

LAW OFFICES
OF
ENGEL, WIENER, BERGSTEIN & FLEISCHAKER
825 NORTH TWELFTH STREET
ALLENTOWN, PENNSYLVANIA 18102

(610) 439-8430
FAX (610) 439- 1235
www.ewblaw.net

SANDOR ENGEL, P.C.
sengel@ewblaw.net

STEVEN A. BERGSTEIN, P.C.
sbergstein@ewblaw.net

FLEISCHAKER LAW, LLC
jfleischaker@ewblaw.net

Of Counsel:
MARGO S. WIENER, P.C.
mwiener@ewblaw.net

October 27, 2021

Craig Pfeiffer
Zoning Officer
City of Bethlehem
10 E. Church Street
Bethlehem, PA 18018
610.997.7637

Re: 3412 Linden Street – Variance Request
Continued from August 25, 2021

Mr. Pfeiffer:

As you will recall, this matter was continued from the August 25, 2021 meeting following an agreement reached between the Applicant and the Board to continue the matter to allow the Applicant the opportunity to address five (5) issues noted by the Planning Commission during its Site Plan Review. Rather than present these changes to the Planning Commission, and then return to the Zoning Hearing Board, the Applicant has determined that the best use of City resources, as well as its own resources, was the return directly to the Zoning Hearing Board with the revised plans. Considering that this project will not happen without the variances requested by the Applicant (as discussed herein, by elevating the building to a three-story complex, the Applicant requires a variance as to minimum lot size), the most efficient course of action was to revise the plan and present it to the Zoning Hearing Board, considering the notes from the Planning Commission, and then meet with the Planning Commission if this Board deems it fit and just to grant the required variances for this project to move forward. The Applicant feels strongly that the revisions made to the project reflect and adhere to the guidance offered by both the Planning Commission and the Zoning Hearing Board and remains hopeful of approval.

Please allow this letter to serve as a narrative introduction to the revisions and alterations made by the Applicant in response to both the Planning Commission's comments as well as some of the issues brought up at the Zoning hearing on August 25th.

The August 13, 2021 letter from Tracy Samuelson on behalf of the Planning Commission noted the following five (5) points that it felt needed to be addressed by the Applicant:

1. All comments in the attached Site Plan review letter shall be considered when reviewing the above plan.
2. Relocating the parking lot to the rear of the building should be considered.
3. The site layout should be residential in character, including pedestrian sidewalk or walkway access from the public sidewalk at front to the building.
4. Building façade should look residential in character.
5. Consider increasing the building height to minimize impervious surface area and potentially facilitate greater flexibility with overall site layout with regard to recommendation #2 (parking layout) and recommendation #3 (residential character/pedestrian access). It should be noted that an increase in building height will impact required setbacks.

The revised site plan for the project, copies of which have been filed with this narrative, show that the Applicant has taken to heart the suggestions of the Planning Commission, many of which were echoed by the Zoning Hearing Board during the August 25th hearing. Particular attention is made to:

- By making the building a three-story structure, the Applicant has reduced the footprint of the building from 143' x 68' to 100' x 68'. This allows the building to move from the rear to the property to the front of the property, placing the parking in the rear, as requested.
- The design has changed from a 16-unit to a 15-unit apartment complex with the change to three stories, reducing the requested variance for density.
- The parking lot moves to the rear of the property, maintaining the minimum number of spaces (1.75 per unit, $15 \times 1.75 = 26.25$, there are 28 spaces), including two designated handicapped spaces as well as the landscaping required per ordinance.
- Sidewalks are shown around the permitted of the building as well at street level, with a designated walkway from street level sidewalks to a walkway through the front driveway of the unit as requested.
- With parking in the rear, and space at a premium, a traffic pattern for the lot is necessary. Traffic entering the parcel will travel around the left side of the building to the rear parking and will exit the parking only on the right side of the building (one-way traffic flows).
- There remains around the entirety of the property at least an 8-foot screened buffer of grass, shrubs, and trees.
- The lighting plan is shown on the plan, demonstrating that all security and safety lights will be directed inward, towards the building, to not disrupt the quiet enjoyment of the neighbors.
- Designated trash (dumpsters) spaces are on the right side of the building with plenty of access room for maintenance.
- The travel lanes on the sides of the building allow for easy access for emergency vehicles to all sides of the property.

- The height of the building (over 35 feet) does not affect the front setbacks, which remain at 40 feet; however, the side and rear setbacks of 25 feet and 60 feet, respectively, are more than enough to accommodate the expanded setback requirements for a building over 35 feet in height.

In addition to the density variance that was requested with the initial application in August, the revisions to the apartment building, specifically the additional floor, requires an additional variance for the Applicant. Pursuant to the Ordinance, for a multi-family dwelling over 2 ½ stories, the minimum lot size permitted is 43,560 square feet. This lot is 43,295 square feet, meaning that the Applicant is, in addition to the variance regarding density, seeking a variance for the minimum lot size requirement, as this property misses the threshold by 265 square feet.

In addition to the revisions made to the site plan, the Applicant has made further revisions to the appearance of the building, in direct response to note #4 from the Planning Commission, which was echoed by the Zoning Hearing Board as well as the Objectors who appeared at the August 25, 2021 hearing. As you will note from the architectural renderings, the building will be constructed with a more traditional look, while still maintaining some modern touches that the Applicant believes are necessary to attract renters.

The Applicant looks forward to the opportunity to present this plan to the Zoning Hearing Board on November 17, 2021.

Sincerely,

/s/ Jeff Fleischaker
Jeff Fleischaker

