

SITE ADDRESS: 1160 Hellertown Rd., Bethlehem, PA 18015

Office Use Only:

DATE SUBMITTED: 07.09.2026 HEARING DATE: _____

PLACARD: _____ FEE: _____

ZONING CLASSIFICATION: _____ LOT SIZE: _____

APPLICATION FOR APPEAL TO THE CITY OF BETHLEHEM ZONING HEARING BOARD,
10 E. CHURCH STREET, BETHLEHEM, PA 18018

1. Return ten (10) total copies of this application and **all supporting documentation** and exhibits to the Zoning Officer, along with the filing fee. Include site plans and/or floor plans as necessary.
2. Complete applications submitted to the Zoning Hearing Board will be scheduled for a hearing no sooner than 21 days and no later than 60 days from the date of receipt, unless an extension of time is agreed upon in writing by the applicant. **ONLY COMPLETE SUBMISSIONS WILL BE ADDED TO THE AGENDA FOR HEARING.**
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: Interpretation of Zoning Ordinance

SECTION 1

APPLICANT:	
Name	Matador 78, LLC
Address	[REDACTED]
Phone:	[REDACTED]
Email:	[REDACTED]

OWNER (if different from Applicant): Note. If Applicant is NOT the owner, attach written authorization from the owner of the property when this application is filed.	
Name	
Address	
Phone:	
Email:	
ATTORNEY (if applicable):	
Name	
Joseph J. Piperato, III, Esq.	
Address	
Phone:	
Email:	

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 photographs.
3. If the real estate is presently under Agreement of Sale, attach a copy of the Agreement.
4. If the real estate is presently leased, attached a copy of the present lease.
5. 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
1320.09(b0(3)(vii))	10 ft. Side/rear	0 ft. side/5 ft. rear	10 ft side/ 5 ft. rear
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

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.

1320.09(b)(3)(vii) - seeking a 10 ft. side and 5 ft. rear
setback, if applicable

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

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

See attached narrative

NARRATIVE

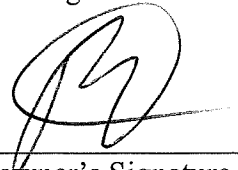
A brief statement reflecting why zoning relief is sought and should be granted must be submitted.

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.


Applicant's Signature

7/09/26
Date


Property owner's Signature

7/09/26
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.

Appeal of Zoning Officer's Interpretation and, in the Alternative, Request for Dimensional Variance

NARRATIVE IN SUPPORT OF APPLICATION

The Applicant appeals the determination of the Zoning Officer regarding the proposed off-premises advertising sign to be located at **1160 Hellertown Road, Bethlehem, Pennsylvania.**

The Zoning Officer determined that Section 1320.09(b)(3)(vii) requires the required side and rear yard setbacks applicable to principal buildings to be measured from the outermost edge of the billboard sign faces rather than from the billboard's supporting steel monopole. The Applicant respectfully submits that the ordinance does not compel that interpretation and requests that the Zoning Hearing Board reverse the determination. In the alternative, should the Board conclude that the ordinance requires measurement from the sign faces, the Applicant requests the minimum dimensional variance necessary to permit the proposed improvement.

I. THE ORDINANCE IS AMBIGUOUS

The Zoning Officer relies upon Section 1320.09(b)(3)(vii), which provides that "*all freestanding signs shall meet setback requirements for a principal building.*" While the ordinance incorporates the dimensional setbacks applicable to principal buildings, it does **not** define how those setbacks are to be measured with respect to a freestanding billboard.

Specifically, the ordinance does not state whether the required setbacks are measured from:

- the billboard's supporting structural monopole;
- the outer edge of the sign cabinet;
- the sign face itself; or
- another structural component.

Had City Council intended setbacks to be measured from the extremities of the sign cabinet, it could have expressly stated so. Instead, the ordinance simply incorporates the setback requirements applicable to principal buildings without prescribing the point of measurement.

Accordingly, the ordinance is reasonably susceptible to more than one interpretation.

II. AMBIGUITIES MUST BE CONSTRUED IN FAVOR OF THE PROPERTY OWNER

Pennsylvania courts have long recognized that zoning ordinances, being in derogation of the common law right to use one's property, must be strictly construed. Where the language of a zoning ordinance is ambiguous or reasonably susceptible to more than one interpretation, that ambiguity should be resolved in favor of the property owner and the least restrictive use of the property.

Because the ordinance does not expressly require setbacks to be measured from the outermost edge of the sign cabinet, the Applicant's interpretation—that setbacks are measured from the billboard's principal structural support—is both reasonable and consistent with Pennsylvania principles of statutory construction.

III. THE MONOPOLE IS THE PRINCIPAL STRUCTURAL ELEMENT

The steel monopole constitutes the principal structural support of the billboard.

It is permanently affixed to the foundation, bears all structural loads, and functions as the principal structure supporting the sign.

The proposed monopole fully complies with the required ten-foot side yard and ten-foot rear yard setbacks.

The sign cabinet merely projects from the monopole approximately forty-three (43) feet above grade and functions as an attached component of the principal structure.

Nothing within the ordinance expressly provides that an elevated projection establishes setback compliance.

IV. THE INTERPRETATION IS CONSISTENT WITH THE MANNER IN WHICH BUILDING SETBACKS ARE APPLIED

The Applicant's interpretation is also consistent with how setbacks are traditionally measured for buildings.

Throughout Pennsylvania municipalities, including the City of Bethlehem, building setbacks are generally measured from the principal exterior wall of the structure—not from incidental architectural projections such as roof overhangs, eaves, gutters, cornices, or similar appurtenances.

The billboard presents a comparable circumstance.

The monopole functions as the principal structural element in the same manner as the principal wall of a building. The elevated sign cabinet projects from that structure in much the same way a roof overhang projects beyond a building wall.

Applying identical measurement principles results in the monopole satisfying the required setbacks.

V. THE PURPOSES OF THE SETBACK REQUIREMENTS ARE FULLY SATISFIED

Even assuming, arguendo, that the sign cabinet technically extends into the setback area, the purposes of the setback ordinance are fully satisfied.

The monopole itself complies entirely with the required setbacks.

The only portions extending beyond the setback line are portions of the sign cabinet located approximately forty-three (43) feet above ground level.

No part of the billboard occupies the setback area at grade.

No pedestrian access is impeded.

No vehicular circulation is affected.

No emergency access is impaired.

No neighboring property loses light, air, open space, or access as a result of the elevated projection.

Accordingly, the technical encroachment has no practical impact upon the public purposes that setback regulations are intended to protect.

VI. THE PROPERTY PRESENTS UNIQUE PHYSICAL CONDITIONS

Should the Board determine that the ordinance requires measurement from the outer edge of the sign cabinet, the Applicant respectfully requests the minimum dimensional variance necessary.

The proposed location represents the only feasible location on the property.

The available area is constrained by:

- the existing property boundaries;
- the required setbacks;
- the existing enclosed dumpster facility; and
- the physical layout of the site.

Relocating the monopole is not reasonably practicable without eliminating the proposed billboard altogether.

These unique physical circumstances are peculiar to this property and are not self-created.

VII. THE REQUESTED RELIEF IS DE MINIMIS

The requested relief is exclusively dimensional.

The structural support complies with all required setbacks.

Only limited portions of the elevated sign cabinet project over the setback area approximately forty-three (43) feet above grade.

Because:

- the encroachment is minimal;
- it occurs entirely overhead;
- it produces no adverse impact upon adjoining properties;
- it preserves the purposes of the setback ordinance; and
- it represents the minimum modification necessary,

the requested relief constitutes an appropriate **de minimis dimensional variance** under Pennsylvania zoning law.

Granting the requested relief will not alter the essential character of the neighborhood, impair the appropriate use or development of adjacent properties, or be detrimental to the public health, safety, or welfare.

VIII. CONCLUSION

The Applicant respectfully submits that the Zoning Officer's interpretation is not required by the language of the ordinance. The ordinance is ambiguous regarding the point from which billboard setbacks are to be measured, and Pennsylvania law requires that such ambiguity be construed in favor of the property owner. Measuring setbacks from the billboard's principal structural support is a reasonable interpretation that is consistent with the ordinance, with established zoning principles, and with the purposes served by setback regulations.

Alternatively, if the Board determines that the sign cabinet must satisfy the required setbacks, the Applicant requests the minimum dimensional variance necessary. The monopole fully complies with all required setbacks, the only encroachment consists of elevated portions of the sign cabinet approximately forty-three (43) feet above grade, and the requested relief is de minimis, creates no adverse impacts, and represents the least modification necessary to permit the proposed improvement.

WHEREFORE, the Applicant respectfully requests that the Zoning Hearing Board:

1. Reverse the determination of the Zoning Officer and conclude that the required setbacks are measured from the billboard's supporting monopole; **or, alternatively**,

2. Grant the requested dimensional variance permitting the elevated sign cabinet to project into the required setback areas.