

**Before the Zoning Hearing Board
Of the City of Bethlehem, Pennsylvania**

Northampton County

**Appeal & Application of
Robert Dandi,
Applicant**

) **Date: November 26, 2025**
)
)
 **Re: 620 Ridge Street &
622 Ridge Street**

DECISION

I. Preliminary Matters

A public hearing was held on **October 15, 2025** at **6:00 PM** before the Zoning Hearing Board of the City of Bethlehem (“**Board**”) regarding Applicant's appeal to the Board.

A. Parties

1. **Applicant:** Robert Dandi (the “**Applicant**”) appeared and had standing as the owner of the subject property. Applicant was represented by Christopher T. Spadoni, Esquire.
2. **Zoning Hearing Board:** The Board was comprised of Peter Schneck (Chairman), Paige Van Wirt, and Sharon Wiles-Young. Steven T. Boell, Esquire, of Fitzpatrick Lentz & Bubba, P.C. represented the Zoning Hearing Board as its Solicitor.
3. **Protestant(s) / Interested Parties:** No protestants or interested persons appeared at the public hearing.

B. Notice

Notice of the hearing was given by public advertisement, posting of the Property and regular mail to neighboring property owners pursuant to the applicable provisions of the

Pennsylvania Municipalities Planning Code,¹ the Zoning Ordinance of the City of Bethlehem² and the rules of the Board.³

C. Property

The subject properties are known as **620 and 622 Ridge Street** Bethlehem, Northampton County, Pennsylvania (collectively the “**Properties**”).

II. Applicable Law

The Board considered the case under the following statutory authority, as well as under applicable reported decisions of the appellate courts in Pennsylvania:

1. *The Codified Zoning Ordinance of the City of Bethlehem*, Ordinance No. 2210, effective June 15, 2012, as amended (hereinafter, the “**Zoning Ordinance**”).
2. *The Pennsylvania Municipalities Planning Code*, 53 P.S. § 10101, *et seq.*, as reenacted 1988, Dec 21. P.L. 1329, No 170, § 2 (hereinafter, the “**MPC**”).

¹ MPC § 10908(1) provides that “[p]ublic notice shall be given and written notice shall be given to the applicant, the zoning officer, such other persons as the governing body shall designate by ordinance and to any person who has made timely request for same. Written notices shall be given at such time and in such manner as shall be prescribed by ordinance or, in the absence of ordinance provisions, by rules of the board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.”

² Article 1325.04(a) provides for notice to be given as follows: (a) Upon filing with the Board for an application for a special exception, variance or other appeal under this Ordinance, the Board shall determine a place and a reasonable time, and the City shall give notice as follows: (1) The City shall publish a public notice describing the location of the building or lot and the general nature of the matter involved in a newspaper of general circulation in the City in conformance with the Municipalities Planning Code. (2) The City shall give written notice to the applicant and persons who have made a timely request for notice of such hearing. In addition, notice shall be provided to those persons whose properties adjoin the property in question, and to the City Planning Commission. Such notice should be sent at least seven (7) days prior to the hearing. (3) The City shall provide written notice to the last known address of the primary owner of lots within 300 feet of the subject lot, unless the application only involves a dimensional variance on an owner occupied single family dwelling unit or its accessory structure. Failure of a person(s) to receive such notice shall not be grounds for an appeal, provided that a good faith effort was made to provide such notice.

³ The custom and practice in the City of Bethlehem is for the Zoning Officer to place the notice in the newspaper and to send written notice to interested parties by regular mail. The Applicant is given a fluorescent sign by the Zoning Officer at the time the Application is filed and the fee paid, and the Applicant is instructed to conspicuously post the property with the sign giving notice of the particulars of the hearing at least seven (7) days prior to the hearing.

III. Nature of Relief Sought

Applicant sought dimensional variances from §1306.01(a) of the Zoning Ordinance to merge two existing non-conforming residential lots into a single parcel and construct a side-by-side duplex.⁴ The dimensional variances requested from 1306.01(a) of the Zoning Ordinance were as follows:

- Tract size: 6,000 SF required, 2,380 SF existing
- Lot area per dwelling: 3,000 SF required, 1,190 SF proposed
- Lot width: 60' required, 33' proposed
- Side yard setback: 4' required, 2.5' proposed

Applicant also sought a variance from the parking requirements set forth in §1319.01 of the Zoning Ordinance

IV. Evidence Received by the Board

In addition to testimonial evidence received by the Board from Applicant, the Board admitted the following exhibits:

Applicant's Exhibits:

ZHB 1 – Provided Information Packet
Exhibit A – Parcel Map

V. Findings of Fact

1. The properties that are the subject of this appeal are located at 620 and 622 Ridge Street in the Northampton County portion of the City of Bethlehem.

⁴ In its application, Applicant originally sought relief from Zoning Ordinance §1306.01(a) pertaining to rear yard setback but amended the application at the hearing to withdraw such relief and instead request a parking variance to facilitate the relocation of the structure to a position compliant with the rear yard setback. The board granted the request to amend the application.

2. The applicant is the owner of the properties and has owned them since 2014.

3. The properties are situated in the High-Density Residential Zoning District.

4. The properties have been vacant since 2014, and there have been no structures on the lots during this time.

5. The previous home fell into disrepair after the owners passed away and was eventually demolished.

6. Existing utility connections, including a sewer lateral and gas line, remain from the demolished home.

7. The proposed new home will be a narrow, townhome-style single-family dwelling, approximately 20 to 22 feet wide. The design utilizes the lot's depth to include a forward-facing garage and driveway, which is consistent with the style of homes in the area.

8. This project will replace an empty, blighted lot with new construction, enhancing the area's appearance.

9. The Applicant proposes to combine the two lots into one and construct a two-unit building.

10. Evidence presented by the Applicant credibly supports that several homes on Sullivan and Ridge Streets are rowhomes and connected homes.

11. The Applicant testified that the proposal would conform to the character of the neighborhood.

12. The properties have a combined lot size of 2,380 square feet, which is deficient compared to the required 6,000 square feet.

13. With the proposed two dwelling units, the properties would have 1,190 square feet per unit, insufficient compared to the required 3,000 square feet per unit.

14. The combined width of the properties with the proposed two dwelling units is 33 feet, which is less than the required 60 feet.

15. The properties with the proposed two dwelling units would only have a 10-foot rear yard setback, falling short of the 20-foot requirement.

16. The properties with the proposed two dwelling units would have a side yard setback of only 3.5 feet, which is less than the required 4 feet.

17. Credible evidence establishes that the property has unique physical features—the narrow nature of the two lots—that create a hardship not commonly found in the surrounding neighborhood.

18. Credible evidence indicates that, due to these physical features, the property cannot be reasonably developed under the strict rules of the Zoning Ordinance, and a variance is necessary to allow for reasonable use.

19. Credible evidence supports the claim that the hardship was not created by the applicant.

20. Credible evidence establishes that granting the variance will not change the character of the neighborhood, harm nearby properties, or negatively affect public welfare.

21. Credible evidence shows that the variance requested is the smallest change needed to provide relief and is the least possible modification of the zoning rules.

VI. Discussion

Applicant requests a variance from §1306.01(a) and § 1319.01(a)(1) of the Zoning Ordinance. The grant of a variance is pursuant to § 1325.06 of the Zoning Ordinance. The Zoning Ordinance provides specific criteria that the Zoning Hearing Board must address in relation to the approval or denial of a variance request:

1325.06 Powers and Duties – Variances

(a) Upon a written appeal from a determination by the Zoning Officer, the Zoning Hearing Board shall have the power to approve a Variance to one or more specific provisions of this Ordinance for a specific property.

(b) The power to authorize a variance from the terms of this Ordinance shall only be used where authorized under the Pennsylvania Municipalities Planning Code or in *de minimus* situations. As of the adoption date of this Ordinance, the Municipalities Planning Code provided that all of the following findings must be made, where relevant:

(1) There are unique physical circumstances or conditions (including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property) and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this Ordinance in the neighborhood or district in which the property is located;

(2) Because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and a Variance is therefore necessary to enable the reasonable use of the property;

(3) Such unnecessary hardship has not been created by the appellant;

(4) The Variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare; and

(5) The Variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

There is a multitude of decisions of the various courts in the Commonwealth dealing with the grant of variance. The type of variance sought is an important distinction that is not to be ignored. Hertzberg v. Zoning Bd. of Adjustment of City of Pittsburgh, 721 A.2d 43, 47 (Pa. 1998).

The standards applied to the grant of a dimensional variance are lesser than that of a use variance.

Id. at 47-48. With a dimensional variance application, “the owner is asking only for a reasonable

adjustment of the zoning regulations in order to utilize the property in a manner consistent with the applicable regulations.” Id. Whereas, a use variance request “involves a proposal to use the property in a manner that is wholly outside the zoning regulation” Id. at 47.

Seeking a dimensional variance within a presumably permitted use, the owner is asking only for adjustment of the zoning regulation in order to utilize the property in a manner consistent with the applicable regulations. Thus, the grant of a dimensional variance is of lesser moment than the grant of a use variance, since the latter involves the proposal to use the property in a manner that is wholly outside the zoning regulation. Hertzberg, 721 A.2d. at 47. It is uncontested that the variances sought are dimensional in nature.

When a dimensional variance is requested, multiple factors may be considered, including, “the financial hardship created by any work necessary to bring the building into strict compliance with the zoning requirements, and the characteristics of the surrounding neighborhood.” Id. at 50. See, Talkish v. Zoning Hearing Board of Harbor Creek Township, 738 A.2d 50 (Pa. Cmwlth. 1999) *appeal granted in part*, 757 A.2d 366 (Pa. 2000).

As stated above, all variances requested in the instant application are dimensional in nature and, accordingly, the Hertzberg standard articulated above is applicable. The properties face unique physical challenges due to the narrow nature of the lot. The Applicant credibly testified that the requested dimensional variances are necessary to enable reasonable development of the lot in line with the character of the neighborhood. Additionally, the Applicant is seeking a variance regarding the number of off-street parking spaces. The Zoning Ordinance requires at least two parking spaces for each dwelling unit. However, similar to the other requested variances, the request for reduced parking stems from the lot's narrowness and unique dimensions. The Applicant is requesting a variance to reduce the required parking from two spaces to one space per dwelling

unit. This parking relief is essential to maintain the uniformity of the street's frontage and is also critical for the reasonable development of the property.

A reduction in parking is permissible as a special exception under § 1319.02(b)(6) of the Zoning Ordinance. The applicant has demonstrated compliance with the requirements for a special exception as outlined in the Ordinance. Sufficient evidence was presented to the Board showing that the proposed parking is adequate given the circumstances. Therefore, the Board was convinced that two parking spaces would be sufficient to serve the property.

The Applicant seeks modest adjustments to the Zoning Ordinance in order to preserve the neighborhood's character. In this context, granting relief is appropriate. The hardship encountered was not created by the applicant, and the approval of the variances will have no detrimental impact on the community. Furthermore, the proposed design will not adversely affect health, safety, or welfare.

Based on these considerations, the Board concluded that the requested relief should be granted.

VII. Conclusions of Law

1. The Property is zoned RT (High Density Residential).
2. The proposal requires both setback and parking relief.
3. A variance is required for the application due the proposed placement of the dwelling on the property and reduction in the number of provided off-street parking spaces.
4. Applicant provided credible and competent evidence to comply with the specific requirements set out in § 1325.06 and § 1319.02(b)(6) of the Zoning Ordinance.

VIII. Decision of the Board

Based upon the foregoing, by a 3-0 vote the Zoning Hearing Board granted the above stated variances, as amended by Applicant at the hearing to withdraw the rear yard setback variance request and to grant the parking variance.

THE BOARD:



Steven T. Boell
Solicitor

VOTING TO GRANT THE RELIEF

/s/ Peter Schneck
Pete Schneck
Member

/s/ Paige Van Wirt
Paige Van Wirt
Member

/s/ Sharon Wiles-Young
Sharon Wiles-Young
Member

* The above individuals were unavailable at the date of mailing.

DATE(S) OF HEARING: October 15, 2025

DATE OF WRITTEN DECISION: November 26, 2025

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Certificate of Service

I, Steven T. Boell, Solicitor to the Board, do hereby certify that I sent a true and correct copy of the forgoing Decision to the Applicant listed below and its counsel at the addresses set forth, by regular first-class U.S. Mail on the date set forth below.

Robert Dandi

Christopher T. Spadoni, Esquire

Date: November 26, 2025

FITZPATRICK LENTZ & BUBBA, P.C.

BY

Steven T. Boell

Attorney for Zoning Hearing Board
Of the City of Bethlehem

Solicitor for Zoning Hearing Board
Of the City of Bethlehem

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**NOTICE OF RIGHT OF APPEAL
OF AGGRIEVED PARTY**

You have the right to appeal this Decision if you are an “aggrieved party” under the Pennsylvania Municipalities Planning Code. You must appeal to the Court of Common Pleas of the county in which the subject property is situated. The City of Bethlehem is located partly in Northampton County and partly in Lehigh County.

In order to properly file an appeal, you should seek the advice of a lawyer. Please note that neither the Zoning Officer nor the Zoning Hearing Board Solicitor is permitted to give you legal advice. PLEASE DO NOT CALL THIS OFFICE.

You must file your appeal in writing within thirty (30) calendar days of the date of this Decision or your right to such an appeal is lost.

YOUR APPEAL PERIOD BEGINS

November 26, 2025