



SITE ADDRESS: 405 Selfridge Street, 406 Jackson Street, 412 Jackson Street

Office Use Only:

DATE SUBMITTED: 7.10.24

HEARING DATE: _____

PLACARD: _____

FEE: \$500.00

ZONING CLASSIFICATION: RT

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	Lady Mohawk LLC
Address	[REDACTED]
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	
Address	
Phone:	
Email:	
ATTORNEY (if applicable):	
Name	Michael D. Recchiuti, Esquire
Address	████████████████████
	██
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
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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):

Appellant is seeking a determination that the Student Home Overlay Zoning Amendment is not applicable to the land development plan filed October 22, 2020 by Appellant, that the plan is not subject to changes in the zoning ordinance that adversely affect it, that the plan is adversely affected by the amendment, and that the completed townhomes could be used as student housing in a manner that existed in the zoning ordinance as of the date of the filing of the plan.

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

7/8/2024

Date

Property owner's Signature

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.

Appeal of Lady Mohawk, LLC

Narrative Statement

Appellant is appealing the determination issued by the Zoning Officer dated June 19, 2024, which stated the Student Home Overlay Amendment ("SH Amendment") to the Zoning Ordinance would be applicable to the land development plan ("the plan") filed on or about October 22, 2020, that the plan is not adversely affected by the SH Amendment, and that the use of the townhomes proposed by the plan would not be permitted to be used for student housing. The determination dated June 19, 2024 is included in the application.

It is appellant's contention that the plan submitted on October 22, 2020 is a land development plan, and the zoning code as of the date of submission is applicable to the plan. The determination of the Zoning Officer is incorrect as to his interpretation of 53 P.S. §10508(4)(i), in that the changes set forth by the SH Amendment do adversely affect the decision on the application for the plan. Appellant's plan approval must be based on the governing ordinances as they stood at the time of the application, not as they stand now. Prior to the enactment of the SH Amendment, there was no definition of student home in the ordinance, and that type of residential use did not exist. Therefore, applying the amendment that created the student home use to the plan adversely affects the plan, as Appellant would have been entitled to use the proposed townhomes as student housing had the SH Amendment not been enacted.

As such, the Zoning Officer's interpretation is incorrect. The SH Amendment is not applicable to the plan, since it would adversely affect Appellant's use of the property as Student Homes, which was permitted at the time of filing of the plan. Therefore, the use of the townhomes proposed in the plan can be used for student housing.