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DEC 01 2022

SITE ADDRESS: 2200 Industrial Dr.

CITY OF BETHLEHEM BUREAU OF PLANNING &amp; ZONING

Office Use Only:

DATE SUBMITTED: 12/1/2022HEARING DATE: 1/25/2023

PLACARD: \_\_\_\_\_

FEE: \$500.00ZONING CLASSIFICATION: PILOT SIZE: 2.7295 acres (Irregular)

**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**

**APPLICANT:**

Name Respect Graduate School, Inc.

Address 2200 Industrial Drive

Bethlehem, PA 18017

Phone: [REDACTED]

Email: [REDACTED]

<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	The owner is the Applicant
Address	
Phone:	
Email:	
<b>ATTORNEY</b> (if applicable):	
Name	John L. Krajsa, Esq.
Address	Two City Center, 645 West Hamilton Street, Suite 800
	Allentown, PA 18101
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:

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.

Section 1305.03. In the alternative to the special exception and favorable interpretation requested  
below, Applicant seeks a variance to convert an existing accessory building  
to a guesthouse. See Supplemental Statement.

If the Applicant seeks a Special Exception, please state the **specific section (s)** of Zoning Ordinance applicable: Section 1305.04. Alternatively to the favorable interpretation requested below, Applicant

requests a special exception pursuant to Section 1305.04 to convert an existing accessory  
multipurpose building to a guesthouse. See Supplemental Statement.

If the Applicant seeks an appeal from an interpretation of the Zoning Officer, state the remedy sought in accordance with Sec. 1325.11 (b):

Applicant requests a favorable interpretation that a guesthouse is permitted as a support  
building pursuant to Section 1305.01(c). Alternatively, Applicant seeks a favorable interpretation  
that a guesthouse is a residential accessory structure, permitted in the PI District under  
Section 1305.02(h). See supplemental statement.

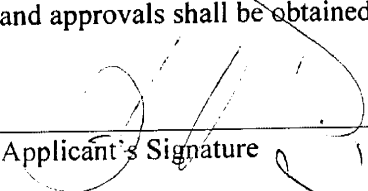
#### **NARRATIVE**

A brief statement reflecting why zoning relief is sought and should be granted must be submitted.

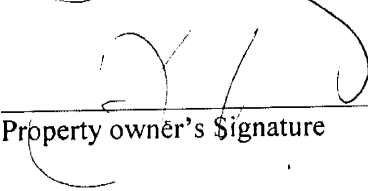
#### **CERTIFICATION**

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

11-29-2022  
\_\_\_\_\_  
Date

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

11-29-2022  
\_\_\_\_\_  
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.**

ZONING HEARING BOARD OF  
CITY OF BETHLEHEM

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DEC 01 2022

CITY OF BETHLEHEM BUREAU OF PLANNING & ZONING

In re:        Respect Graduate School  
              Accessory Guesthouse  
              2200 Industrial Drive, City of Bethlehem

Date:    December 1, 2022

SUPPLEMENTAL STATEMENT

I.        BACKGROUND

Respect Graduate School, a Pennsylvania nonprofit corporation (the “Respect”), owns a 2.7295 acre parcel of real estate located at 2200 Industrial Drive in the City of Bethlehem, Lehigh County and known as Parcel Number 641836693489-1 (the “Property”). The Property is located in the PI Zoning District. Respect began leasing the Property in 2015 and purchased the Property in 2019.

In addition to the main Respect building, the Property is improved with an approximately 1,315 SF accessory building (“Accessory Building”). The Accessory Building was built in 1977 and to the best of Respect’s knowledge, has historically been used for storage and multipurpose activities. The Accessory Building contains two rooms, a kitchen, and two bathrooms.

Respect seeks zoning approval to convert the Accessory Building into a guesthouse in accordance with the attached plans. The proposed guesthouse will have five bedrooms with five bathrooms. The existing kitchen will be removed.

As part of its ongoing operations, Respect has speakers and lecturers visit the Property as well as guests for functions, and often must find accommodations for these visitors. Respect is proposing to convert the use of the Accessory Building to a guesthouse for these visitors. The guesthouse would only be used by visitors of Respect. It will not be open for use to the public. It will not be used for short-term or long-term rentals by the public. It will not be used for student housing. It is anticipated that the majority of visits will be between one and three nights. In no event would a visitor stay for longer than 30 days.

On November 4, 2022, the City of Bethlehem issued the attached Zoning Interpretation determining that the proposed guesthouse is not permitted by right in the PI District as: 1) a support building under Section 1305.01 of the City of Bethlehem Zoning Ordinance (“Ordinance”); 2) a residential accessory structure under Section 1304.02(h); or 3) as a building customary and incidental to a College or University under Section 1304.02(k).

II.        RELIEF REQUESTED

Respect seeks a favorable interpretation that the guesthouse is a permitted use. In the alternative, Respect seeks a special exception pursuant to Section 1305.04 of the Ordinance to use



the Accessory Building as a guesthouse. Alternatively, Respect seeks a variance from Section 1305.03 to use the Accessory Building as a guesthouse.

#### **A. Favorable Interpretation**

Respect requests a favorable interpretation that a guesthouse is a permitted use in the PI District as a support building. Under Section 1305.01(c), a “College or University – Educational and Support Buildings” is a permitted use in the PI District. The term “support buildings” is not defined in the Zoning Ordinance. Respect requests a favorable interpretation that the term “support buildings” includes a guesthouse. The guesthouse will be used to support the operations of Respect. It will only be used by Respect’s visitors. Accordingly, Respect requests a favorable interpretation that the guesthouse is permitted as a support building.

Alternatively, Respect requests a favorable interpretation that a guesthouse is a residential accessory structure, which is a permitted accessory use in the PI District. Under Section 1305.02, uses listed in Section 1304.02 are permitted. Under Section 1304.02(h), a permitted accessory use is a “residential accessory structure.” The definition of “Accessory Building”<sup>1</sup> includes a “guesthouse”. See Section 1302.02. Thus, a residential accessory structure includes a “guesthouse”. Therefore, a guesthouse is a permitted accessory use under Section 1305.02. Accordingly, Respect requests a favorable interpretation that the guesthouse is permitted as a residential accessory structure.

#### **B. Special Exception**

Alternatively, Respect requests a special exception pursuant to Section 1305.04 of Ordinance to use the Accessory Building as a guesthouse. Section 1305.04 provides that if a use is not permitted by right or special exception in any non-residential district, the Board may permit such use as a special exception, provided it meets certain criteria. It is Respect’s position that a guesthouse is a permitted use in the PI District (see above). However, the zoning determination letter determined that a “guesthouse” is not a permitted use in the PI District. Accordingly, Respect requests a special exception to use the Accessory Building as a guesthouse as it will meet the criteria set forth in Section 1305.04:

*(a) the proposed use would be no more intensive with respect to external impacts and nuisances than uses that are permitted in the District.*

As will be demonstrated at the hearing for this matter, the proposed use will have minimal external impact and will not be a nuisance. A guesthouse by its nature will have fewer external impacts and fewer visitors than other permitted accessory uses in the PI District such as an “internal cafeteria”, a “day care center” or “recreational facilities”. The use will be limited to visiting guests of Respect.

*(b) the proposed use would be closely similar in impacts and character to uses permitted in that District.*

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<sup>1</sup> Under the Ordinance definitions, a building is a structure.

As noted directly above, the use will have minimal impact. It will have a similar character to its historic use and other permitted uses in the PI District.

*(c) the use would meet the standards that would apply under Section 1325.07 to a Special Exception Use.*

As will be demonstrated at the hearing of this matter, the proposed use will meet the Special Exception standards.

*(d) the use is not specifically prohibited in that District.*

The use is not specifically prohibited in the PI District.

Accordingly, Respect requests a special exception to use the Accessory Building as a guesthouse.

### **C. Variance**

In the alternative, Respect requests a variance to use the Accessory Building as a guesthouse. The grant of this variance will be *de minimis* as a “guesthouse” is a contemplated accessory structure under the Ordinance which is not specifically prohibited in the PI Zoning District. Accordingly, Respect requests a variance to use the Accessory Building as a guesthouse.



# CITY OF BETHLEHEM

10 East Church Street, Bethlehem, Pennsylvania 18018-6025

BUREAU OF PLANNING AND ZONING

Phone: 610-865-7094

Fax: 610-865-7330

TDD: 610-865-7086

www.bethlehem-pa.gov

November 4, 2022

Sent Via Email & US Mail

John Krajsa, Esq.  
Fitzpatrick Lentz & Bubba, P.C.  
Two City Center  
645 West Hamilton Street, Suite 800  
Allentown, PA 18101

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CITY OF BETHLEHEM BUREAU OF PLANNING & ZONING

Re: 2200 Industrial Drive, Guesthouse, Zoning Interpretation

Dear Attorney Krajsa,

I am in receipt of your request for interpretations on behalf of Respect Graduate School located at 2200 Industrial Drive. I understand that your client proposes to convert an approximate 1,296 SF Accessory Building, historically used for storage, as well as multipurpose activities, into a guesthouse. The guesthouse would contain five bedrooms, each with its own toilet, bath or shower and sink, but would not contain any cooking facilities. The guesthouse would only be used by visitors of Respect; it would not be open for use to the public; it would not be used for short-term or long-term rentals by the public; it would not be used for student housing and that Respect anticipates that the majority of visits would be between one and three nights, but in no event would a visitor stay for longer than 30 nights.

You offered three interpretations proposing that the conversion of the Accessory Building into a guesthouse is permitted under the Ordinance:

1. First, under Section 1305.01(c), a "College or University – Educational and Support Buildings" is a permitted use in the PI District. The term "support buildings" is not defined in the Ordinance. Respect requests an interpretation that the term "support buildings" includes a guesthouse (a guesthouse is an "accessory building" under the Ordinance). As noted above, the guesthouse will be used to support the operations of Respect. It will only be used by visitors to Respect.
2. Alternatively, Respect requests a favorable interpretation that a guesthouse is a "residential accessory structure", which is a permitted accessory use in the PI District. Under Section 1305.02, uses listed in Section 1304.02 are permitted. Under 1304.02(h), a permitted accessory use is a "residential accessory structure." Under the Ordinance definitions, a building is a structure. The definition of "Accessory Building" includes a "guesthouse". Thus, a residential accessory structure includes a "guesthouse". Therefore, a guesthouse is a permitted accessory use under Section 1305.02.
3. Alternatively, under Section 1304.02(k), accessory uses are permitted that, to the satisfaction of the Zoning Officer, are clearly customary and incidental to a permitted by right, special exception, or conditional use. Respect requests an interpretation that a guesthouse is customary and incidental to a "College or University – Educational and Support Buildings", and is thus, permitted.

The subject parcel is located within the PI – Planned Industrial Zoning District and the Principal Use by Respect as a College or University is permitted by-right. However, the City disagrees that the proposed use as an accessory guesthouse is permitted by-right. The City offers the following determinations and explanations:

### **Interpretative Determinations**

1. The phrase “Support Buildings” within the term “College or University – Educational and Support Buildings” in Section 1305.01(c) of the Zoning Ordinance does not include a guesthouse.
2. A guesthouse is not a “residential accessory structure” in the PI District under Section 1304.02(h).
3. A guesthouse is not customary or incidental to a College or University – Educational and Support Buildings in the PI District under Section 1304.02(k).

### **Explanation**

Interpretation 1 - The use in the Zoning Ordinance known as “College or University - Educational and Support Buildings (See also under Residential Uses)” is a permitted use in the Planned Industrial (“PI”) District under Section 1305.01(c). A guesthouse is not a support building of a college/university. *See* Art. 1305.01(a) (“Dormitories or other Housing Owned or Operated by a College or University and Limited to Occupancy by Students or Staff of the College or University (in addition to housing listed above)” is not permitted in the PI District). I do not interpret the Zoning Ordinance as prohibiting a college/university in the PI District from lodging students and staff, but permitting the lodging of guests, which is presumably either a residential use or a hotel/motel use, none of which are permitted by right or special exception in the PI District. *See* Art. 1305.01(a),(b).

Interpretation 2 - Section 1305.02 provides: “Permitted Accessory Uses in All Districts. Section 1304.02 shall apply.” Section 1304.02 is titled “Permitted Accessory Uses in All Districts.” When viewed in context, the reference to “All Districts” is not to all zoning districts but to all residential zoning districts. Section 1304.02 is part of Article 1304, which is titled “Allowed Uses in Primarily Residential Districts.” The zoning districts table in Section 1304.01 is limited to the City’s five residential districts. Section 1304.02 itself states that “[a]n accessory use of a dwelling is only permitted if such use is customarily incidental to the residential use and is specifically permitted by this Ordinance. The following are permitted by right as accessory uses to a lawful principal use in all districts, within the requirements of Section 1322 and all other requirements of this Ordinance . . .” As is evident by the reference to “accessory use of a dwelling” and the clearly residential-related accessory structures listed in Section 1304.02(a)-(k), Section 1304.02 pertains to accessory structures in residential districts, not in the PI District, and thus is inapplicable to the proposed guesthouse. By contrast, Article 1305 is titled “Allowed Uses in Primarily Non-Residential Zoning Districts”, and Section 1305.03 lists the accessory uses permitted in commercial, industrial, and institutional districts, *i.e.*, non-residential zoning districts. Moreover, the zoning districts in the table in Section 1305.01 include only non-residential districts.

Interpretation 3 - Article 1302.02 defines “accessory use or building” as “[a] subordinate use or building customarily incidental to and located on the same lot occupied by the main use or building. The term ‘Accessory Building’ may include a private garage, garden shed or barn, private playhouse, private greenhouse, guesthouse, caretaker’s cottage, or servants’ quarters, as hereinafter provided.” These listed buildings and uses are merely illustrative examples of the types of buildings and uses that may qualify as accessory buildings and uses and of course are subject to the requirement that they be “customarily incidental to . . . the main use or building.”

A guesthouse is not customarily incidental, and thus not an accessory use or building, to a college or university in the PI District. The purpose of the PI District is “[t]o permit and encourage modern industrial development in a park-like setting. To provide a desirable location for those types of industry which are harmonious with, and do not constitute a hazard or nuisance to surrounding areas. To maintain landscaped area as part of each lot, to encourage architectural harmony, and to create an aesthetically pleasing and functional business park.” Art.



1303.07(p). It is the position of the Planning Bureau that the by-right principal use for a college/university in the PI District, in contrast with colleges/universities in the Institutional District, is intended for those types of higher education, i.e. commuter institutions, where there are no residential facilities for students, staff or visitors, for example, Lincoln Tech in Allentown, PA. The proposed guesthouse, therefore, does not qualify as "[s]uch other accessory use or structure that the applicant proves to the satisfaction of the Zoning Officer is clearly customary and incidental to a permitted by right, special exception or conditional principal use." Art. 1304.02(k).

Further, the phrase "residential accessory structure" in Section 1304.02(h) is intended to refer to accessory structures that are customarily incidental to a residential main use. The main use to which the proposed guesthouse would be accessory is a college/university, which is not a residential use. As noted, residential uses are not permitted in the PI District. Additionally, even if the college/university were a residential use, i.e., a dwelling, the proposed guesthouse could not be a permitted accessory use since the Zoning Ordinance provides that, "[u]nless specifically allowed otherwise by this Ordinance, a detached building that is accessory to a dwelling shall not include cooking facilities, a shower or a bath tub, and shall not be used for overnight sleeping purposes." Art. 1302.02. The proposed guesthouse, which by accounts is detached from the main building, would include five bathrooms and is intended to be used for overnight sleeping purposes.

You have the right to appeal this Interpretation in writing to the City of Bethlehem Zoning Hearing Board within thirty (30) days from the date of this letter and in accordance with procedures set forth in the Zoning Ordinance. To that end, I have enclosed a copy of the Appeal Application for your use.

If you have any questions, or require additional information, then please contact me.

Sincerely,



Paige Stefanelli  
Zoning Officer  
City of Bethlehem

Enc.

- C. Matthew Deschler, Esq., Assistant City Solicitor  
Laura Collins, Esq., Director, Community & Economic Development  
Darlene Heller, Director, Planning & Zoning  
Craig Peiffer, Assistant Director, Planning & Zoning





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CITY OF BETHLEHEM BUREAU OF PLANNING 3





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