



SITE ADDRESS: 1801 Elliott Avenue

Office Use Only:

DATE SUBMITTED: _____

HEARING DATE: _____

PLACARD: _____

FEE: _____

ZONING CLASSIFICATION: RR

LOT SIZE: 2.24 Ac.

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

1. Return one (1) original and seven (7) copies of this application and all supporting documentation to the Zoning Officer, along with the filing fee. Include site plans and/or floor plans as necessary.
2. *The application is due by 4PM the 4th Wednesday of the month. The hearing will be held the 4th Wednesday of the next month.*
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: _____

SECTION 1

APPLICANT:	
Name	Elliott Avenue , LLC (Attn: Kevin J. Horvath, PE)
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	Eastburn and Gray, PC - Joseph J. Piperato, III, Esquire
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
See Attachment A			

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.

(1304.01(b), Table of Allowed Uses in Primarily Residential
Districts) Use variance to permit single-family semi-detached
dwelling in the Rural Residential (RR) zoning district

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):

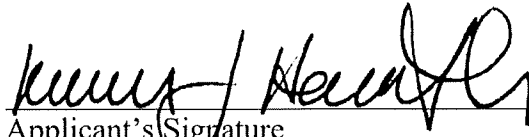
NARRATIVE: See Attachment B

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.

I also certify that I understand that any and all federal, state or local rules and regulations, licenses and approvals shall be obtained if the appeal is granted.


Applicant's Signature

July 10, 2026
Date

Property owner's Signature

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.

Attachment A – Dimensional Relief Sought

Applicant: Elliott Avenue, LLC
Property Address: 1801 Elliott Avenue
Date: July 10, 2026

Applicant seeks dimensional variances as follows:

1. (1306.01(a)(1), Table of Dimensional Regulations for Residential Districts, Rural Residential (RR) Zoning District, Other Allowed Uses)
 - Lot Width – Required: 100 ft.; Proposed: 45 ft. (Lot 1), 40 ft. (Lots 2-9), 50 ft. (Lot 10)
 - Front Yard – Required: 25 ft.; Proposed: 20 ft. (Lots 1-10)
 - Side Yard (Each) – Required: 25 ft.; Proposed: 6 ft., 0 ft. (Lots 1-10)
 - Building Cover – Allowed: 25%; Proposed: 30% (Lots 1-10)
2. (1316.01(b)(3), Steep Slopes, Exceptions, Man-Made Slopes) Allowed: slopes created since 1960 (maximum 75 years old); Proposed: No age limit for the man-made slopes exception to preserve the prior decisions of the Zoning Hearing Board related to the Property (attached) which found that pre-existing average natural slopes are less than 15% and therefore the Property is exempt from steep slope regulations.

Attachment B – Narrative

Applicant: Elliott Avenue, LLC
Property Address: 1801 Elliott Avenue
Date: July 10, 2026

The Applicant requests a use variance to permit single-family semi-detached dwellings within the R-R (Rural Residential) District, together with associated dimensional variances, to develop the subject property as described below.

Project Description

The Applicant proposes to subdivide the 2.24-acre subject property located at 1801 Elliott Avenue to create a total of eleven (11) individual building lots situated along the existing street frontages of Elliott Avenue and Mt. Airy Avenue, for the development of ten (10) single-family semi-detached dwellings and one (1) single-family detached dwelling.

Basis for the Requested Relief

- *Oversized lot.* At 2.24 acres, the subject property is far larger than the typical sub-third-acre lots nearby.
- *Zoning anomaly.* The subject property is zoned R-R (Rural Residential) but is surrounded by R-G (Medium Density Residential) land permitting semi-detached, attached, and multi-family uses — an island of rural-scale zoning inconsistent with the built character of the surrounding area.
- *Conservative density.* At approximately 4.9 units/acre, the proposed density is consistent with that of the surrounding area and markedly lower than the 24-unit attached development the City approved for this parcel in 2011.
- *Minimum-disturbance siting.* The proposed development will be situated along existing street frontages with utility infrastructure, preserving interior tree cover and limiting disturbance to steeper sloping areas of the site.
- *Prior steep slope determination.* This Board previously found the parcel's apparent steep slopes man-made and its natural grade under 15% throughout, exempting it from the Ordinance's steep slope restrictions.

Conclusion

These factors establish unnecessary hardship unique to the subject property, not self-created, consistent with the public interest, and addressed by the minimum variance necessary to allow reasonable use — the standard for relief under Pennsylvania law. The Applicant respectfully requests that the Board grant the requested use variance and associated dimensional variances, subject to such reasonable conditions as the Board deems appropriate. Additional evidence and argument in support of each element will be presented at hearing.