



SITE ADDRESS: 117 E. 4th Street, Bethlehem, PA 18015

Office Use Only:

DATE SUBMITTED: \_\_\_\_\_

HEARING DATE: \_\_\_\_\_

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	Fast Signs Allentown
Address	396 Schantz Road
	Allentown, PA 18104
Phone:	██████████
Email:	████████████████████

<b>OWNER (if different from Applicant):</b> Note. If Applicant is NOT the owner, attach written authorization from the owner of the property when this application is filed.	
Name	117 E 4th QOZB PO, LLC
Address	[REDACTED]
Phone:	[REDACTED]
Email:	[REDACTED]
<b>ATTORNEY (if applicable):</b>	
Name	Marc S. Fisher, Esquire
Address	Worth, Magee & Fisher, P.C.
	2610 Walbert Avenue, Allentown, PA 18104
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
	See Attached Narrative		

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.

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

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

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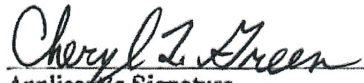
#### NARRATIVE

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

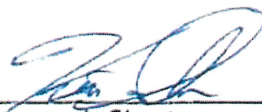
#### CERTIFICATION

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

9/17/24  
Date

  
Property owner's Signature

9/17/24  
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 STATEMENT**

This is a request for two (2) dimensional variances to Section 1320.09(a)(i) which, in part, limits the height of a wall sign to no more than 25 feet above grade.

The subject property is located at 117 E. 4<sup>th</sup> Street, Bethlehem, PA 18105 ("Property") in the C-B Zoning District. The Property was formerly occupied by the Boys & Girls Club, which had been vacant, until the existing building was razed to make way for a 76-unit apartment building with adjacent retail space. The building, currently under construction, will be 80 feet above grade and consist of 7 stories. The building is unique in that it is considered to have two front facades: the main entrance abuts E. 4<sup>th</sup> Street ("South Elevation") (See Exhibit A-1) and the rear entrance ("North Elevation") (See Exhibit A-2) abuts an existing greenway owned by the City. The greenway lies next to a municipal parking lot which abuts Mechanic Street. From the North Elevation to Mechanic Street and then towards E. 3<sup>rd</sup> Street, the elevation drops significantly. The proposed signs are on the North Elevation making them impossible to be seen from both Mechanic Street and E. 3<sup>rd</sup> Street if they were limited to 25 feet in height. Other wall signs in the surrounding community exceed the 25 feet height limitation.

The first sign is a one-piece Halo-Lit sign with the "M" logo cut off. (See Exhibit A-3). It would have 1 and ½ inch stand-offs to allow the light to shine against the building to create the halo effect. The entire sign projects 3.5 inches from the wall. (It should be noted that the height limitations for a wall sign only apply if the sign projects more than 3 inches from the wall). The sign rests 77 feet above grade level and extends 4 feet downward. The second sign with the words "THE MARSHALL" is also a Halo-Lit sign. (See Exhibit A-4). It rests in a 3-inch pan, which together with the stand-offs and letters projects a total of 6 and ½ inches from the wall. That sign rests 70 feet above grade level and extends downward 28.88 feet.

The requested variances are de minimis, minor and rigid compliance with the Ordinance is not necessary to protect any public policy concerns. Courts have repeatedly held that while the grant of a de minimis variance is a matter of discretion with a zoning hearing board, the burden on the applicant is at its lightest where the request involves a de minimis variance with respect to a dimensional variance, such as height. Lench v Zoning Bd. of Adjustment, 13 A.3d 576 (Pa. Cmmwlth 2011); Schomaker v. Franklin Park, 994 A.2d 116 (Pa. Cmmwlth. 2010).

Even if not deemed de minimis variance requests, the relaxed requirements for a dimensional variance have been met. The unnecessary hardship arises from: (1) the building being considered to having two front facades; (2) the drop in elevation extending from the building through the greenway and parking lot and then to Mechanic and E. 3<sup>rd</sup> Streets preventing the traveling public from seeing the signs if they were less than 25 feet in

height from the ground level. Placement of the proposed signs would not alter the essential character of the neighborhood and represents the least amount of relief needed.