

Applicant's property is located at 1275 E. 4th St., on Bethlehem's South Side, whereon Applicant recently constructed a 3-Story, 6DU multi-family structure, in accordance with all approvals granted by the City of Bethlehem.

It was the intent of the developer to take a long vacant property and improve it, to create a desirable and attractive multi-family structure that would hopefully foster additional community pride and development, along with generating tax revenue for the City.

In completing landscaping of the property, the minimal "open" area of the property (not used for buildings, structures, accessory uses, parking, loading areas, sidewalks or similar features (ref. 1318.26(d)) was covered with river rock and the shrubs shown on the plans. Due to physical site constraints, several trees and shrubs could not be planted, and the City Forester and Planning Director have been made aware.

The City has taken the position that placement of river rock cover is in violation of 1318.26 (d), which states "*Any portion of a developed lot that is not used for buildings, structures, accessory uses, parking, loading areas, sidewalks or similar features shall be landscaped with trees, shrubs, hardscape **OR** vegetative ground cover,*" and that the river rock must be removed and replaced with "vegetative ground cover".

The City Ordinance provides no definition for "hardscape" or "vegetative ground cover".

A Google search of "*hardscape definition*" reveals:

Oxford Languages: the man-made features used in landscape architecture, e.g. paths or walls, as contrasted with vegetation. "hardscape can take any manner of structure"

A Google search of "*is river rock/stone considered hardscape*" reveals the following:

Yes, riverstone is generally considered a form of hardscaping. Hardscaping refers to the non-living components of a landscape, which include materials like concrete, stone, gravel, and wood. Riverstone, with its smooth, rounded appearance, fits this category by adding a natural yet durable element to a garden or yard.

A Google search of "*is river rock cover ground cover considered hardscape*" reveals, the following: Yes, river rock used as ground cover is considered part of the hardscape in landscaping.

In the alternative to an interpretation, the applicant has provided a number of practical and logical reasons why it is necessary to provide the river-rock cover, in lieu of any form of "turf" or "vegetative" ground cover in the small open areas of the property, including, but not limited to:

- Drainage and infiltration concerns in the front (south elevation). The building's finish floor elevation was held to a few inches above top of curb at center of the building, in order to maintain ADA Accessibility. With 4th St. sloping significantly west to east, the 1st flr. of the west side of the building is greater than 1' below the sidewalk/street elevation. The river stone cover allows for much better/faster drainage in this area,

mostly eliminating any chance of potential water infiltration issues, especially during heavy snow build-up, freeze/thaw cycles.

- Erosion on the building's south side (front), and very narrow east and west sides. There are significant sloping conditions from west to east (approx. 3'), and south to north (approx. 8' elevation change). Without the river stone ground cover, these areas will quickly and continually erode during heavy rain events. The use of wood mulch or other lightweight cover (pine straw, etc.) would wash/float during rain events.
- Short and long-term maintenance. Being a dense, urban setting, the small, open area of the site is somewhat congested with the required landscape trees and bushes, HVAC condenser units, etc., and is far more easily maintained with river rock cover. Likewise, Parking along E. 4th St. is very difficult and any type of planting requiring frequent maintenance would prove very difficult for a commercial landscape maintenance company with trying to park a commercial vehicle.
- Public use to relieve their pets. It is a widely known issue in the dense areas of South Bethlehem, that grass/vegetated areas are commonly used by the public, to allow their dogs to relieve themselves. It was an issue the applicant constantly dealt with during construction, as the temporary fence was removed. It is also an issue with nearly every property neighbor who has grass/vegetation fronting 4th St. The larger river rock/stone is very uncomfortable for dogs, and serves as a deterrent.
- Free-blowing trash. Another widely known issue in the dense area of South Bethlehem is constant trash and litter. The applicant has to clean the perimeter grounds on a near-weekly basis – everything from soda bottles to snack bags, litter from uncovered recycling bins, etc., etc. The river rock/stone is easier to clean out.

The subject property is unique due to its significantly sloping nature and narrowness.

A variance is in keeping with various other nearby properties and will not alter the character of the neighborhood.

This is the minimum variance needed.