

"ORIGINAL"



SITE ADDRESS: 1742, 1746 & 1800 ELLIOT AVE, BETHLEHEM, PA

Office Use Only:

DATE SUBMITTED: 05.25.2022

HEARING DATE: 06.22.2022

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 4<sup>th</sup> Wednesday of the month. The hearing will be held on 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              | <u>ANR DEVELOPMENT CO, INC</u> |
| Address           | <u>4500 FALMER DR</u>          |
|                   | <u>BETHLEHEM, PA 18020</u>     |
| 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 PETER AXIOTIS and PANETLIS ROUFAKIS

Address 1510 Shelbourne Dr  
Bethlehem, Pa

Phone: [REDACTED]

Email: [REDACTED]

**ATTORNEY** (if applicable):

Name Stephanie A. Kobal, Esquire

Address Fitzpatrick Lentz & Bubba, P.C.  
645 West Hamilton Street, Suite 800, Allentown, PA 18101

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.a.3       | 4,000 SF of Lot Area/Dwelling Unit                              | 3,000 SF/Dwelling Unit          | 1,000 SF/<br>Dwelling Unit or 8,000 total |
| 1322.03(II)(5)(i) | 15' separation between access drives and multi-family dwellings | 0'                              | 15'                                       |

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.

Monly Kalsi  
Applicant's Signature

05/24/22  
Date

[Signature]  
Property owner's Signature

05/24/22  
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  
CITY OF BETHLEHEM**

**IN RE: REQUEST OF ANR DEVELOPMENT**

**SUPPLEMENTAL STATEMENT**

**I. BACKGROUND**

Pantelis Roufakis & Axiotis Peter, trading as P&P Home Improvement, are the owners of three (3) separate parcels located within the City of Bethlehem and known as 1742 Elliott Avenue, 1746 Elliott Avenue, and 1800 Elliott Avenue (collectively, the “Property”). The corresponding parcel IDs are as follows: 641786614071; 641786517020; and 641786712041. ANR Development Company, Inc. (the “Applicant”) is the equitable owner of the Property pursuant to the Agreement of Sale attached hereto. The Property is approximately 200’ x 120’, or 24,000 square feet.

The Property located within the Medium Density Residential Zoning District. The Property is densely wooded and fronts on an unopened street. See the attached aerial photograph. Applicant seeks to construct two (2) two-story apartment buildings consisting of four (4) units each, for a total of eight (8) dwelling units (the “Project”). See the attached Concept Plan. Applicant has proposed the vacation of the unopened portions of Moll Street and Craig Avenue in relation to the Project, which would provide an additional 5,250 square feet to the Property’s area for a total Lot Area of 29,250 square feet. See the attached Boundary & Topographic Survey. There are residential dwellings to the north and east of the Property and railroad tracks to the west.

Applicant also submits the following Exhibits in support of this this Application, which are referenced in this Supplemental Statement: the subject Agreement of Sale (redacted); Correspondence dated March 11, 2022, from Darlene L. Heller, Director of Planning and Zoning, to the Zoning hearing Board Members; a Concept Plan for Elliott Avenue Apartments dated February 7, 2022; a Boundary and Topographic Survey dated March 10, 2022; and an aerial photograph of the existing conditions. All of the foregoing are incorporated herein by reference.

**II. REQUESTED RELIEF**

Applicant requests the following relief:

- Variance from Section 1306.01.a.3 (minimum Lot Area); and
- Variance from Section 1322.03(II)(5)(i) (requiring 15’ separation between access drives and multi-family dwellings).

Applicant requests a dimensional variance to construct two (2) two-story apartment buildings consisting of four (4) dwelling units each, for a total of eight (8) dwelling units pursuant to the City of Bethlehem Zoning Ordinance (the “Ordinance”). Section 1306.01.a.3 requires 4,000 square feet of Lot Area per Dwelling Unit. Applicant is proposing eight (8) dwelling units, which would require a total of 32,000 square feet of Lot Area per the Ordinance, whereas a total of 29,250

square feet of Lot Area is proposed. Applicant's proposed total of 29,250 square feet of Lot Area is also dependent upon the City's consent to vacate unopened portions of Moll Street and Craig Avenue. Applicant also requests a variance from Section 1322.03(11)(5)(i), which requires a 15' separation between access drives and multi-family dwellings.

The Project was reviewed by the City of Bethlehem Planning Commission after which the Planning Commission recommended approval. Correspondence from the Planning Commission dated March 11, 2022, recommending approval of the requested variance is attached hereto as Attachment 1.

### **III. ANAYLSIS**

Applicant requests a variance from Section 1306.01.a.3. and Section 1322.03(11)(5)(i). Under Hertzberg v. Zoning Bd. of Adjustment of the City of Pittsburgh, 721 A.2d 43 (Pa. 1998), the traditional variance standard for "unnecessary legal hardship" is not applicable to dimensional variances. "The grant of a dimensional variance is of lesser moment than the grant of a use variance....When seeking a dimensional variance within a permitted use, the owner is asking only for a reasonable adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulations." The Property does have unique physical circumstances and conditions in that it fronts on an unopened street and is bounded by a second unopened street.

There is no adverse impact on the community because of the dimensional relief requested, and the relief being requested is the minimum to allow conversion of the Property. In addition, the variances will not alter the essential character of the neighborhood. In fact, granting the relief will allow the development of a property, which is becoming obsolete. Further, the proposed Project is entirely consistent with the the residential neighborhood surrounding the Property so the proposed use will complement the neighborhood. The requested relief is a reasonable adjustment of the Ordinance to allow the conversion of the Property. Reasonable use of the Property is not possible under the strict terms of the Ordinance.

### **IV. CONCLUSION**

For the reasons contained herein, and reasons to be brought forth at the time of hearing, Applicant respectfully requests that the aforementioned relief be granted.

Respectfully submitted,



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Catherine A. Curcio, Esquire  
FITZPATRICK LENTZ & BUBBA, P.C.  
Attorney for Applicant  
645 W. Hamilton Street, Suite 800  
Allentown, PA 18104  
(610) 797-9000

Date: May 25, 2022











Pictometry, Eagleview, Lenoir County GIS/IT, Lenoir County GIS