



"ORIGINAL"

SITE ADDRESS: 323 Pierce Street, Bethlehem, PA 18015

Office Use Only:

DATE SUBMITTED: 06.09.2021

HEARING DATE: 06.23.2021

PLACARD: 06.10.2021

FEE: \$ 200⁰⁰

ZONING CLASSIFICATION: RT

LOT SIZE: 41' x 49' OR 2,009 SF

Amended **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	Country Club Brewing, LLC
Address	c/o Michael D. Recchiuti 60 W. Broad Street, Suite 303, Bethlehem, PA 18018
Phone:	[REDACTED]
Email:	[REDACTED]
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	PERON PIERCE LLC
Address	60 West Broad Street, Suite 201
	Bethlehem, PA 18018
Phone:	[REDACTED]
Email:	[REDACTED]
ATTORNEY (if applicable):	
Name	Michael D. Recchiuti, Esquire ID:90862
Address	60 W. Broad Street, Suite 303
	Bethlehem, PA 18018
Phone:	610-997-8820
Email:	mdr@kvfirlaw.com

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
See attached letter from Attorney Seth Tipton, counsel for Peron Pierce, LLC for the dimensional variances 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.

Applicant seeks a use variance to use reconstructed building as a brewery. Parcel is zoned RT.
Applicant previously received a special exception to change non-conforming use of building to
a brewery. Due to construction issues beyond the control of Applicant, the building needs to be
razed to its foundation and rebuilt.

If the Applicant seeks a Special Exception, please state the **specific section (s)** of Zoning Ordinance
applicable: Applicant seeks a renewal of special exception relief that was previously granted that would allow a change
of an existing nonconforming use from the current use as a garage to the new proposed use as a brewery
with a tap room for on-site consumption and retail sales for off-site consumption. The brewery would be a
PLCB G licensed brewery.

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

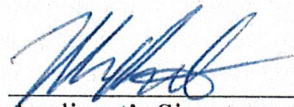
NARRATIVE

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.

 Member

Applicant's Signature

6/9/21

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.**

Seth R. Tipton, Esquire
Partner
610.691.7900

June 8, 2021

Via Hand Delivery & Email
City of Bethlehem
ATTN: Craig Peiffer, Zoning Officer
10 East Church Street
Bethlehem PA 18018

Re: 323 Pierce Street, City of Bethlehem (PIN: P6SE1B174)
Zoning Variance Request

Dear Mr. Peiffer,

I serve as counsel for Peron Pierce LLC (collectively, the "Applicant"), which is the owner of the above-referenced property (the "Property"). The Applicant has entered into a new lease with Country Club Brewing LLC pursuant to which the Applicant was to retrofit an existing garage into a brewery with a tap room for on-site consumption and retail sales for off-site consumption. During initial construction over the last several weeks, it became apparent that the walls of the existing structure were not structurally sound and would need to be removed down to the foundation level and replaced. The Applicant intends to construct a new building on the foundation of the existing building, and to roughly the same dimensions as the old building. As you may know, the prior building took up much of the .05 acre lot. As a result, in order to begin this reconstruction at the former building's dimensions on this lot, the Applicant requires the following dimensional variances:

1. Article 1306(a): The minimum lot size is 6,500 square feet. The Applicants propose to reduce this to the existing lot size of 2,269 square feet.
2. Article 1306(a): The minimum lot width is 60 feet. The existing lot width is 41 feet.
3. Article 1306(a): The Applicant is required to have a 6-foot side yard, but proposes zero feet on the south side and 1.5 feet on the north side (the same dimensions the former building had).
4. Article 1306(a): The Applicant is required to have a 20 foot rear yard and is proposing a two foot rear yard.
5. Article 1306(a): The Applicant is proposing 75% maximum building coverage, which exceeds the maximum of 35% permitted under the ordinance.

We would ask that you kindly add this application to your next upcoming agenda, where we can provide a description of these variances and the reasons justifying the Zoning Hearing Board granting the relief. Please let me know if you need anything further. Thank you.

Very truly yours,

Florio Perrucci Steinhardt Cappelli Tipton & Taylor LLC

/s/ Seth R. Tipton

Seth R. Tipton

PERON PIERCE, LP
60 West Broad Street
Bethlehem, PA 18018

December 9, 2019

Michael D. Recchiuti, Esquire
60 W. Broad Street, Suite 303
Bethlehem PA 18018

To whom it may concern:

Please accept this letter as evidence that the owner of P6SE1B1740204, Peron Pierce LP, consents to Country Club Brewing LLC's zoning application before the City of Bethlehem Zoning Hearing Board. CCB is the tenant for this property pursuant to a lease with Peron Pierce LP dated November 4, 2019. Please contact me with any questions or concerns, thank you.

Very truly yours,

Peron Pierce LP

By: 

Robert de Beer, Authorized Representative

Cantelmi Hardware Store
521 East Fourth Street
Bethlehem , Pa.

1/15/2020

To whom it may concern:

This letter is to acknowledge that myself, Rick Cantelmi, and Country Club Brewing (a brewery in planning in Bethlehem, PA) have come to an agreement in regards to leasing ten (10) parking spaces for their business use in the lot located at Pierce and Evans Streets. This lot is directly across the street from the proposed site of Country Club Brewing at 323 Pierce Street.

This agreement shall commence on the first day of business and shall remain in effect indefinitely with annual renewal options.

Sincerely,


Rick Cantelmi
Owner

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

)	
Appeal and Application of)	Dated: February 25, 2020
Country Club Brewing, LLC)	Re: 323 Pierce Street
)	

**NOTICE OF RIGHT OF APPEAL
OF AGGRIEVED PARTY**

You have the right to appeal this Decision if you are an "aggrieved party" under the Pennsylvania Municipalities Planning Code. You must appeal to the Court of Common Pleas of the county in which the subject property is located. The City of Bethlehem is located partly in Northampton County and partly in Lehigh County.

In order to file an appeal properly, you should seek the advice of a lawyer. Please note that neither the Zoning Officer nor the Zoning Hearing Board Solicitor is permitted to give you legal advice. PLEASE DO NOT CALL THIS OFFICE,

You must file your appeal, in writing, within thirty (30) calendar days of the date of this Decision, or your right to such an appeal is lost.

**YOUR APPEAL PERIOD BEGINS
February 25, 2020
(DATE OF MAILING THIS DECISION)**

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

Appeal & Application of)	Dated: February 25, 2020
)	
Country Club Brewing, LLC)	Re: 402 N. New Street
)	

DECISION

I. Preliminary Matters

A public hearing was held on January 22, 2020, at 6:00 p.m. before the Zoning Hearing Board of the City of Bethlehem regarding Applicant's request for a Special Exception.

A. Parties.

1. Applicant: Finneaus Parker appeared at the hearing and had standing as a tenant of the subject property, with the permission of the record owner, Peron Pierce LP. Attorney Michael D. Recchiuti represented the Applicant at the hearing.
2. Zoning Hearing Board: The Board was comprised of William Fitzpatrick, Chairman; James H. Schantz; Linda Shay Gardner; Terry Novatnack and Pete Schneck.

Craig D. Peiffer, City of Bethlehem Zoning Officer, represented the Zoning Hearing Board.
Kevin J. Kelleher, Esquire, of BJSK Law Offices represented the Zoning Hearing Board as its Solicitor.

3. Protestant(s)/Interested Parties: No one else appeared at the hearing.

B. Notice

Notice of the hearing was given by public advertisement, posting of the subject property and First Class Mail to neighboring property owners pursuant to the applicable provisions of the Pennsylvania Municipalities Planning Code,¹ the Zoning Ordinance of the City of Bethlehem² and the rules of the Board.³

¹ MPC § 10908(1) provides that “[p]ublic notice shall be given and written notice shall be given to the applicant, the zoning officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provisions, by rules of the board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.”

² Article 1325.04(a) Notice of Hearings.

(a) Upon filing with the Board for an application for a special exception, variance or other appeal under this Ordinance, the Board shall determine a place and a reasonable time, and the City shall give notice as follows:

(1) The City shall publish a public notice describing the location of the building or lot and the general nature of the matter involved in a newspaper of general circulation in the City in conformance with the Municipalities Planning Code.

(2) The City shall give written notice to the applicant and persons who have made a timely request for notice of such hearing. In addition, notice shall be provided to those persons whose properties adjoin the property in question, and to the City Planning Commission. Such notice should be sent at least 7 days prior to the hearing.

(3) The City shall provide written notice to the last known address of the primary owner of lots within 300 feet of the subject lot, unless the application only involves a dimensional variance on an owner occupied single family dwelling unit or its accessory structure. Failure of a person(s) to receive such notice shall not be grounds for an appeal, provided that a good faith effort was made to provide such notice.

³ The custom and practice in the City of Bethlehem is for the Zoning Officer to place the notice in the newspaper and to send written notice to interested parties by regular mail. The Applicant is given a fluorescent sign by the

C. Property

The property is located at 323 Pierce Street, in the Northampton County portion of the City of Bethlehem. The property contains 0.0461 acres. It is located in the R-T Residential Zoning District.

II. Applicable Law

The Board considered the case under the following statutory authority, as well as under applicable reported decisions of the appellate courts in Pennsylvania.

1. *The Codified Zoning Ordinance of the City of Bethlehem*, Ordinance No. 2210, effective June 12, 2012, as amended (hereinafter, the "Zoning Ordinance").
2. *The Pennsylvania Municipalities Planning Code*, 53 P.S. § 10101, *et seq.*, as reenacted 1988, Dec 21, P.L. 1329, No. 170, §2 (hereinafter, the "MPC").

III. Nature of Relief Sought

The Applicant sought Zoning Hearing Board approval for a Special Exception regarding the commercial use on the property. The previous use, as a garage, was a non-conforming use. The Applicant requested permission to utilize the subject property as a brewery and tap room, another non-conforming use.

Zoning Officer at the time the Application is filed and the fee paid, and the Applicant is instructed to conspicuously post the property with the sign giving notice of the particulars of the hearing at least seven (7) days prior to the hearing.

IV. Evidence Received by the Board

Finneaus Parker, the managing member of the corporate Applicant, testified in support of the application. He provided documentation of permission from the record owner of the property to proceed in this case. Mr. Parker informed the Board that the subject property is located between the C-L and the I-IR zoning districts, and that it is not close to any residential property. He testified that the proposed use will enhance the property and the surrounding neighborhood, and that it will fit the character of the area.

Mr. Parker also testified that there would be approximately 25 seats in the property, with a proposed outdoor patio in the future. The hours of operation would be:

Sunday and Monday – closed

Tuesday to Friday – 4:00 pm to 10:00 pm

Saturday – 3:00 pm to 10:00 pm

Mr. Parker acknowledged that the use will be further regulated by the Pennsylvania Liquor Control Board, and he expressed his intention to follow any and all state and federal regulations.

The Applicant also provided photographs and renderings, as well as an agreement for the use of off-street parking spaces. The testimony concluded with representations that the proposed use, and hours of operation, meet the requirements for a Special Exception as set forth in the Zoning Ordinance.

V. Findings of Fact

1. Applicant, Country Club Brewing, LLC, is an authorized tenant of the subject property.
2. The property consists of 0.0461 acres, and is located at 323 Pierce Street, in the Northampton County portion of the City of Bethlehem.
3. The property is located in the R-T Residential Zoning District.
4. The subject property was previously used as a garage, which was a non-conforming use.
5. Applicant proposed to convert the current non-conforming use to another non-conforming use, as a brewery and tap room.
6. Applicant is prepared to provide sufficient parking.

VI. Discussion

Applicant requests a Special Exception under Section 1325.07 of the Zoning Ordinance, which provides as follows:

Powers and Duties - Special Exceptions

- (a) The Zoning Hearing Board shall have the power to approve special exceptions for any uses for which this Ordinance requires the obtaining of such exceptions and for no other use or purpose.
- (b) General Requirements and Standards Applicable to all Special Exceptions. The Board shall grant a special exception only if it finds adequate evidence that any proposed use submitted for a special exception will meet all of the following general requirements, as well as any specific requirements and standards listed for the proposed use. The Board shall, among other things, require that any proposed use and location be:

- (1) In accordance with the City of Bethlehem Comprehensive Plan and consistent with the spirit, purposes, and intent of this Ordinance.
- (2) In the best interest of Bethlehem, the convenience of the community, the public welfare, and be a substantial improvement to property in the immediate vicinity.
- (3) Suitable for the property in question, and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance with the existing or intended character of the general vicinity.
- (4) In conformance with all applicable requirements of this Ordinance.
- (5) The proposed use shall not substantially change the character of any surrounding residential neighborhood, after considering any proposed conditions upon approval such as limits upon hours of operation.
- (6) Suitable in terms of effects on street, traffic, and safety with adequate sidewalks and vehicular access arrangements to protect streets from undue congestion and hazard.
- (7) The proposed use shall not create a significant hazard to the public health and safety, such as fire, toxic or explosive hazards.
- (8) The proposed use shall be suitable for the site, considering the disturbance of steep slopes, mature woodland, wetlands, floodplains, springs and other important natural features.

In the present case, Applicant met all the standards required for the grant of a Special Exception. The proposed use is in accordance with the City of Bethlehem Comprehensive Plan, and is consistent with the Zoning Ordinance. The proposed use is in the best interests of the City of Bethlehem, and it is suitable for the Property. The proposed use conforms to all applicable requirements of the Zoning Ordinance, and it will not change the character of the area where it is located. The proposed use is suitable for the site, and it will not create a significant hazard to public health and safety.

VII. Conclusions of Law

1. The property is located in the R-T Residential Zoning District, in the Northampton County portion of the City of Bethlehem.
2. The current non-conforming use of the property is as a garage.
3. The Applicant's request to change the use to another non-conforming use, as a brewery and taproom, meets the criteria for granting a Special Exception under Section 1323.07 of the Zoning Ordinance.

VIII. Decision of the Board

By a vote of 5-0, the Zoning Hearing Board granted Applicant's request for a Special Exception.

THE BOARD:

/s/ Kevin J. Kelleher, Esquire*
Solicitor

/s/ Craig D. Peiffer, AICP
Zoning Officer

/s/ William Fitzpatrick, Chairman*

/s/ James H. Schantz*

/s/ Linda Shay Gardner

/s/ Terry Novatnack

/s/ Pete Schneck

*The above individuals were unavailable at the date of mailing.

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

Appeal and Application of) Dated: February 25, 2020
Country Club Brewing, LLC) Re: 323 Pierce Street

CERTIFICATE OF SERVICE

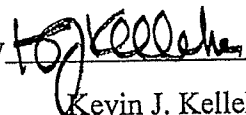
Kevin J. Kelleher, Esq., Solicitor to the Zoning Hearing Board, hereby certifies that he sent a true and correct copy of the Decision in this matter to the Applicant by First Class Mail on the date set forth below:

Applicant: Country Club Brewing, LLC
c/o Finneaus Parker
510 East 3rd Street
Unit 511
Bethlehem, PA 18015

Michael D. Recchiuti, Esq.
60 W. Broad Street
Suite 303
Bethlehem, PA 18018

BJSK Law Offices

Date Feb. 25, 2020

by 
Kevin J. Kelleher, Esq.
901 W. Lehigh Street
Bethlehem, PA 18018