



ORIGINAL

2958 & 2770

SITE ADDRESS: ~~2598~~ Linden Street - RT 191

Office Use Only:

DATE SUBMITTED: 04.28.2021 HEARING DATE: _____

PLACARD: _____ FEE: _____

ZONING CLASSIFICATION: _____ LOT SIZE: _____

**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 Setnom Enterprises, LLC
Address 640 Walker Drive
Northampton, PA 18067
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	Stefano Lombardo and Patricia A. Lombardo
Address	2744 Briarwood Place
	Bethlehem, PA 18017
Phone:	
Email:	
ATTORNEY (if applicable):	
Name	James F. Preston, Esquire
Address	38 West Market Street
	Bethlehem, PA 18018
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 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>See attached</u>	<u>Supplemental Statement</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.

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

N/A

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.

See Supplemental Statement

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.

By: _____

Applicant's Signature
James F. Preston, Esquire

April 28, 2021

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.

SUPPLEMENTAL STATEMENT

IN RE: APPEAL OF SETNOM ENTERPRISES, LLC

Setnom Enterprises holds equitable title to the two parcels that are the subject of this appeal. The parcels are currently developed with a restaurant and dwelling. Setnom Enterprises intends to develop the parcels as depicted on the plans submitted with this application. The proposed uses are a restaurant at the Linden Street frontage with apartments in the rear portion. The Subject Property comprises two irregularly shaped lots with limited frontage, which necessitate the need for the requested zoning relief. The requested relief is identified below.

Interpretations/ Variances:

1: Section 1305.01(a)-note 1 which indicates that “such housing shall be located in the same building as a principal commercial use that is on the front street level. This requirement for a street level commercial use shall not apply to buildings fronting on local streets.”

REQUESTED RELIEF: Interpretation that the building does not ‘front’ on a street (Linden Street) due to the irregular shape of the lot; or in the alternative, a variance from this requirement.

2: Section 1306.03 – accessory structures are to meet minimum lot line setbacks.

REQUESTED RELIEF: Interpretation that the trash enclosure (unroofed walls less than six feet high) is an accessory structure not subject to the setbacks (See Section 1318.16.) In the alternative the Applicant requests a variance from this requirement.

3: Section 1318.23 Buffer Yards – this section indicates that buffer yards are required along all side and rear lot lines of non-residential districts.

REQUESTED RELIEF: Interpretation on whether the property lines parallel to Rt 191, but not along the street, constitute a front yard (See Section 1302.144). In the alternative, the Applicant requests a variance from this requirement.

4: Section 1306.01(b) Dimensional Regulations for Primarily Non-residential Districts – to allow the proposed restaurant to have a reduced front yard and sideyard setback.

REQUESTED RELIEF: The existing front yard setback at the existing building is 6.9 feet; the proposed front yard setback is 8.0 feet. The existing side yard setback is 3.2 feet; the proposed side yard setback is 3.2 feet.

5: Section 1322(II)(4) Multifamily Building Length - To allow a building length greater than 180ft. Dividing the building into several smaller buildings to accommodate this requirement results in poor traffic and emergency vehicle circulation; and requires the buildings to be placed on the setback line, rather than further into the site where additional distance is provided from neighboring properties in the rear.

REQUESTED RELIEF: Due to the site’s irregular shape, it is difficult to provide circulation around the buildings and providing separation from adjacent properties without locating the building in the center of the lot. The Applicant requests a variance from this requirement.

6: Section 1322(II)(5) Multifamily Parking Separation –

REQUESTED RELIEF: To allow portions of the drive aisle to be closer than 15-feet to the building to allow access around the building.)

7: Any zoning relief necessary to place the signage as shown on the plan.



CITY OF BETHLEHEM

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

BUREAU OF PLANNING AND ZONING

Phone: 610-865-7088

Fax: 610-865-7330

TDD: 610-865-7086

May 17, 2021

Duane Wagner
SETNOM Enterprises, LLC
640 Walker Drive
Northampton, PA 18067

(21-001 Sketch/Site Plan Review) – 21040014 – 2958 & 2970 Linden Street– SKETCH PLAN REVIEW –Zoned CS, plan dated April 14, 2021.

Dear Duane:

At its May 13, 2021 meeting, the Planning Commission voted unanimously to support the sketch plan as proposed and to support the zoning relief that the applicant is requesting.

This letter will also be forwarded to the Zoning Hearing Board members for their information.

Sincerely,

Darlene Heller,
DH

Darlene Heller, AICP
Director of Planning and Zoning

Enclosures

Cc: M. Dorner
C. Peiffer
M. Petkovich
T. Wells
Zoning Hearing Board Members