



SITE ADDRESS: 413-415 E. 3rd Street

Office Use Only: _____

DATE SUBMITTED: 04.18.2022

HEARING DATE: 05.11.2022

PLACARD: _____

FEE: _____

ZONING CLASSIFICATION: _____

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	Peron Development, LLC
Address	60 W. Broad Street, Suite 102
	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	Bethlehem Parking Authority c/o Steve Fernstrom
Address	85 W North Street
	Bethlehem, PA 18018
Phone:	[REDACTED]
Email:	[REDACTED]
ATTORNEY (if applicable):	
Name	Seth Tipton
Address	60 W. Broad Street, Suite 201
	Bethlehem, PA 18018
Phone:	[REDACTED]
Email:	[REDACTED]

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
1306.01(b)(10)(b)	Front, side & back yard setbacks - 10'	0	_____
1308.01(d)(1)	Lot Area per Dwelling 1,200 SF/DU	338.7 SF/DU	_____
_____	_____	_____	_____

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):

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.

John Callata
Applicant's Signature

4/16/22
Date

[Signature]
Property owner's Signature

4/16/2022
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.



STEINHARDT
CAPPELLI
TIPTON &
TAYLOR LLC

60 West Broad St., Suite 201
Bethlehem, PA 18018

☎ 610.691.7900
✉ 610.691.0841

Seth R. Tipton, Esquire
Partner
610.691.7900
stipton@floriolaw.com

April 18, 2022

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

Re: 413-415 Polk Street (PIN No. P6-2-2-14)
Zoning Variance Request

Dear Mr. Peiffer,

I serve as counsel for PD Polk Street LLC (the "Applicant"), which is the contract purchaser of a portion the above-referenced property (the "Property"). The Applicant is proposing a five story, 35-unit apartment building. The Applicant was informed by the City of Bethlehem (the "City") that a variance is required for the project. Specifically, that variances requested from the City's Zoning Ordinance are as follows:

1. Article 1306.01(b)(10)(b) which requires a 10-foot front, side and back yard setback of 10 feet. The Applicant proposes no set back.
2. Article 1308.01(d)(1) which requires 1,200 square feet of lot area per dwelling unit. The Applicant proposes 3387 square feet per dwelling unit.

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

April 18, 2022

Craig Peiffer, AICP
City of Bethlehem
Zoning Hearing Board
10 East Church Street
Bethlehem, PA 18018

Polk Street Mixed-Use Building – Variance Summary
413-415 E. 3rd Street
Colliers Engineering & Design Project No. 14001490D

Dear Mr. Peiffer,

This project had received preliminary and final land development approval and dimensional waivers from the City of Bethlehem Planning Commission in 2015. At the time, the project was being developed by the Redevelopment Authority and consisted of a parking garage with an attached 2 level mixed use building consisting of commercial uses on the first floor with residential on the second level. A condominium plan was developed so that the parking garage and commercial building could be owned separately. Due to several reasons, the project was put on hold and ultimately transferred to the City Parking Authority.

In 2019, the parking authority decided to proceed with the project and put out an RFP for development of the mixed use building and selected the applicant, Peron Development, to develop the portion of the property fronting on 3rd Street. The proposal is for the construction of a five (5) story mixed use building consisting of a 35-unit residential apartment building and first floor commercial. The development is intended to be constructed simultaneously with the garage and the applicant has entered into a long term agreement with the parking authority to satisfy the off-street parking demands of the project. It has always been the intent to develop the site as a single project.

Due to the fact that this property is located within the former Bethlehem Steel site and part of the Act 2 remediation plan, there currently exists a covenant and restriction on the tract that would prevent the use of the property for residential purposes. The restriction can be lifted on this tract, but requires the subdivision of the lot and re-filing of the deed without the restriction. The creation of the new lot is causing the dimensional relief being requested by the applicant.

The lot size for new Lot 13 is dictated by the land remaining on the tract that is not being used for the construction of the parking garage, which is currently under construction. The lot is a unique size that warrants relief from the dimensional setbacks of the ordinance. The lot is 49.33' in depth, which would only provide 29.33' of available building envelope depth. This is not suitable for development of the site. In addition, the proposed building will be consistent with other building setbacks along the street. The adjacent 4 story building to the east occupied by the Community College, and the Charter School to the west have the same setback as is proposed with this application.

The other variance for lot density is also due to the creation of the new lot. With the prior plan to condo the property, the lot area per dwelling unit was 2,023 s.f.; whereas 1,200 s.f. is required. By subdividing the lot, the density is reduced to 338 s.f per dwelling unit as the lot size is decreased. This is also impacted as there will be 4 stories of residential on the property.

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)



C. Richard Roseberry, P.E., AICP
Regional Manager