



SITE ADDRESS: 143 W. Broad Street – AMENDED APPLICATION

Revised ONLY:

Office Use Only:

DATE SUBMITTED: 11/2/22 (original 8/31/22) HEARING DATE: 11/16/22

PLACARD: FEE: 500.00

ZONING CLASSIFICATION: CL LOT SIZE: 24,240 SQ FT

**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	Skyline West, LLC
Address	2005 City Line Avenue
	Bethlehem, PA 18017
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	
Address	
Phone:	
Email:	
ATTORNEY (if applicable):	
Name	Dennis Benner
Address	2005 City Line Avenue
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 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:

1. **1306.01(a)(4)(d)-footnote (f)** - *For each one (1)foot in height over thirty-five (35}feet, the side and rear yards shall be increased by not less than one-half (1/2)foot.*

The applicant seeks relief from this Section to construct the building be one (1') foot from the western property line (side yard). The building will be in compliance with the rear yard setback (62.5').

2. **1306.01(b)(2)(a)** - *CL Limited Commercial District: Allowed Residential Uses - The requirements of the RT District (multi-family provisions) shall apply in the CL District, except that the maximum height listedfor this CL District shall applyfor multifamily dwellings instead of the*

height requirements of the RT District. (Min. Side Yard Setback ** (each) (ft.) 4 (Note B), (Note B) = Except 20 feet side and 20feet rear for a principal non-residential building or multifamily building or dormitory where such side or rear would be adjacent to a Jot in a residential district that is occupied by one or more existing dwellings.

The applicant seeks relief from this Section to construct the building be one (1') foot from the western property line (side yard).

3. **1318.23(0)** - *Buffer Yards. The buffer yard shall be measured from the property line or from the street right-of-way line where a buffer yard is required along a street right-of-way. Unless otherwise stated, a buffer yard shall have a minimum width of 15feet, except 8 feet shall apply in the CB or CL districts or where the applicant proves to the City Planning Bureau Staff that the 15-foot width is not possible. Where a buffer yard is required abutting a street or alley right of- way, the width of the buffer yard shall be measured from such right-of-way*

The applicant seeks relief from this Section to construct the building be one (1') foot from the western property line (side yard).

4. **1318.23(e)** - *Buffer Yards. No structure, manufacturing or processing activity, or storage of materials shall be permitted in the buffer yard. No vehicle parking, storage or display shall be allowed in the buffer yard. Only necessary approximately perpendicular crossings of the buffer yard by a driveway shall be allowed.*

The applicant seeks relief from this Section to construct the building be one (1') foot from the western property line (side yard).

5. **1316.01(c)(1)** - *Minimum Lot Area And Maximum Impervious Coverage In Steep Areas. {1} The following shall apply whenever one or both of the following, together with the related "construction area", would involve the alteration or disturbance of slopes over 15 percent: (i) The development of a new principal building; or (ii) The expansion by over 1,000 square feet in building coverage of an existing principal building (which did not exist at the time of the effective date of this Section): If the maximum slope with- The minimum lot The maximum impervious in the construction area is: area shall be: coverage of the lot shall be:*

Over 15% and up to 25%	1 Acre	25% Over 25% and up to 35%	4 Acres
10% Over 35%	10 Acres	5%	

The existing slope in this area are man-made slopes in the area of construction are excess of 35%. The consolidated lot area is 2.3221 acres (101,150.67 sf) and the proposed impervious coverage is 33%. Relief from the minimum lot size (10 acres) (10-2.3221= 7.6779) and the impervious coverage (5%) (33-5=28) is being requested.

6. **1322.03(LL)(4)** - *Except within the IR-R and CB zoning districts, no building shall exceed 180feet in length, measured at ground level or any floor level, whether on one frontage, or on the combined frontages of the main frontage and that of any wings of the same building.*

Due to the unique shape of the lot and the natural topography (steep slopes) a long narrow building is being proposed (440' in length). A variance of 260' is being requested.

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.

1. **1305.01(a)(1)** - *Allowed Uses in Primarily Non-Residential Districts. Only the following uses are allowed in each respective zoning district, except as may be allowed by Section 1304.03: {1} 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. See the optional density bonus for workforce housing in Article 1307*

The applicant seeks relief from this Section NOT to provide commercial space on the first floor of the proposed building

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

1. **1319.02(b)(2)** - *Within the CL district, as a special exception, the Zoning Hearing Board shall have the authority to modify off-street parking requirements, considering the total impact of the new uses of the lot versus the previous uses, and considering whether a percentage of customers are likely to arrive by public transit and/or walking. The Board may also approve a reduction in the required parking if the applicant proves that there is an excess of on-street parking spaces during hours when the business will have its peak demand.*

The applicant is requesting a Special Exception to allow 68 parking spaces for this facility where 70 parking spaces are required. On street parking is allowed in this area of the City and public transportation is also available.

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.

J/A Park, MEMBER
Applicant's Signature

1/2/22
Date

J/A PL MEMBER
Property owner's Signature

1/2/22
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.

NARRATIVE

As can be seen on the Site Plan of Skyline West, the proposed multi-family structure is situated on a unique peninsula established in the 1960's with the development of PA 378 through downtown Bethlehem. The subject property is bordered on the north by Broad Street, on the east by Conestoga Street (62 feet below Broad Street adjacent to the Monocacy Creek), on the west by the PennDOT right of way for PA 378, which includes a sloped wooded buffer zone that separates the highway from the property, and on the south by a continuation of the wooded hillside owned by the City of Bethlehem.

Skyline West is a multifamily project situated on the top and along the eastern slope of the peninsula, with pedestrian and vehicular entry from Broad Street. It is a single loaded building with all units facing east towards the Monocacy Valley. By definition it is an urban "infill" development adding density to the downtown while taking advantage of the location and of contemporary construction techniques, with minimum disruption of native flora.

The first four variances, side yard setback and buffer yard setback both relate to the PennDOT easement, that incorporates the western slope of the peninsula, creating a considerable space between the building and the paved roadway, as well as buffer of native flora between the building and the highway. The building will not impede the access or operation of the PennDOT right of way and given that the bridge across route 378 begins at the edge of the Skyline property and carries pedestrians and vehicles over the western slope, there is no aesthetic reason for the side yard setback.

The fifth variance relates to the Steep Slopes Ordinance. Section 1316.01(a) of the Ordinance offers the intent of the ordinance. While not reviewing each item, the overall intent was to avoid development in areas of the city that are less urban in texture. Needless to say, this tiny peninsula in the heart of Bethlehem's north side downtown, was not in mind when this Ordinance was adopted. The engineering for the project will address the stormwater and erosion issues discussed in the ordinance. There will be no construction or modification of streets as this project will face Broad Street with no street modifications required. In order to build this infill project on the limited size of the property, it is necessary to exceed the percentage of coverage stated in the ordinance.

The sixth variance relates to building length. The main reason for limiting building length is to avoid a lengthy monotonous streetscape with a singular building. In this case the long section of the building will not be on the street, but on top of the peninsula, complimenting the view of the buildings on Main Street which are on the eastern (opposite) side of the Monocacy Valley. The Hill building at Moravian College near this site is another example of a structure of similar size that does not face a street and exceeds this building length limitation.

The use variance request is to not have a commercial use on the first floor of this building. While the property is one block from Main Street and one block from First Avenue on Broad Street, both of which have commercial activity, this location is a poor location for commercial activity because of its separation from both areas and the limited parking on the street. The structure will create a more robust feeling for the street and provide more residents to take advantage of the commercial businesses one block away on either side, but a lone commercial activity at this location makes little sense.

The Special Exception request is *de minimus* reducing the number of required spaces from 70 to 68. The experience of developers in downtown Bethlehem is that the 1.75 space per unit requirement does not reflect the reality of people choosing to live in downtowns. With public transportation, a robust network of sidewalks and trails in the downtown, bicycling opportunities and proximity to restaurants, shops, cultural and educational programs, the need for parking spaces for residents is projected to be less than 1.5 spaces per unit.