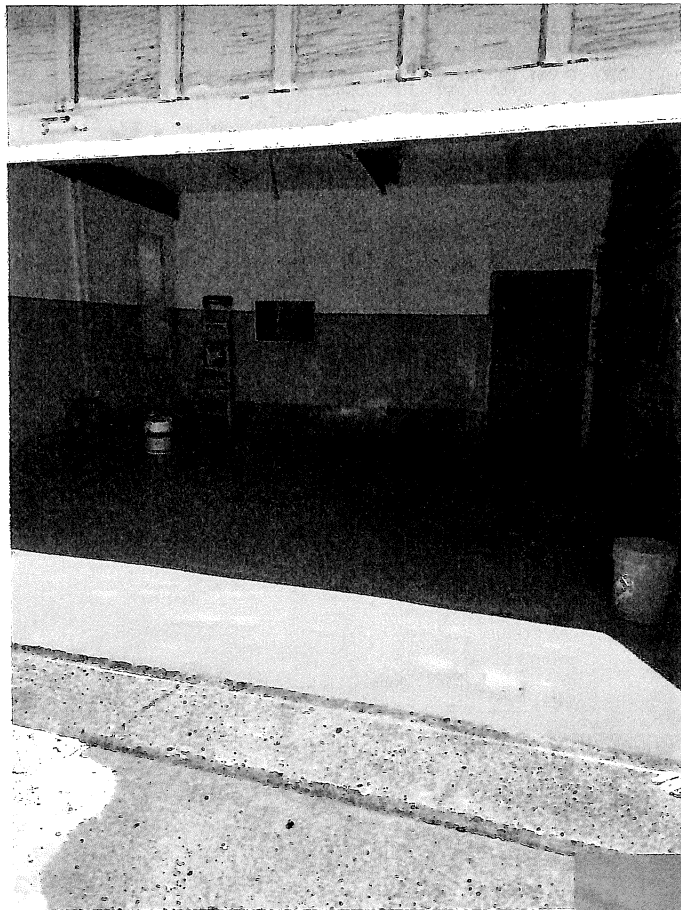
service area of the above property. The applicant understands the definition of "Auto Body Shop or Auto Repair Garage" as written in Section 1302.10 defines it as a "facility where repairs to the frame or other structural parts of motor vehicles, spray painting, and repair or replacement of fenders and similar external portions of motor vehicles are conducted. Auto repairs to the mechanized parts of a vehicle, including engine, motor, transmission, etc, shall also be included in this definition." The applicant has no intention of performing any "frame or other structural" work to any vehicles or any "engine, motor, transmission" work involving chemicals, oils, or other hazardous substances commonly associated with either a Body Shop or Repair Garage.

The applicant believes the denial of the use of the garage portion of the building for the sole purpose of installing, repairing, or affixing radio and alarm components would create economic hardship to the applicant's retail business. The ability to provide the follow-on service of installation or repair to the audio and alarm components would be economically detrimental to the applicant's business. The applicant is requesting permission to conduct this retail business (an approved use under CB with permission of ZO) and we are requesting a variance to provide the installation services described above if the definition described above applies to this function. We believe that granting such variance would be consistent with the stated goals of the CB Zone to "promote pedestrian-friendly uses, as opposed to uses that are auto dependent." We do not believe the approval of this variance would create a nuisance to the public or a threat to public safety. We asked that this honorable zoning board approve the limited use of this property for the above stated reasons. We thank the members of this board for their time and attention to this matter.

306 Brodhead Ave, Rear



NOT TO SCALE





Sam Del Rosario
 Keller Williams Real Estate
 610-762-6631
 samuel@samsellsthelehighvalley.com
 Sam Sells the Lehigh Valley

Monday, June 21, 2021

LOCATION

Property Address 306 Brodhead Ave
 Bethlehem, PA 18015-1794

Subdivision

County Northampton County, PA

PROPERTY SUMMARY

Property Type Commercial

Land Use Retail, Mixed: Retail / Apt. Or Office

Improvement Type Downtown Row Type

Square Feet 7448

GENERAL PARCEL INFORMATION

Parcel ID/Tax ID P6SE1A 7 2 0204

Alternate Parcel ID 4762-11-4458-5854

Municipality Bethlehem City

District/Ward

2010 Census Trct/Blk 110/2

Assessor Roll Year 2020



CURRENT OWNER

Name Angelina M LLC

Mailing Address Po Box 22107
 Lehigh Valley, PA 18002-2107

SCHOOL ZONE INFORMATION

Fountain Hill Elementary School 1.2 mi
 Elementary: Pre K to 5 Distance

Broughal Middle School 0.2 mi
 Middle: 6 to 8 Distance

Liberty High School 1.3 mi
 High: 9 to 12 Distance

SALES HISTORY THROUGH 06/01/2021

Date	Amount	Buyer/Owners	Seller	Instrument	No. Parcels	Book/Page Or Document#
10/13/2015	\$450,000	Angelina M LLC	Achey Fred A	Warranty Deed		2015-1/201657 2015026808
6/1/1999	\$86,000	Achey Fred A				19991/86392
12/1/1998	\$30,000					

TAX ASSESSMENT

Appraisal	Amount	Assessment	Amount	Jurisdiction	Rate
Appraisal Year	2021	Assessment Year	2021	Bethlehem City	19.14
Appraised Land	\$86,400	Assessed Land	\$43,200	Northampton	11.8
Appraised Improvements	\$86,400	Assessed Improvements	\$43,200	Bethlehem Area School District	56.17
Total Tax Appraisal	\$172,800	Total Assessment	\$86,400		