



SITE ADDRESS: 2854 Linden Street, Bethlehem, PA 18017

Office Use Only:

DATE SUBMITTED: NOVEMBER 17, 2021

HEARING DATE: DECEMBER 15, 2021

PLACARD: DECEMBER 1, 2021

FEE: \$ 500<sup>00</sup>

ZONING CLASSIFICATION: RG

LOT SIZE: 129,637.46 S.F.

**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) <sup>18</sup> 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 4<sup>th</sup> Wednesday of the month. The hearing will be held the 4<sup>th</sup> 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**

<b>APPLICANT:</b>	
Name	Dino and Joanna Cantelmi
Address	2854 Linden Street
	Bethlehem, PA 18017
Phone:	[REDACTED]
Email:	
<b>OWNER</b> (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	
Address	
Phone:	
Email:	
<b>ATTORNEY</b> (if applicable):	
Name	Michael D. Recchiuti, Esquire ID:90862
Address	60 W. Broad Street, Suite 303
	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
1306.01(a)	4000 S.F. per unit	3601 S.F. per unit	399 S.F.per unit (9.9%)
1322.03(II)4	180 feet maximum	220 feet	40 feet
1322.03(II)(5)(i)	15 feet minimum	8 feet	7 feet
_____	_____	_____	_____

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: \_\_\_\_\_

---

---

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

11 / 17 / 2021  
Date

  
\_\_\_\_\_  
Property owner's Signature

11 / 17 / 2021  
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.**

BEFORE THE ZONING HEARING BOARD FOR THE CITY OF BETHLEHEM

In re: Appeal of \_\_\_\_\_ ) Property Address: 2854 Linden Street  
DINO AND JOANNA CANTELMI )

NARRATIVE STATEMENT IN SUPPORT OF RELIEF SOUGHT

I. SCOPE OF PROJECT

Proposal to erect a 3-story, 36-unit apartment building on a 129,637.46 S.F. parcel located at 2854 Linden Street.

II. RELIEF SOUGHT

1. A 9.9% dimensional variance from Section 1306.01(a). Required: 4000 S.F. per dwelling unit. Provided: 3,601.05 S.F. per unit.
2. A dimensional variance from Section 1322.03(II) 4. Maximum length permitted: 180 feet. Proposed: 220 feet.
3. A dimensional variance from Section 1322.03(II)(5)(i). Minimum set back: 15 feet. Proposed: 8 feet.

III. ARGUMENT IN SUPPORT OF RELIEF SOUGHT

1. 1306.01(a)

The variance sought by applicant is *de minimis* and should be granted by the Zoning Hearing Board since the relief sought would not alter or change the character of the neighborhood, nor would it harm the public interest. The apartment building use is permitted by right as an allowed use in the RG district as a multi-family dwelling. The relief sought simply reduces the area of land required per dwelling unit by 398.95 S.F., or 9.9%.

The relief sought is based solely on the discretion of the Zoning Hearing Board<sup>1</sup>, and does not require the application of the normal standards for a variance<sup>2</sup>, so long as the public

---

<sup>1</sup>Segal v. Zoning Hearing Bd. of Buckingham Twp., 771 A.2d 90 (Pa. Cmwlth. 2001)

<sup>2</sup>Lench v. Zoning Bd. of Adjustment of City of Pittsburgh, 13 A.3d 576, 581 (Pa. Cmwlth. 2011)

interest is protected<sup>3</sup>. And while there are no set criteria for determining what is *de minimis*, Pennsylvania courts have consistently held that a dimensional change of less the 10% can be *de minimis*<sup>2</sup>.

In this case, the requested relief is *de minimis* in that it falls below the 10% threshold set forth by Pennsylvania Courts. Further, the public interest is protected in that the relief would not affect the character of the neighborhood, since there are similar apartment buildings in the area, and the requested relief would not substantially alter the proposed project.

2. 1322.03(11)4

The relief sought is related to the health, safety, and welfare of the residents of the building. The Bethlehem Fire Department has reviewed the plan and would prefer one (1) building with full access to all four (4) sides, as opposed to an alternate plan with limited access for firefighting equipment.

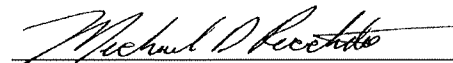
3. 1322.03(11)(5)(i)

The relief sought is to allow firefighting equipment to sufficient turning radius to navigate the emergency access road surrounding the building.

Respectfully submitted,

Kolb, Vasiliadis, Florenz & Recchiuti, LLC

Dated: 11/17/2021



Michael D. Recchiuti, Esquire  
PA I.D. No. 90862  
60 W. Broad Street, Suite 303  
Bethlehem, PA 18018  
Telephone: 610-997-8820  
Fax: 610-997-8822  
mdr@kvfirlaw.com

---

<sup>3</sup> Nettleton v. Zoning Board of Adjustment of City of Pittsburgh, 828 A.2d 1033, 1038 (Pa. 2003)

## Peiffer, Craig

---

**From:** Michael D. Recchiuti, Esquire <mdr@kvfrlaw.com>  
**Sent:** Tuesday, November 30, 2021 8:52 AM  
**To:** Peiffer, Craig  
**Cc:** dw@lbdcommercial.com  
**Subject:** Re: 2854 Linden Street, Bethlehem-Additional Variance Requested

**CAUTION: This email originated from an external source. Do not click links or open attachments unless you trust the sender.**

Craig:

Please accept this email as an amendment to the zoning appeal application filed in this matter.

The applicant is requesting additional relief for the accessory use trash dumpster enclosure to be located within the front yard. This would be a variance from Section 1306.03(c) of the zoning code.

Please let me know if you need anything further from me to accommodate this request.

Michael D. Recchiuti

Kolb, Vasiliadis, Florenz & Recchiuti, LLC  
60 W. Broad Street, Suite 303  
Bethlehem, PA 18018  
Phone: 610-997-8820  
Facsimile: 610-997-8822  
[www.kvfrlaw.com](http://www.kvfrlaw.com)  
[mdr@kvfrlaw.com](mailto:mdr@kvfrlaw.com)

**\*\*\*NOTICE\*\*\***

**STATEMENT OF CONFIDENTIALITY:** The information contained in this transmission including any attached documentation is privileged and confidential. It is intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this communication is strictly prohibited. If you have received this communication in error, please notify Kolb, Vasiliadis, Florenz & Recchiuti, LLC immediately by replying to this email. Please delete all copies of this message and any attachments.  
**IRS CIRCULAR 230 DISCLOSURE:** As required by U.S. Treasury Regulations governing tax practice, you are advised that any written tax advice contained herein was not intended or written to be used, and cannot be used, by any taxpayer for the purpose of avoiding tax penalties that may be imposed under the Internal Revenue Code.