FL&B FITZPATRICK LENTZ & BUBBA ATTORNEYS AT LAW

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August 28, 2026

Mr. Robert Dandi
[redacted]
Applicant

Re: City of Bethlehem Zoning Hearing Board
Appeal & Application of Robert Dandi
Property: 623 Shields Street

To whom it may concern:

Enclosed please find a copy of the Notice and Decision of the Zoning Hearing Board of the City of Bethlehem in the above matter.

Very truly yours,

Erich J. Schock

Erich J. Schock

Enclosure
cc: Zoning Officer, City of Bethlehem (w/encl., via e-mail)
City of Bethlehem Zoning Hearing Board (w/encl., via e-mail)

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

Northampton County

Appeal & Application of	)	**Date: August 28, 2026**
Robert Dandi,	)	
Applicant	)	**Re: 623 Shields Street**

DECISION

I. Preliminary Matters

A public hearing was held on **July 15, 2026** 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.

2. Zoning Hearing Board: The Board comprised Paige Van Wirt (Chair), Sharon Wiles-Young, and Danielle Joseph. Erich J. Schock, Esquire, of Fitzpatrick Lentz & Bubba, P.C. represented the Zoning Hearing Board as its Solicitor.

3. Protestant(s) / Interested Parties: Two nearby property owners appeared at the public hearing and objected to the request.

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 Bethlehem[2]

[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

and the rules of the Board.[3]

C. Property

The subject property is known as 623 Shields Street, Bethlehem, Northampton County, Pennsylvania (the "**Property**").

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 September 25, 1970, 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**").

III. Nature of Relief Sought

Applicant sought variances to convert a legally non-conforming private garage to new single-family detached dwelling fronting on an alley.

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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 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.

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:

A-1: Application and supporting materials.

Objector's Exhibits:

D-1 to D-9: Photographs of Property

V. Findings of Fact

1. Applicant is the owner of the Property, which is located at 623 Shields Street, Bethlehem, Northampton County.

2. The Property is an existing 1,600-SF tract of land located in the RT Residential Zoning District.

3. The Property contains an existing 3-car garage structure.

4. Applicant desires to redevelop the Property into a single two-bedroom residential dwelling unit on the second floor and maintaining the first floor as a garage use.

5. Applicant is requesting zoning relief from (a) Section 1302.05 to create a single-family dwelling that fronts on an alley; and (b) Section 1306.01(a)(4) governing setbacks and lot area.

6. The requested dimensional relief is:

a. from the minimum tract size requirement of 4,000 SF to maintain a lot of 1,600 SF;

b. from the minimum rear yard setback requirement of 20' to maintain the existing 4.55' rear yard setback; and

c. from the minimum side yard setback requirement of 4' to maintain the existing 3' side yard setback.

7. Currently on the Property is a stand alone three-car garage.

8. Applicant proposes to construct a dwelling unit on top of the first floor garage.

9. Applicant asserts that the use is beneficial by providing an additional dwelling unit to address on the City's need for affordable housing.

10. Applicant asserted that through dialogue with the Office of the City Solicitor, he understands the Property to be a lawful nonconforming lot.

11. Applicant provided no written confirmation or further detail of the relevant facts considered or conclusion reached regarding the nonconforming status.

12. There will be no change to the existing footprint of the structure.

13. The building is currently used for storage.

14. Applicant indicated that he is aware parking by trespassers occurs on the Property.

15. The existing garage is intended to remain and supply the required off-street parking for the residential unit.

16. The height when completed will be similar to the height of the other buildings in the vicinity.

17. Edwin Erickson and Rebecca Dieter own the adjacent property at 627 Shields Street.

18. Mr. Erickson indicated that Shields Street is an alley and therefore not permitted for the proposed use.

19. Ms. Dieter provided photographs that depicted the condition of the Property.

20. Mr. Ericsson presented a recorded plan that appears to depict that the Property is to be part of and remain with the owner of the premises at 624 Shields Street.

21. The plan also appears to limit the Property to use for parking only.

22. The plan appears to restrict the Property from use as a building lot.

23. Robert Dandi is also the owner of 624 Shields Street.

24. The Property is permitted to be used for parking as a principal use.

25. Applicant presented no evidence that the current parking use is now infeasible.

VI. Discussion

Applicant requests use and dimensional variances from §1302.05, §1306.01(a)(4), §1323.07 and §1325.07 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.

Applicant did not appear with counsel at the Zoning Hearing. It is Applicant's burden to meet the criteria in the Zoning Ordinance to demonstrate entitlement to variance relief. Applicant's variances include relief related to the Property being in an impermissible location for the proposed use and dimensional relief.

Regarding the former, residential use is permitted in the RT Zoning District. Therefore, the case does not involve a traditional use variance where an Applicant wishes to utilize land for a use that is not allowed in the zoning district. However, in this instance, the proposed lot is not in a location on which a principal residential use is permitted, namely with its frontage along an alley as opposed to a street.

Second, regarding the dimensional relief, while Applicant suggests that he is simply requesting that existing nonconformities in setbacks and lot area are permitted to persist, the distinction is that those setback regulations are intended to regulate principal residential uses of property. The current building is not a residential use but instead a garage used for parking and storage.

The Board ultimately determined that the relief must be denied. Its reasoning pertained primarily to the lack of evidence presented. In other words, the Board did not have sufficient

evidence to even weigh whether the variance requirements are met. Simply put, relevant evidence on the variance criteria and the related issues based upon the unusual historic use and development of the Property is not of record. First, there remains the issue of the recorded 1991 plan which appears to eliminate use of the Property for a building lot. That said, the Board does recognize that a structure already exists on the property and is in use. Further, the Board had no evidence before it regarding the meaning of the restriction from use of Property as a building lot. also, it appears that even though the lot is separate and separated by a street from 624 Shields Street, the 1991 plan suggests it is part of 624 Shield Street and restricted to use for parking at 624 Shields Street. Without any explanation of these facts the Board was constrained to deny relief.

Next, an applicant needs to demonstrate that there exists a physical hardship that prevents reasonable use of the Property. Based upon the facts before the Board, it appears that a three-car parking garage is already a reasonable use of the Property, particularly one that is substandard in area and accessed only by an alley. Therefore, Applicant failed to demonstrate that a hardship existed.

In addition, while not stated the City certainly had reason why the City's Zoning Ordinance does not permit a principal residential use to be constructed with an alley as its frontage. The Board understood the neighbors' suggestion that doing so creates an overuse of the Property and places a residence (instead of simply a parking area) in closer proximity to their single family home that does meet the requirement of fronting on a street.

For all of the above reasons, it is clear that the variance standard is not met. (The Board recognizes, however, that Applicant may be able to seek relief in the future at which time other evidence can be presented to speak to the issues that resulted in this denial.)

VII. Conclusions of Law

1. Applicant failed to articulate a hardship sufficient for the grant of a variance.

2. Applicant failed to demonstrate why the property cannot be reasonably developed under the current regulations, particularly in light of the fact that it is already developed for beneficial use.

VIII. Decision of the Board

Based upon the foregoing, by a 3-0 vote the Zoning Hearing Board denied all requested variances.

THE BOARD:

Erich J. Schock

Erich J. Schock, Esquire, Solicitor

VOTING TO GRANT THE RELIEF

/s/ Paige Van Wirt *

Paige Van Wirt, Chair

/s/ Sharon Wiles-Young *

Sharon Wiles-Young, Member

/s/ Danielle Joseph *

Danielle Joseph, Member

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

DATE OF HEARING: July 15, 2026

DATE OF WRITTEN DECISION: August 28, 2026

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

Northampton County

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Certificate of Service

I, Erich J. Schock, Esquire, Solicitor to the Board, do herby certify that I sent a true and correct copy of the forgoing Decision to the Applicant listed below and its counsel at the address set forth, by regular first class U.S. Mail on the date set forth below.

Robert Dandi
4789 Route 309
Center Valley, PA 18034
Applicant

Date: August 28, 2026

FITZPATRICK LENTZ & BUBBA, P.C.

BY: Erich J. Schock

Erich J. Schock, Esquire
Two City Center
[redacted]
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

August 28, 2026