



SITE ADDRESS: 25 East Market Street

Office Use Only:

DATE SUBMITTED: 2.26.2020

HEARING DATE: 3.25.2020

PLACARD: _____

FEE: 500⁰⁰

ZONING CLASSIFICATION: RT

LOT SIZE: .1054

**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 January 27, 2020 (copy attached)
- Variance from the City of Bethlehem Zoning Ordinance
- Special Exception permitted under the City Zoning Ordinance
- Other: _____

SECTION 1

APPLICANT:	
Name	25 East Market Street, LLC
Address	817 West Broad Street
	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	Owner is Applicant
Address	
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
N/A			

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.

N/A

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): _____

N/A

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.

By: _____

Applicant's Signature
James F. Preston, Esquire

2/26/2020

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.



CITY OF BETHLEHEM

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

BUREAU OF ZONING

Phone: 610-865-7094

Fax: 610-865-7330

TDD: 610-865-7086

www.bethlehem-pa.gov

25 East Market Street, LLC
817 West Broad Street
Bethlehem, PA 18018

Re: Illegal Use
DATE OF THIS NOTICE: January 27, 2020
PROPERTY LOCATION: 25 East Market Street, City of Bethlehem
NAME OF OWNER: 25 East Market Street, LLC

ENFORCEMENT NOTICE UNDER 53 PS §10616.1 CEASE AND DESIST ORDER

Dear Property Owner:

Pursuant to 53 PS § 10616.1 of the Pennsylvania Municipalities Planning Code, you are hereby notified that you are violating the City of Bethlehem Zoning Ordinance.

You are using the above referenced property, all or in part, as a hotel as defined by Section 1302 of the City of Bethlehem Zoning Ordinance. See Ordinance No. 2018-03 (approved by Mayor Donchez March 7, 2018) (copy attached). This section defines a hotel as a "building or groups of buildings which has a central office and which contains 1 or more rental units which are rented to transient visitors to the area, and which may also include an accessory tavern, restaurant, pool, exercise facilities or meeting facilities." This use commenced after the enactment of Ordinance 2018-03.

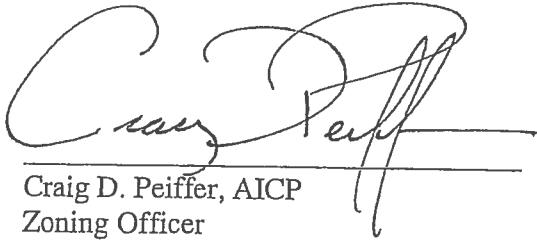
Your property is located within the RT – High Density Residential District. A hotel is not a use permitted by right, special exception of otherwise in the RT Zoning District under section 1304 of the Zoning Ordinance, although it is authorized in other zoning districts under section 1305.

You must commence correction of this violation within five days of this notice and correct all violations within 30 days, i.e. on or before February 26, 2020. Permanent cessation is required.

You have the right to appeal this Notice of Violation and Cease and Desist Order in writing to the City of Bethlehem Zoning Hearing Board within thirty (30) days from the date of this Notice in accordance with procedures set forth in the Zoning Ordinance. Grounds for appeal include, but are not limited to whether you believe that I have misinterpreted or misapplied the Ordinance.

Failure to comply with the notice within the time specified constitutes a violation, unless extended by appeal to the Zoning Hearing Board or if the Zoning Hearing Board sustains your appeal. Violations may result in the institution of proceedings before a District Justice where the District Justice may

impose a daily fine of not more than Five Hundred (\$500.00) Dollars plus all court costs, including the attorneys' fees incurred as a result of such action. Each day that the violation continues shall constitute a separate violation and may subject you to a daily fine. The City may also institute other appropriate actions against you at law or in equity which may be necessary to enforce the provisions of the City of Bethlehem Zoning Ordinance.



Craig D. Peiffer, AICP
Zoning Officer

- C. Hon. Robert Donchez, Mayor
Edmund J. Healy, Esq., First Assistant City Solicitor
Alicia Karner, Dir., Community & Economic Development
Darlene Heller, AICP, Dir. Planning & Zoning

9A
8C

BILL NO. 5 - 2018

ORDINANCE NO. 2018-03

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF BETHLEHEM, PENNSYLVANIA, AS AMENDED, TO AMEND THE DEFINITION OF A HOTEL WITHIN THE CITY OF BETHLEHEM

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That Article 1302 of the Zoning Ordinance titled Definitions, Section 1302.57 of which presently defines the term "Hotel" as follows:

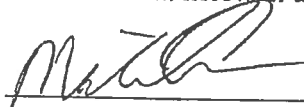
Hotel. A building or group of buildings which has a central office and which contains 7 or more rental units which are rented to transient visitors to the area, and which may also include an accessory tavern, restaurant, pool, exercise facilities or meeting facilities.

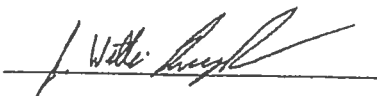
Shall be amended to read as follows:

Hotel. A building or group of buildings which has a central office and which contains 1 or more rental units which are rented to transient visitors to the area, and which may also include an accessory tavern, restaurant, pool, exercise facilities or meeting facilities.

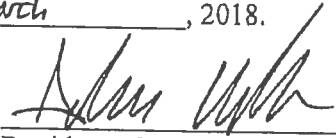
SECTION 2. All Ordinances and parts of Ordinances inconsistent herewith are, and the same are hereby repealed.

Sponsored by



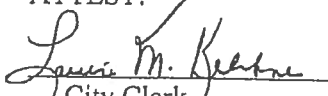


PASSED finally in Council on this 6 day of March, 2018.



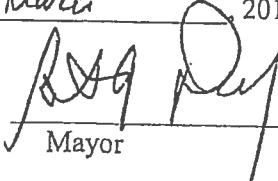
President of Council

ATTEST:



City Clerk

This Ordinance approved this this 7 day of March, 2018.



Mayor