



EMAN

East Mount Airy Neighbors

Welcome to EMAN's RCO * Community Meeting for

141-143 E Sharpnack St

September 26, 2023
7:00 PM

* Registered Community Organization - RCO

Since 1966, East Mount Airy Neighbors (EMAN) has been committed to providing a means of friendly communication, mutual understanding, information and education to the neighbors of East Mount Airy.



EMAN is your RCO

Registered Community Organizations (RCOs)



Offering community members the chance to learn about developments that affect them and to give feedback.

As your RCO, EMAN fulfills its civic responsibilities of hosting the required RCO Community & Voting Meetings



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RCO Community (Informational) Meeting Agenda

EMAN



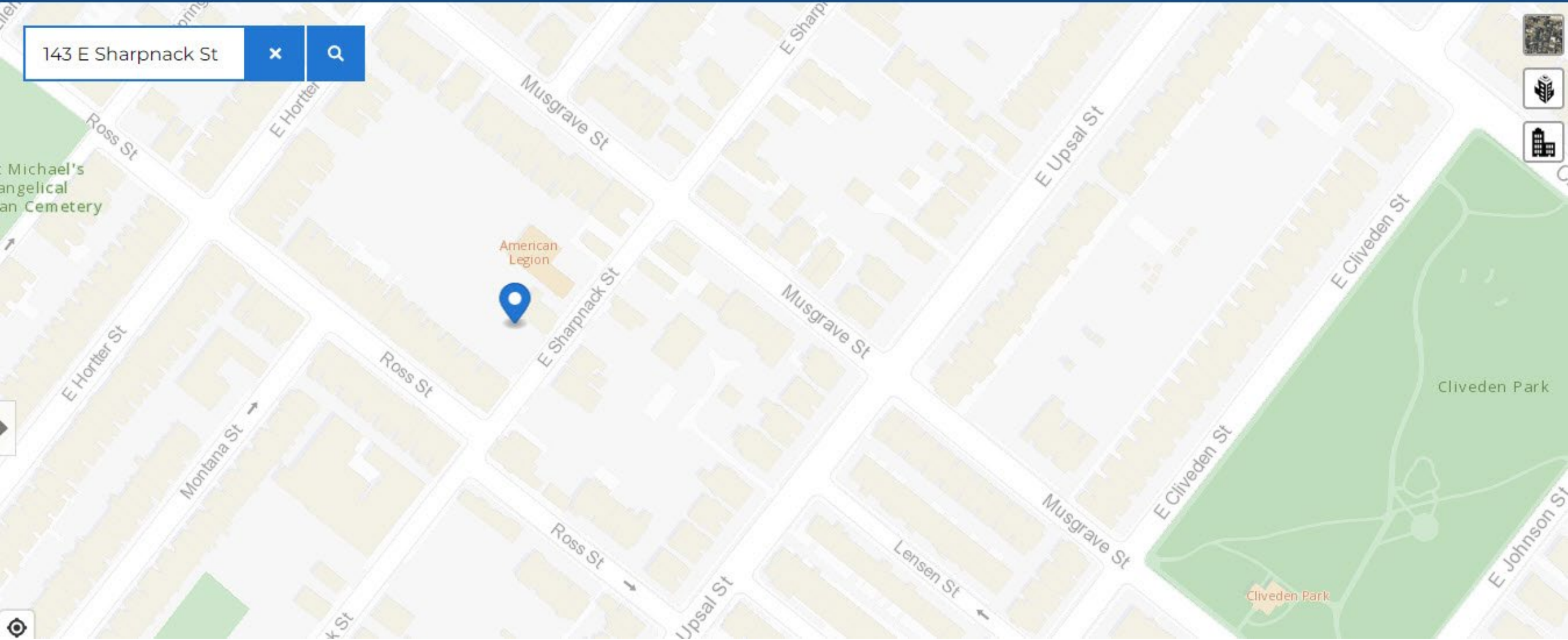
Registered
Community
Organizations (RCOs)

Offering community members the chance to learn about developments that affect them and to give feedback.

- Welcome & Meeting Overview
- Presentation of Proposed Project & Variance Request by Applicant
- Review of Variance by EMAN's Zoning Committee
- Neighbors Q &A
- Next Steps

RCO Voting Meeting: Oct. 3, 2023, 7:00 PM via Zoom
ZBA Hearing: Oct. 11, 2023, 3:30 PM Zoom





Variance Request: subdivide 141-143 E Sharpnack St's 2 lots into 3 lots



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141-143 E Sharpnack St. RSA-5 District, CD 8

Notice of: Refusal Referral

Application Number: ZP-2022-008453	Zoning District(s): RSA5, RSA5	Date of Refusal: 2/13/2023
Address/Location: 143 E SHARNACK ST, Philadelphia, PA 19119-2238 Parcel (PWD Record)		Page Number: Page 1 of 1
Applicant Name: Danilo Vicencio DBA: DESIGN PROFESSIONAL	Applicant Address: 3304 PIETRO WAY PHILADELPHIA, PA 19145 USA	Civic Design Review? N

Zoning Permit Subdivision Request:

Lot Adjustment to create three lots from existing lots

L&I Refusal:

Resulting lots less than 1,440 sf min lot area for RSA-5 in CD 8

Application for:

FOR A LOT-ADJUSTMENT TO CREATE THREE LOTS (PROPOSED LOT 1, 2 AND 3) FROM 2 EXISTING LOTS. SIZE AD LOCATION AS PER PLAN

The permit for the above location cannot be issued because the proposal does not comply with the following provisions of the Philadelphia Zoning Code. (Codes can be accessed at www.phila.gov)

Code Section(s):	Code Section Title(s):	Reason for Refusal:
§ 14-530(2)	/EDO, Eighth District Overlay District --- Minimum Lot Area	For RSA-5 district in Eighth District Overlay District, the minimum lot area shall be 1440 square feet. Whereas: Proposed Lot-1 is 1041.8 square feet, Proposed Lot-2 is 1042.1 square feet, Proposed Lot-3 is 1042.5 square feet.

ONE (1) ZONING REFUSAL

Fee to File Appeal: \$ 300

NOTES TO THE ZBA:

Enter notes here...

Parcel Owner:

141 43 E SHARNACK ST LLC

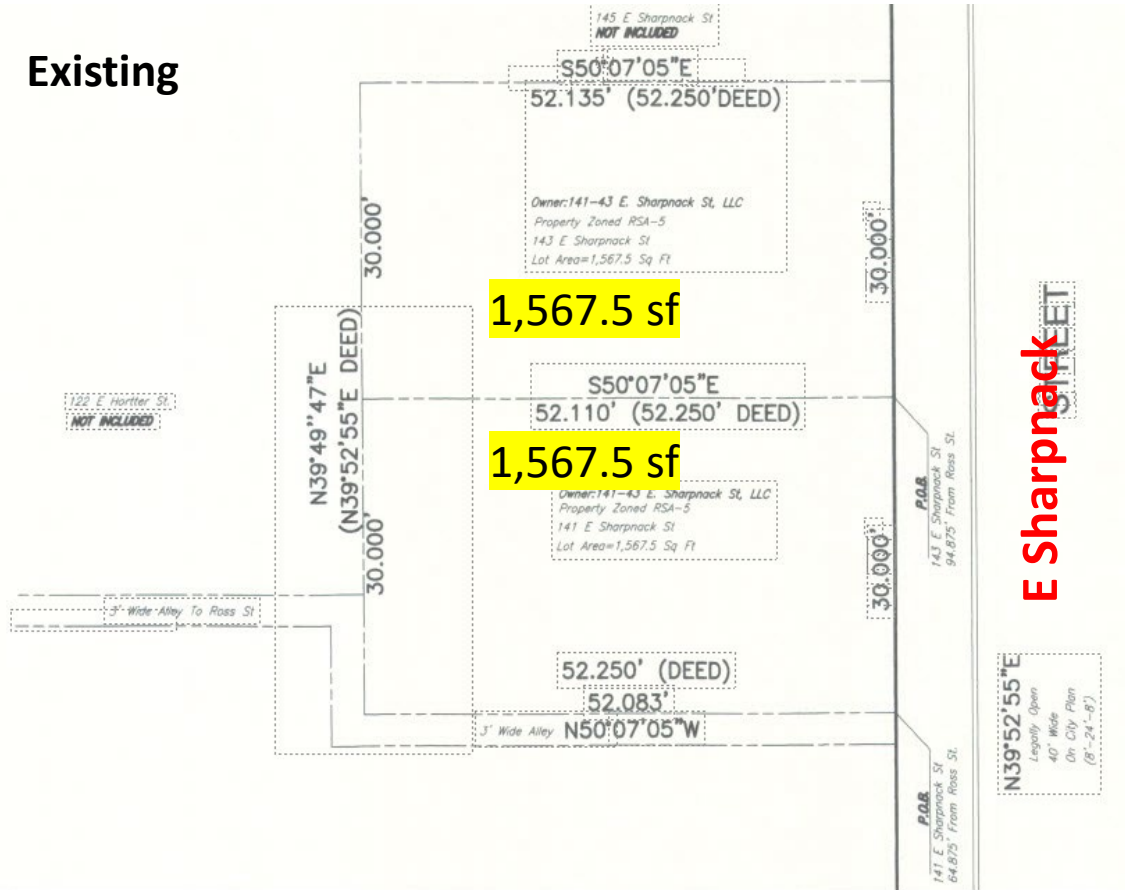


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East Mount Airy Neighbors

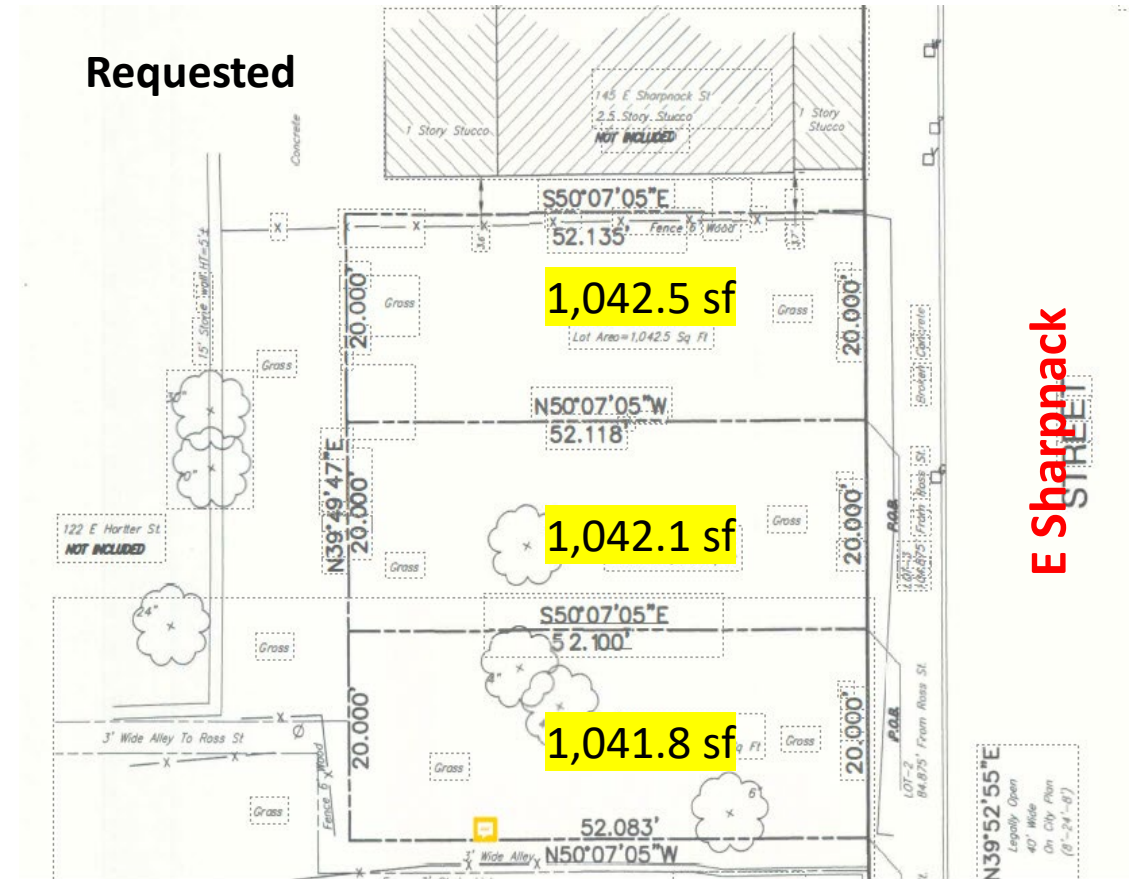
Existing 2 Lots

Existing



Requested 3 Lots

Requested



Current request for subdivision only



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Applicant's Example Visualizations: Front Elevations*

2 lots

1,567.5 sf each
10 ft side yards

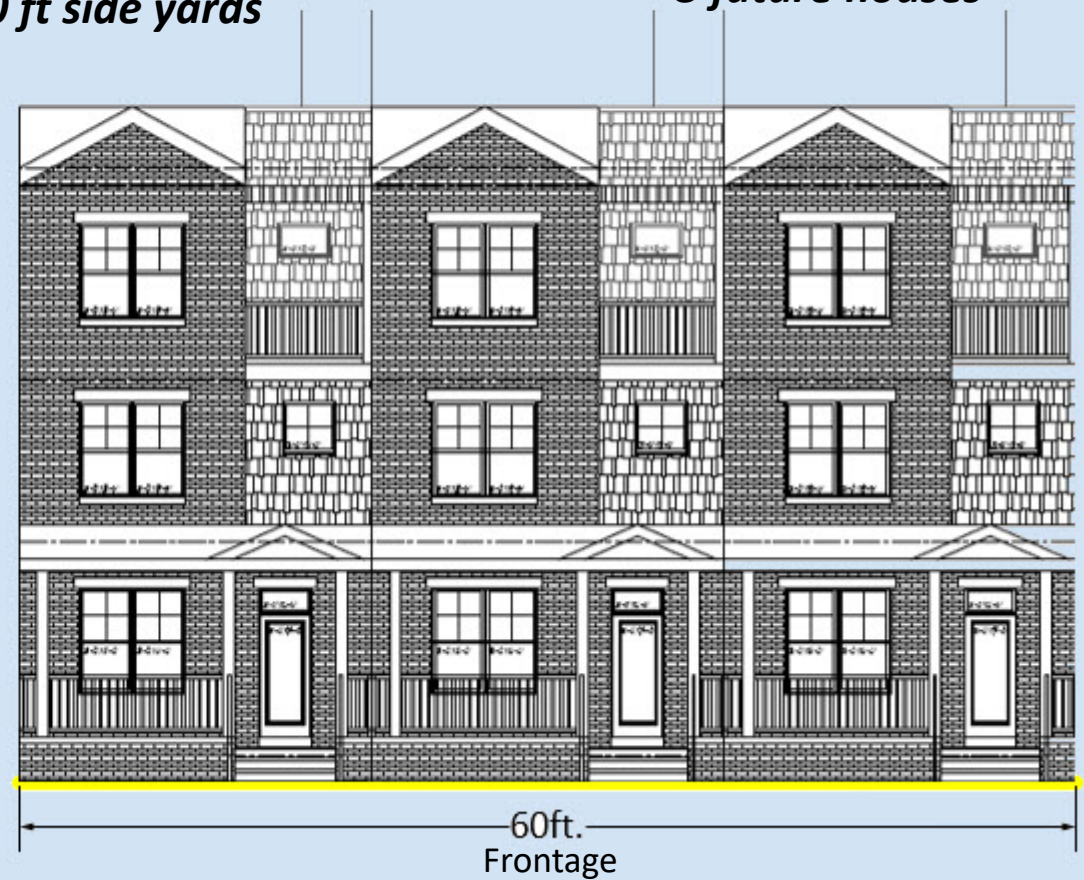
By Right: 2 lots &
2 future houses**



3 lots

approx. 1,042 sf each
0 ft side yards

By Variance: 3 lots &
3 future houses**



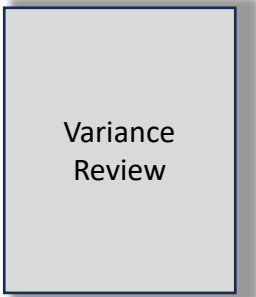
* Example 3-Home Elevation by Applicant – 9/10/23

** Current request for subdivision only



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EMAN Zoning Committee's Variance Review



Who

Fellow **East Mt Airy residents** with previous zoning, RCO and ZBA Hearing experience

Goal

Our goal is to **help our Near Neighbors navigate** the steep Zoning, RCO and ZBA procedures learning curve in the short time available between the Applicant's Notification of RCO Community Meeting to the Near Neighbors and the actual RCO Vote and ZBA Hearing

Approach

We try to **systematically assess** the Applicant's variance request and proposed plan, using the City's on-line data, real estate data, and the ZBA Variance Approval Criteria.

Result

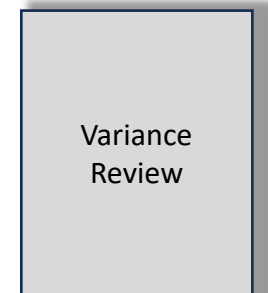
We **research the property and the proposed project** and prepare a list of Findings with technical backup to help identify facts and issues that may be important to Neighbors in their RCO Vote.



EMAN Zoning Committee Variance Review Findings

8 Findings

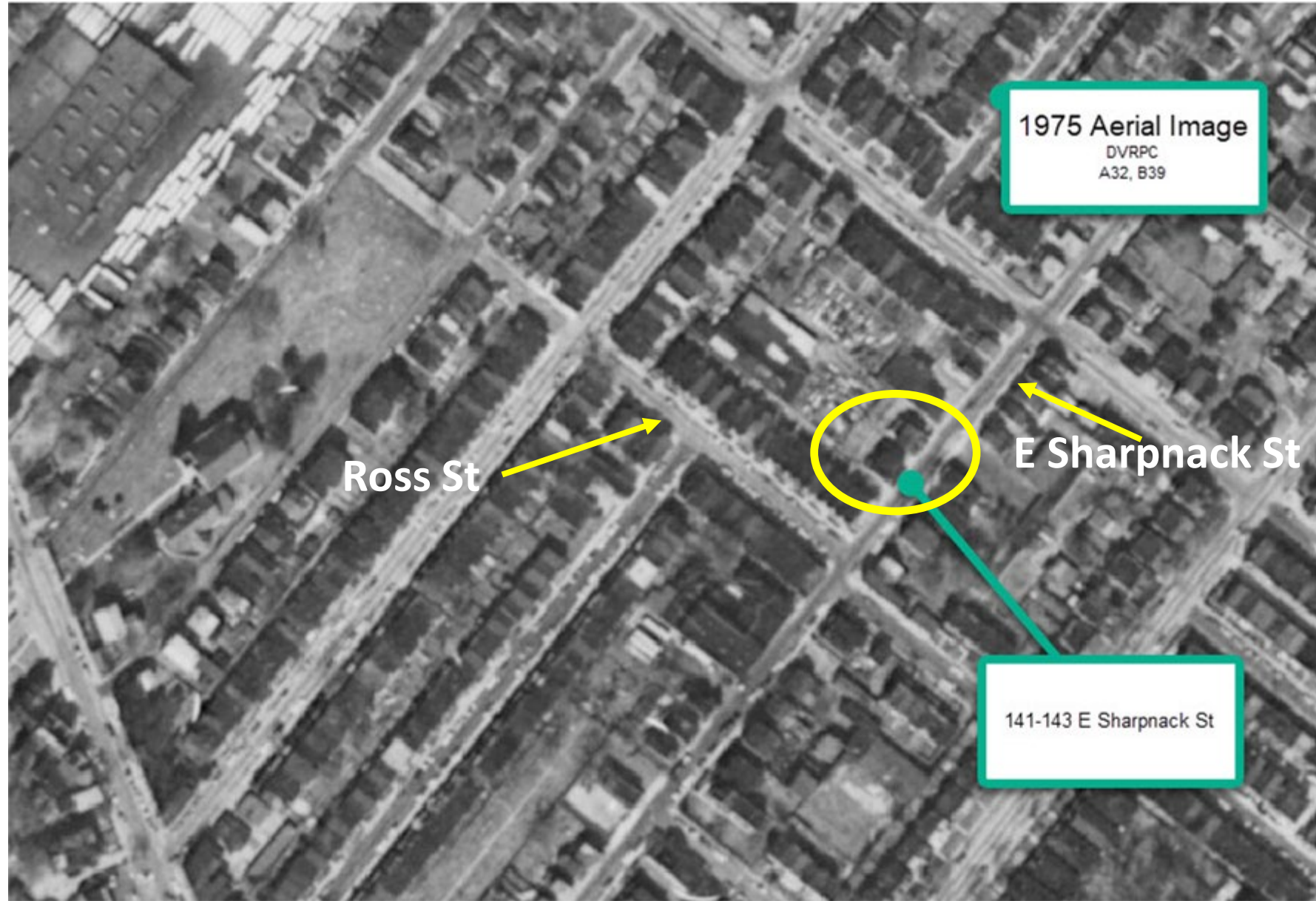
1. Access, air and light for existing 147 E Sharpnack St pre-1895 semidetached house will be affected by proposed new easternmost building built to property line
2. Air and light for existing 6601 Ross St pre-1933 attached house back yard may be affected by proposed westernmost building built to the property line. Narrow ROW may not provide sufficient width.
3. Requested 3 lot subdivision does not meet CD 8's RSA-5's 1,440 sf minimum lot requirements for CD 8
4. Requested lot subdivision does not meet CD 8's Overlay's RSA-5 subdivision exception requirements for lots over 1,600 sf that are adjacent to smaller lots
5. Applicant's noted adjacent small area, nonconforming lots cited in Appeal were established before Philadelphia's 1st zoning code in 1933
6. Fitting new homes into the Pre-1933 character of this neighborhood is challenging. Lot area, lot width, building height, width, front porches, roof decks, setbacks, materials all need to be considered.
7. Recent new home construction at 134-136 E Sharpnack St and 6522 Ross St shows that 1,500 sf sized lots sell in this area for \$450,000 – \$475,000 per house
8. Applicant has not demonstrated an unnecessary hardship or financial hardship



Finding 1

Site Research:

- Houses show in 1889 through 1975 City Maps
- These houses were demolished some time between 1975 and 1980
- These 2 lots have been vacant for 45-50 years



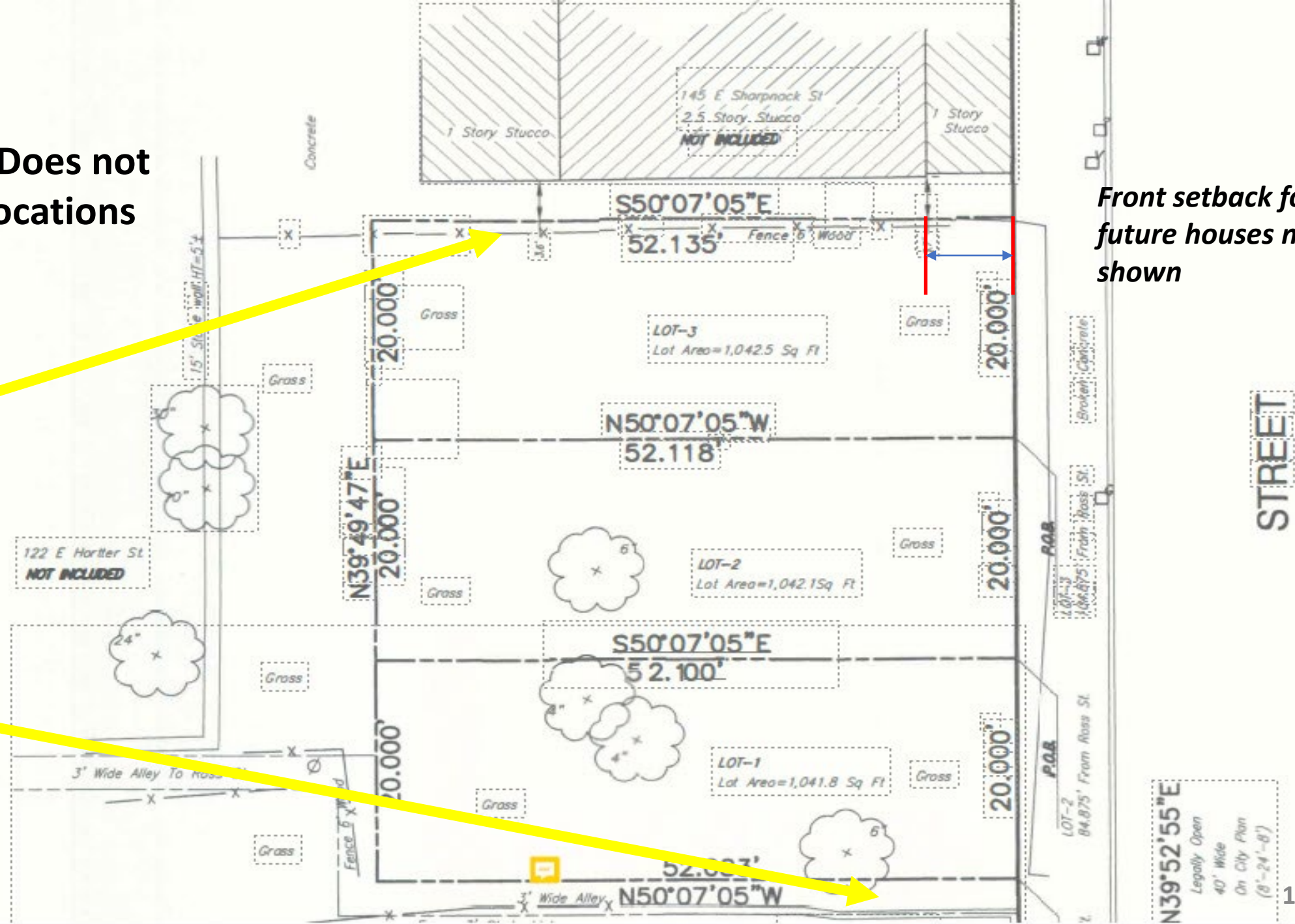
Finding 1

Subdivision Plan Does not Show Building Locations

Existing fence is within 141-143 E Sharpnack St property

Existing 6601 Ross St wall not shown

Front setback for future houses not shown



Finding 1

Access, air and light for existing 147 E Sharpnack St Pre-1895 semidetached house will be affected by proposed new easternmost building built to property line

- ❑ 147 E Sharpnack has very narrow side yard
- ❑ 5 windows and door on West side of this pre-1895 semidetached house
- ❑ Original #145 house had a side yard in 1895, 1910 maps
- ❑ Proviso or Applicant amendment for additional width between future new home walls and 147 E Sharpnack St house is needed

Fence is in 141-143 Property

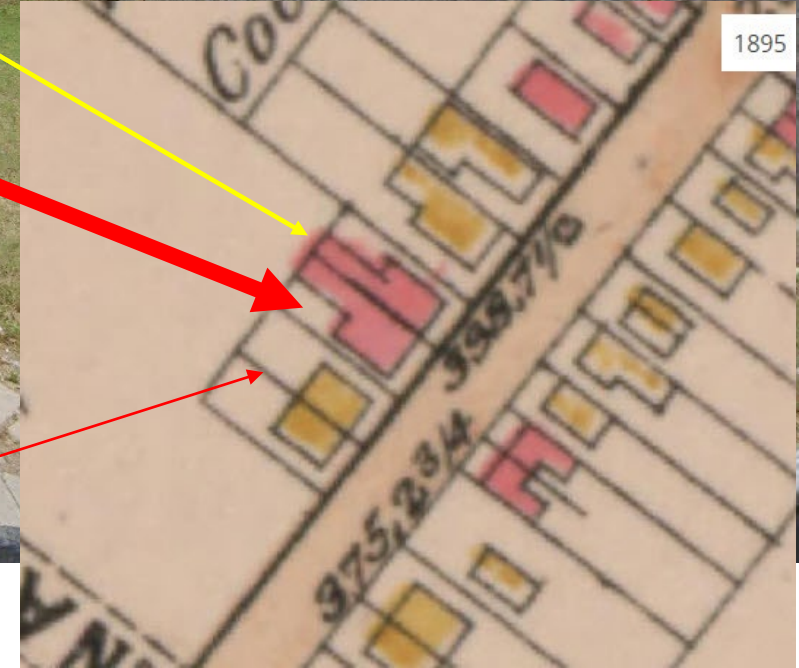
147 E Sharpnack St
And 141 – 143 Houses
In 1895

Original 1895 house-to-house spacing should be maintained

Demolished houses had side yards in in this 1895 map.



147 E Sharpnack St



1895

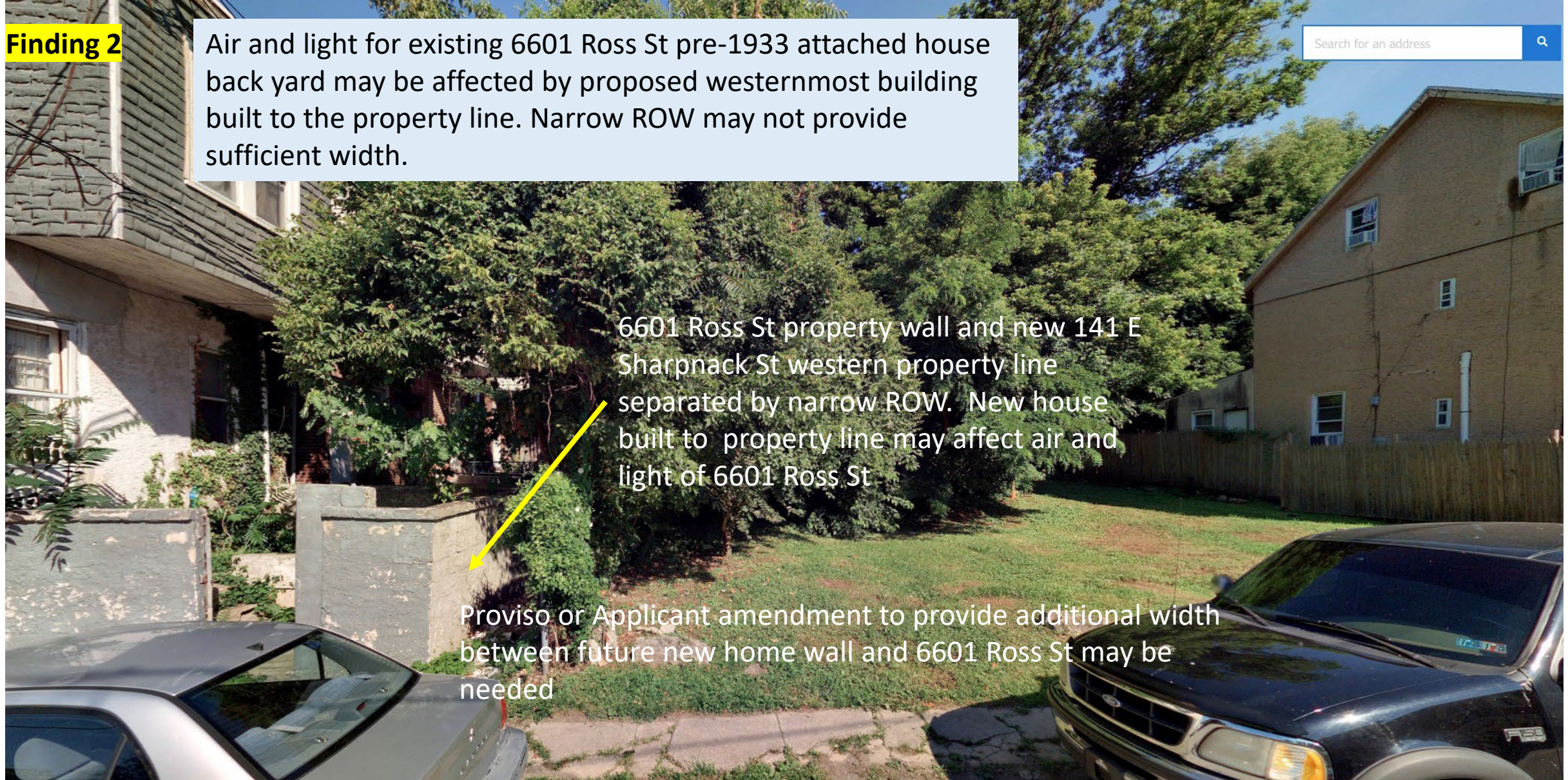


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Finding 2

Air and light for existing 6601 Ross St pre-1933 attached house back yard may be affected by proposed westernmost building built to the property line. Narrow ROW may not provide sufficient width.



6601 Ross St property wall and new 141 E Sharpnack St western property line separated by narrow ROW. New house built to property line may affect air and light of 6601 Ross St

Proviso or Applicant amendment to provide additional width between future new home wall and 6601 Ross St may be needed



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Finding 3

141-143 E Sharpnack St Zoning Requirements

1. Base District – RSA-5

141 E SHARPNACK ST

PHILADELPHIA, PA 19119-2238

Overlays (1)

Name	Code Section
/EDO Eighth District Overlay District	14-530 ↗

Appeals (0)

Processed Date	ID	Description	Scheduled Date	Status
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Looking for zoning documents? They are now located in the Licenses & Inspections tab under "Zoning Permit Documents".




Finding 3



RSA-5 7 Dimensional Requirements

See page 40 for dimensional standards notes.

See 14.20(2)(b) Note for Table 14-701-1 for information pertaining to bracketed numbers (e.g., [2]) in table cells.

RSA-5	
	
Min. Lot Width	16 ft.
Min. Lot Area	1,440 sq. ft. [2]
Min. Open Area	Intermediate: 25% Corner: 20% [3]
Min. Front Setback	Based on adjacent [4,5]
Min. Side Yard Width [6]	5 ft.
Min. Rear Yard Depth	9 ft. [7]
Max. Height	38 ft.

L&I Refusal

Applicant requesting 1,041.8-1,042.5 sf lots

Requested lot sizes do not meet CD8 RSA-5's 1,440 sf minimum lot size requirements

Finding 4

141-143 E Sharpnack St Zoning Requirements

- 1. Base District – RSA-5; 2. Eighth District Overlay District

City of Philadelphia | Atlas

141 E SHARPNACK ST
PHILADELPHIA, PA 19119-2238

141 E Sharpnack St

2. CD 8 Overlay

Name	Code Section
/EDO Eighth District Overlay District	14-530 ↗

1. RSA-5

E Sharpnack St

RSA-5

- Easements
- Trans Parcels
- Rights of Way

Finding 4

§ 14-530. /EDO, Eighth District Overlay District. [459.8](#)

*City Council recognized high number of smaller lots in CD8.
Provided an exception to 1,440 sf minimum lot size.*

(approved April 28, 2021).

Notes

(1) **Applicability.**

The Eighth District Overlay District applies to lots located within District No. 8, as defined in Section [20-501](#) (Boundaries of Districts).

(2) **Minimum Lot Area.**

In the RSA-5 district, the minimum lot area shall be 1,440 sq. ft.,

...**except** that a lot containing **at least 1,600 sq. ft.** of land may be divided into lots with a minimum lot size of 800 sq. ft., provided that:

- (a) **At least seventy-five percent (75%) of lots adjacent to the lot to be divided is 1,000 sq. ft. or less;**
- (b) Each of the lots created is used for one single-family attached home; and
- (c) Each of the lots created meets the minimum lot width requirement of the zoning district.

Requested 141-143 E Sharpnack St lot sized do not meet the CD8's RSA-5 Minimum Lot Exception?

141 & 143 E Sharpnack St properties are 1,567.5 sf each. Neither property meets the 1,600 sf criteria for the RSA-5 exception.

Only 12.3% of adjacent properties are less than 1,000 sf



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Finding 4

141-143 E Sharpnack Properties meet CD 8 Overlay District's RSA-5 do not meet subdivision exception?

Size of 114 Near Neighbor Properties

100 > 1,000 sf

14 < 1,000 sf

**% NN Properties < 1000 sf
= 14/114
= 12.3%**

141 – 143 E Sharpnack Properties

1. 141 & 143 lots do not meet 1,600 sf lot size threshold for this exception

2. Only 12.3% of Adjacent properties are less than 1,000 sf, this does not meet the 75% requirement for CD8 District Overlay RSA-5 1,600 sf subdivision exception



141-143 E Sharpnack St

Finding 5

EMAN Zoning Committee Variance Review Findings

Applicant's noted adjacent small area, nonconforming lots cited in Appeal were established before Philadelphia's 1st zoning code in 1933

Will the variance you seek represent the least modification possible of the code provision to provide relief from therequirements of the zoning code? Explain.
Yes. The issue is the lot size. Other, nearby parcels are permitted to have the lot size we request because they are adjacent to sufficiently small lot areas. We request only a small modification of the adjacency rules to permit the development to be economically viable.

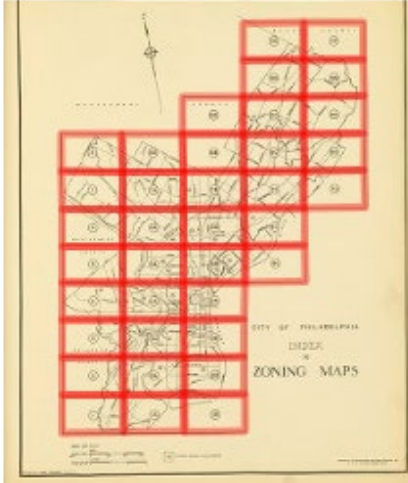
Important to understand why E Mt Airy has so many lots less than the CD8 1,440 sf RSA-5 minimum lot size?

Finding 5

Philadelphia's Zoning Codes: 1933 to Present

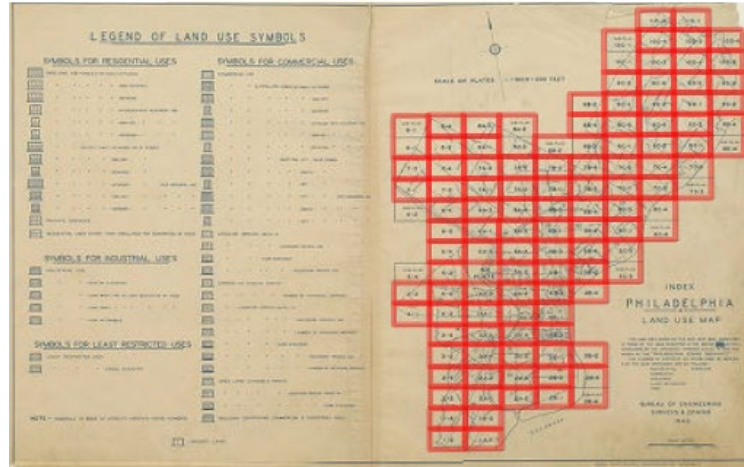
City of Philadelphia Zoning Maps, 1933

Index



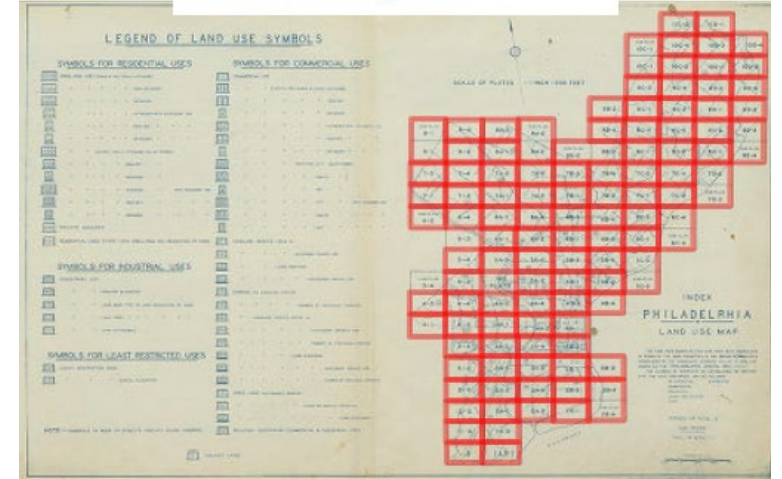
Philadelphia Land Use Map, 1942

Index and Legend



Philadelphia Land Use Map, 1962

Index and Legend



Lots & Buildings before 1933 were **Pre-Zoning Code**

2012 Zoning Code Amendments

Planning Commission meeting

May 10, 2012

Most Current Version – with updates



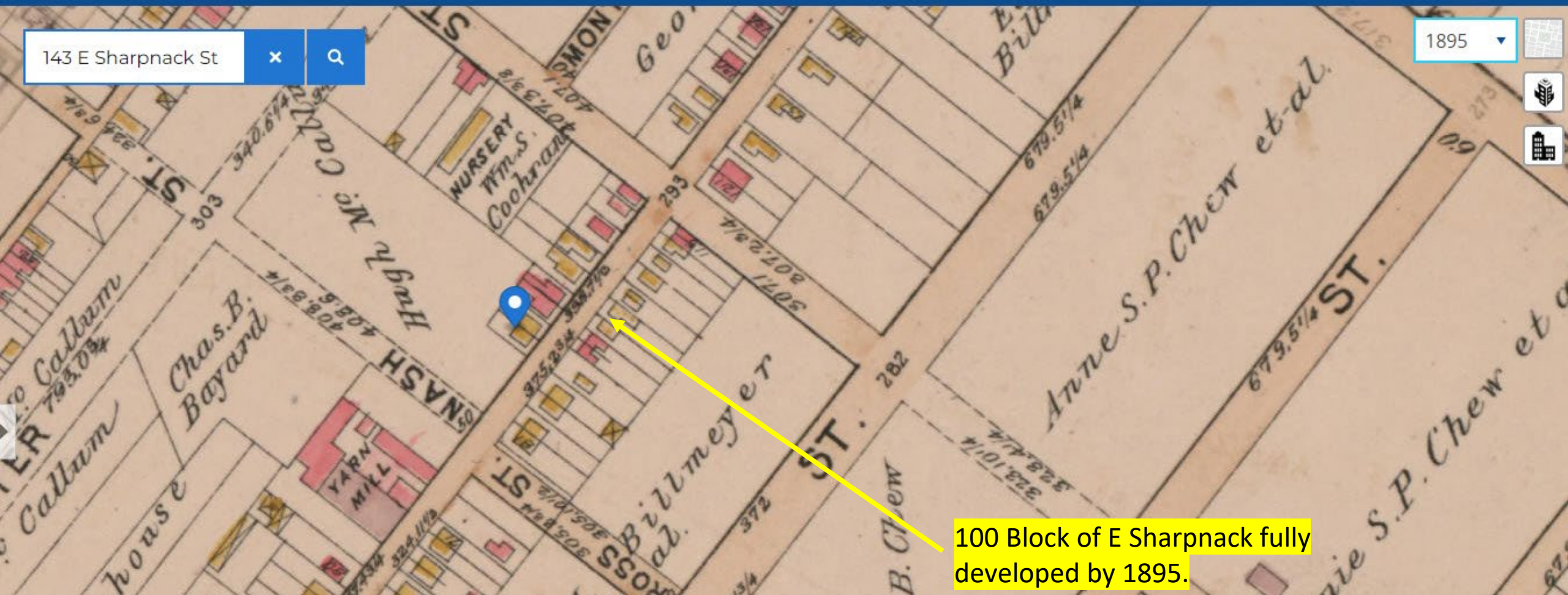
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Finding 5

143 E Sharpnack St

1895



100 Block of E Sharpnack fully developed by 1895.

E Sharpnack St's Pre-1933 development history explains why we have so many nonconforming RSA-5 properties

Finding 5

141-143 E Sharpnack St: Phila. Atlas - 1910

143 E Sharpnack St

1910



6600 Block of Musgrave Ave fully developed by 1910.

E Mt Airy's Pre-1933 development history explains why we have so many nonconforming RSA-5 properties

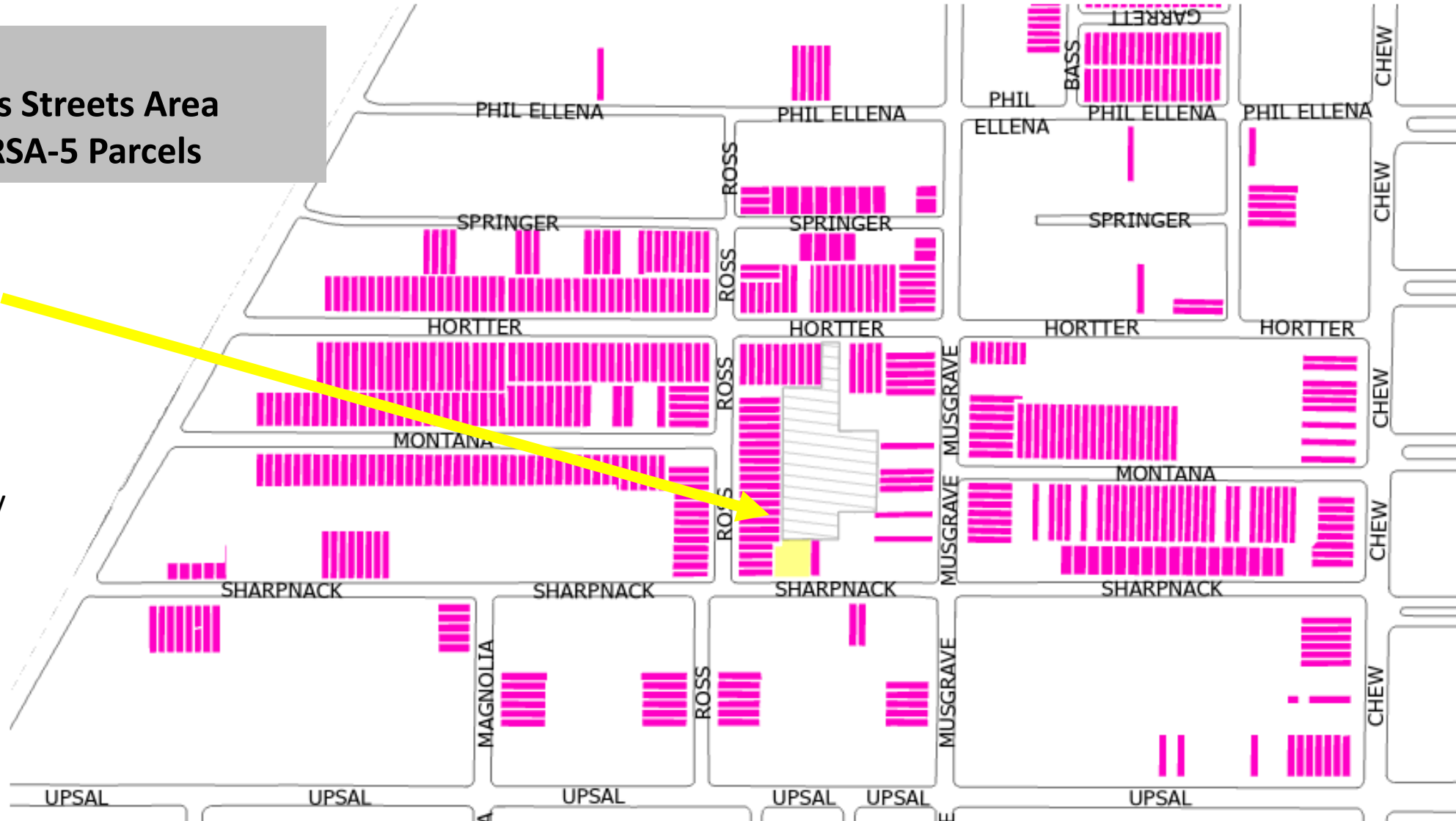
Finding 5

E Mt Airy's Pre-1933 development history explains why we have so many nonconforming RSA-5 properties

**2023
E Sharpnack – Ross Streets Area
Nonconforming RSA-5 Parcels**

141-143 E Sharpnack St

 **RSA-5
Nonconforming Property**



Fitting new homes into the Pre-1933 character of this neighborhood is challenging. Lot area, lot width, building height, width, front porches, roof decks, setbacks, materials all need to be considered.



Finding 6

Character of Neighborhood

100 Block E Sharpnack St

Jan 15, 2023

100 Block E Sharpnack St

- 2 - 2½ Story Houses
- 25ft Building Height
- Front Porches
- 40ft Street & sidewalk Width
- No Street Trees

How to fit new houses into the character of this existing neighborhood?



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Finding 6

Character of Neighborhood

6600 Block Ross St



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Finding 6

Example of New 3-story House in
141-143 E Sharpnack St
Neighborhood

8-ft setback on 3rd Floor *

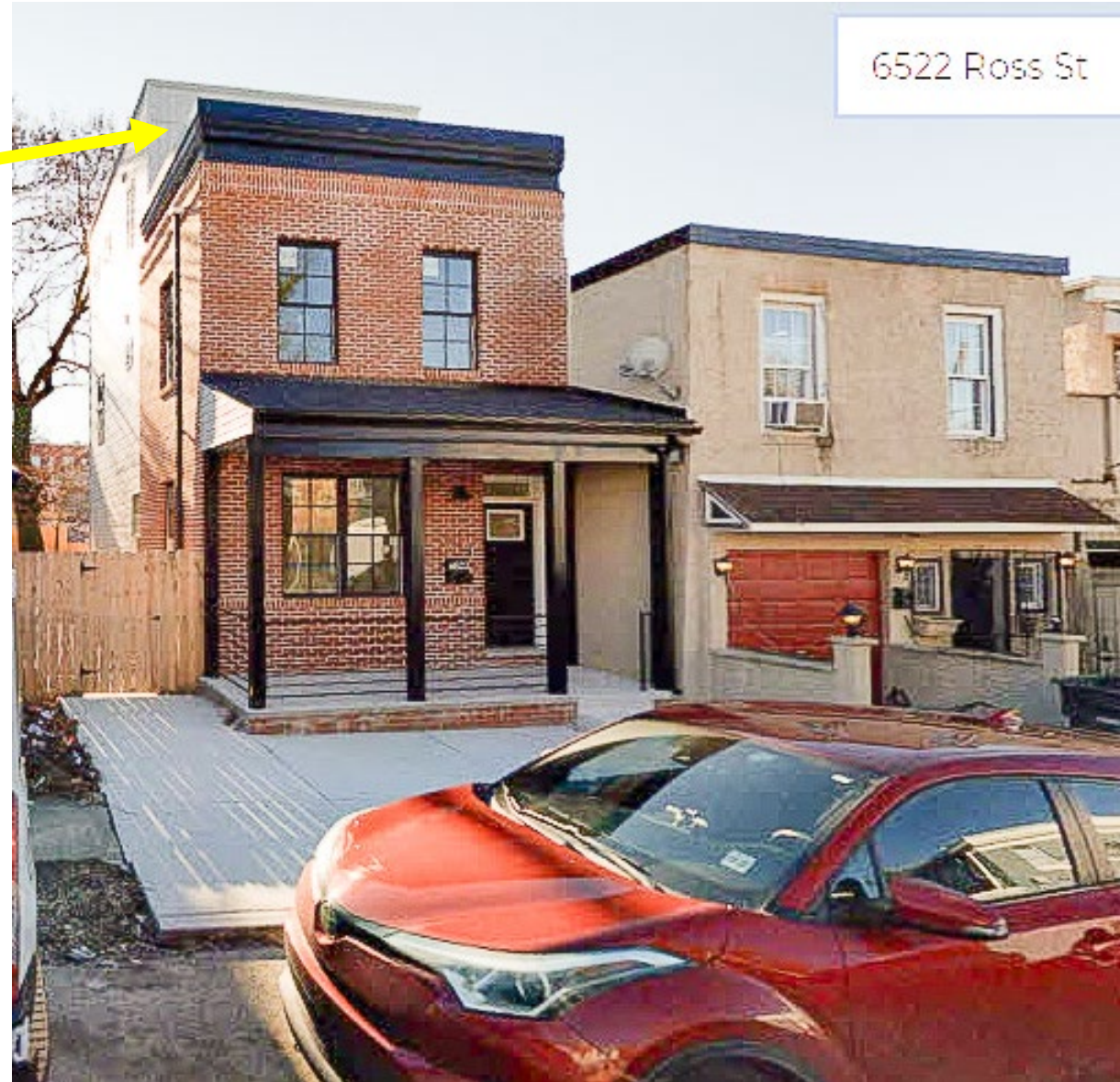
✓ Front Porch

✓ No Roof Deck

- Required in RSA-5 Districts if both abutting lots have 2 stories

Character of Neighborhood

Recent New 6522 Ross St House with 3rd Floor Setback



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Finding 6

Fitting into the Pre-1933 Character the 141-143 E Sharpnack St Area Neighborhood



Building height, building width, lot width, front porches, roof decks, setbacks, materials all need to be considered....

... to fit new houses into the character of this existing neighborhood

Pre 1933 Development

2023 Requirements

Typical 141-143 E Sharpnack St Near Neighbor Lot & House	Dimensional Criteria	RSA-5 CD 8 Requirement
12 - 16 ft	Minimum Lot Width	16 ft
1,000 - 1,100	Minimum Lot Area	1,440 sf [2]
Varies	Minimum Open Area	Intermediate: 25% Corner: 20% [3]
0 - 8 ft	Minimum Front Setback	Based on adjacent [4,5]
2 - 5 ft	Minimum Side Yard Width	5 ft
0 - 9 ft	Minimum Rear Yard Depth	9 ft [7]
25 ft	Max Height	38 ft



Finding 7

EMAN Zoning Committee Variance Review Findings

Recent new home construction at 134-136 E Sharpnack St and 6522 Ross St shows that 1,500 sf sized lots sell in this area for \$450,000 – \$475,000 per house

Does compliance with the requirements of the zoning code cause an unnecessary hardship due to the size, shape, contours or physical dimensions of your property? Did any action on your part cause or create the special conditions or circumstances? Explain.

The lot is overly large for construction of an economically viable development. The parcels cannot feasibly be sold for a price that would justify the substantial lot size. We require subdivision below the minimum permissible lot area to address the hardship.

1,567.5 sf lots are not too large for viable development in this area

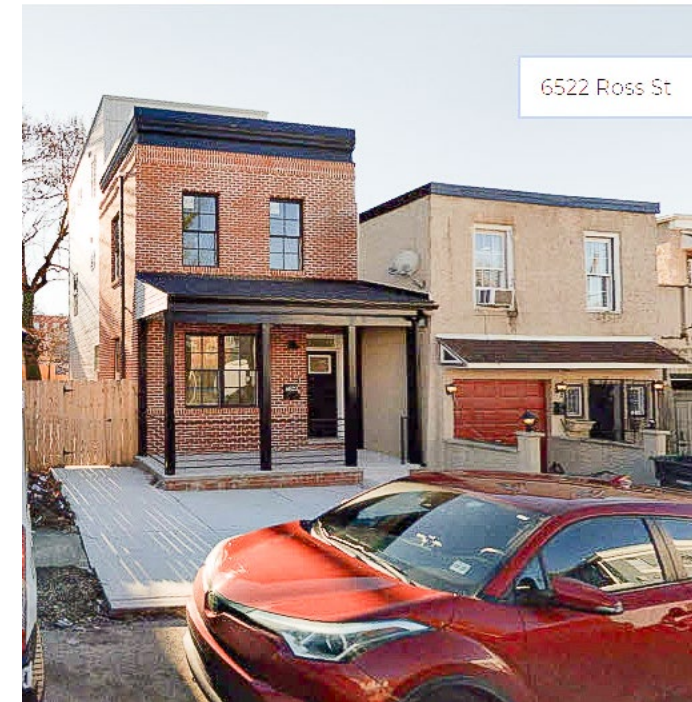
Finding 7 Recent New Home Construction Near 141-143 E Sharpnack St



**134-136
E Sharpnack
1,581, 1,585 sf lots
\$450,000**

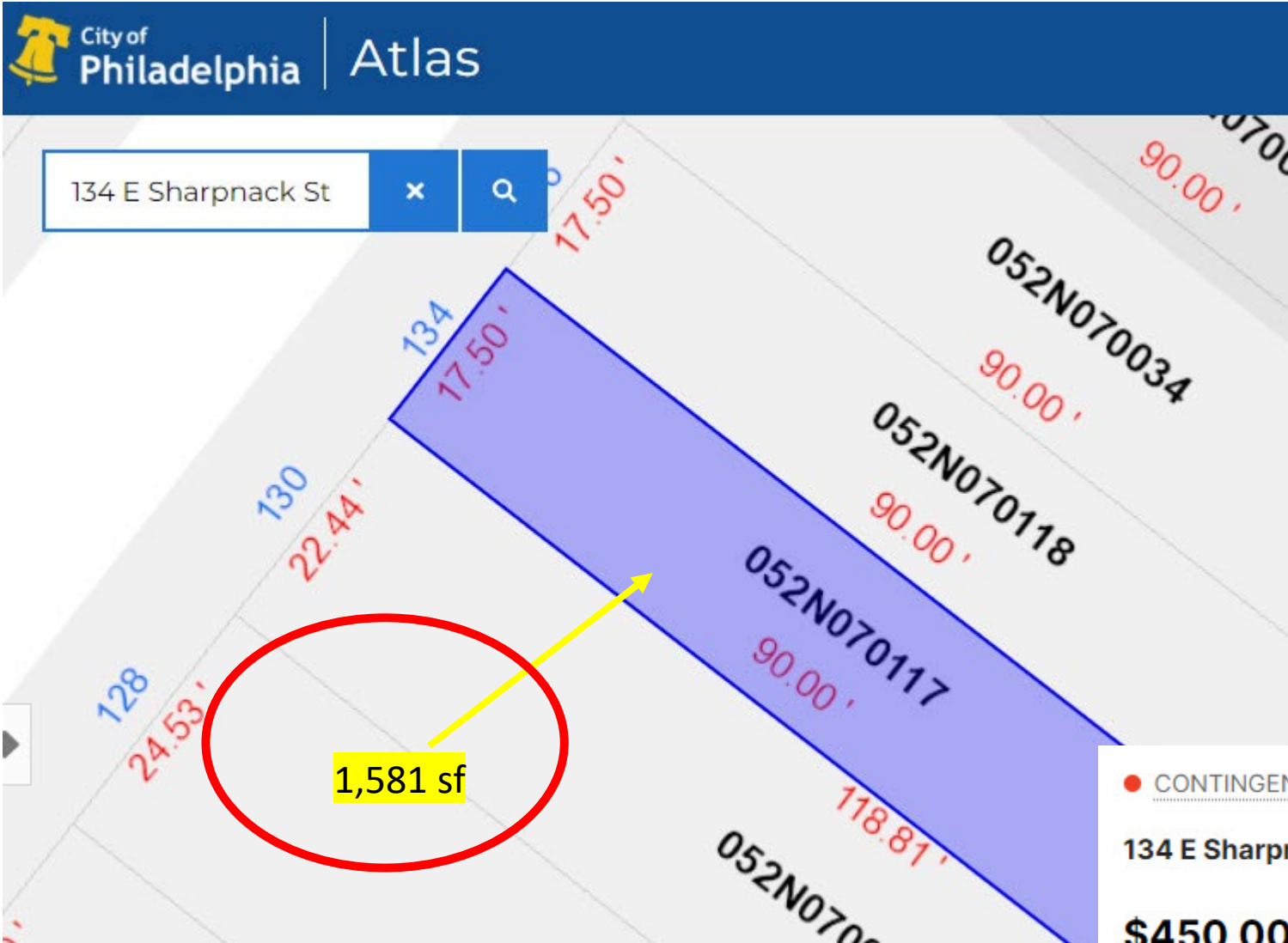


**6522 Ross St
2,309 sf lot
\$475,000**



Finding 7

Recent New Construction: 134 E Sharpnack St



REDFIN

● CONTINGENT

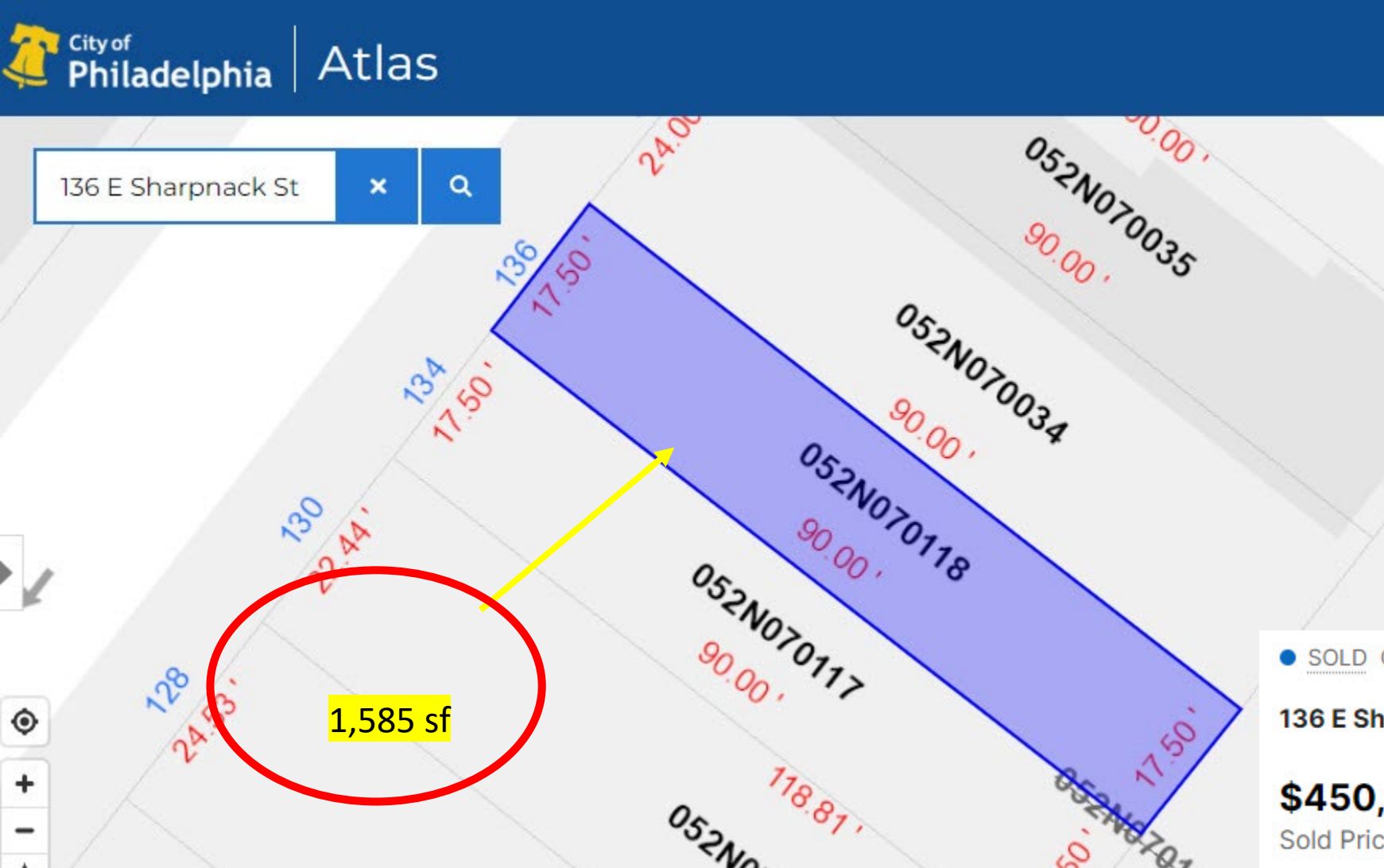
134 E Sharpnack St, Philadelphia, PA 19119

\$450,000
Est. \$2,776/mo [Get pre-approved](#)

3 Beds	3.5 Baths	— Sq Ft
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Finding 7

Recent New Construction: 136 E Sharpnack St



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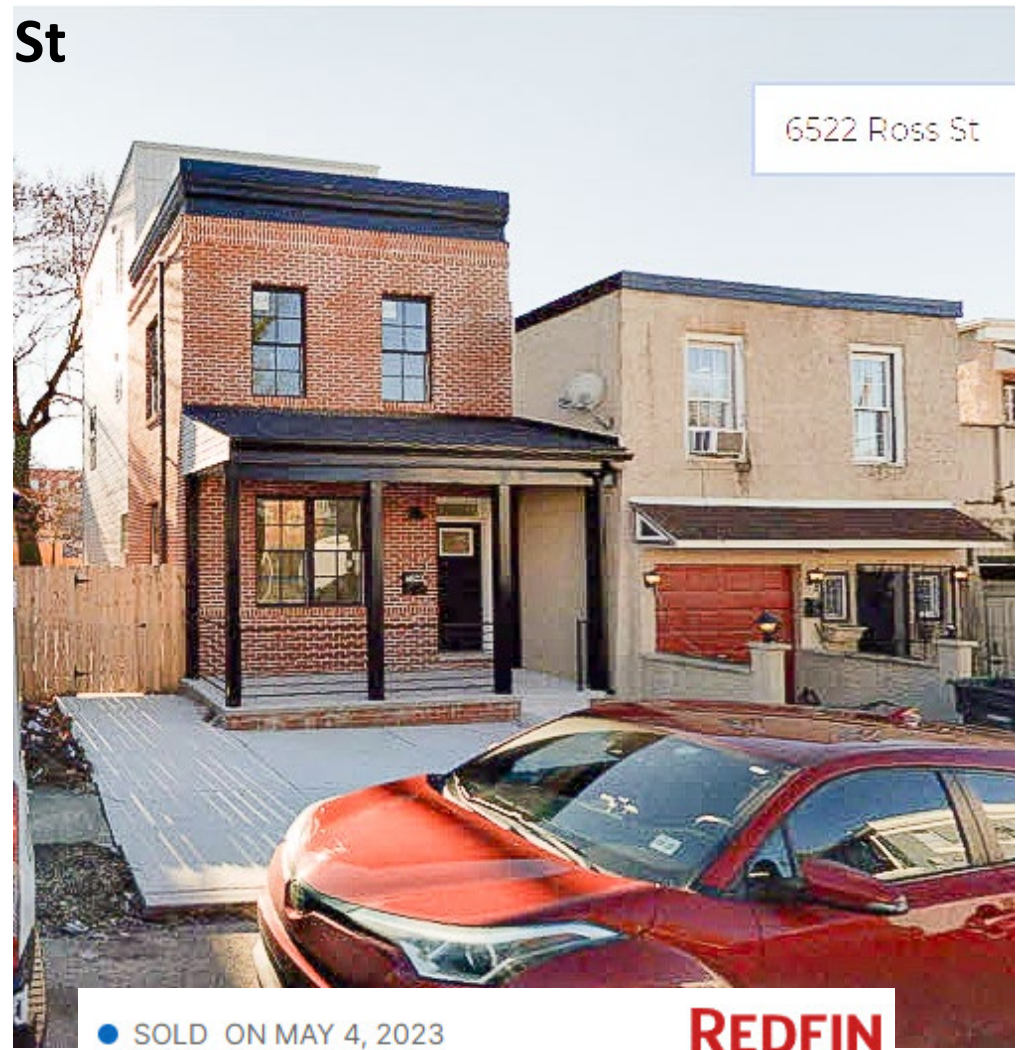
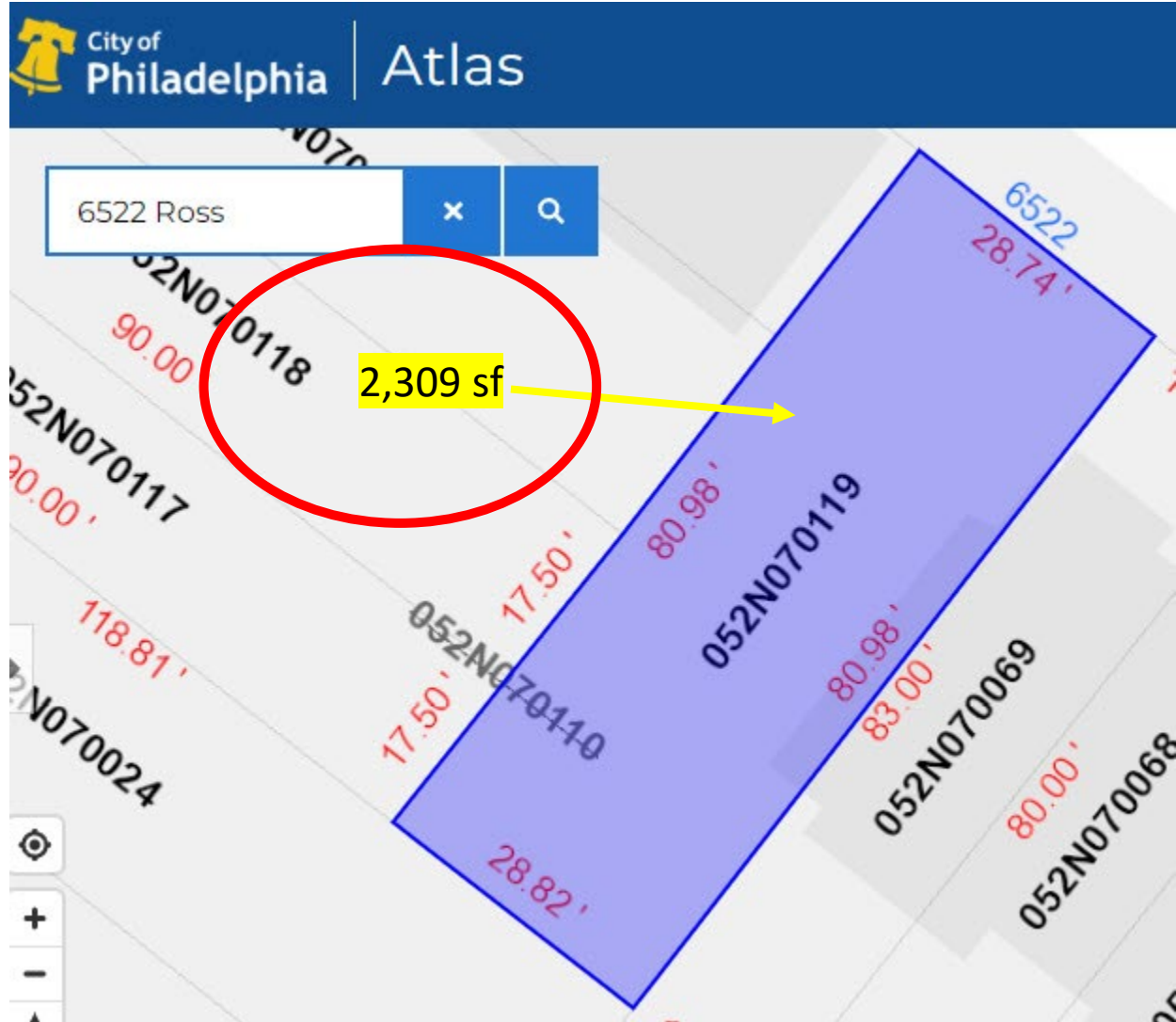
● SOLD ON MAY 23, 2023

136 E Sharpnack St, Philadelphia, PA 19119

\$450,000	3	3.5	—
Sold Price	Beds	Baths	Sq Ft

Finding 7

Recent New Construction: 6522 Ross St



6522 Ross St, Philadelphia, PA 19119

\$475,000

Sold Price

3

Beds

2.5

Baths

—


Sq Ft




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Finding 8


City of Philadelphia Zoning Board of Adjustment  <h2 style="text-align: center;">Application for Appeal</h2>		WHEN COMPLETED, MAIL TO: CITY OF PHILADELPHIA Department of Planning & Development Zoning Board of Adjustment One Parkway Building 1515 Arch St, 18 th Floor Philadelphia, PA 19102	
CALENDAR # _____ (FOR OFFICE USE ONLY)			
APPLICANT MUST COMPLETE ALL INFORMATION BELOW. PRINT CLEARLY AND PROVIDE FULL DETAILS			
LOCATION OF PROPERTY (LEGAL ADDRESS) <p style="text-align: center;">141-43 E. Sharpnack St.</p>			
PROPERTY OWNER'S NAME: 141-43 E. Sharpnack St. LLC		PROPERTY OWNER'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)	
PHONE #: (267) 693-4258		112 East Duval Street Philadelphia, PA 19144	
E-MAIL: <u>urbar</u>		Does compliance with the requirements of the zoning code cause an unnecessary hardship due to the size, shape, contours or physical dimensions of your property? Did any action on your part cause or create the special conditions or circumstances? Explain.	
APPLICANT: Dani		<p>The lot is overly large for construction of an economically viable development. The parcels cannot feasibly be sold for a price that would justify the substantial lot size. We require subdivision below the minimum permissible lot area to address the hardship.</p> <p>X Finding 7 shows recent sale of 3 lots & houses > 1,500 sf for \$450-\$475,000</p> <p>Statement A</p>	
FIRM/COMPANY: Gaml			
PHONE #: (267) 693-4258			
RELATIONSHIP TO OWNER: <input type="radio"/> TENANT/LESEE <input checked="" type="radio"/> ATTORNEY <input type="radio"/> DESIGN PROFESSIONAL <input type="radio"/> CONTRACTOR <input type="radio"/> EXPEDITOR <input type="radio"/> OTHER			
APPEAL RELATED TO ZONING/USE REGISTRATION PERMIT APPLICATION # ZP-2022-008453			

Finding 8

City of Philadelphia Zoning Board of Adjustment  <h1 style="text-align: center;">Application for Appeal</h1>		WHEN COMPLETED, MAIL TO: CITY OF PHILADELPHIA Department of Planning & Development Zoning Board of Adjustment One Parkway Building 1515 Arch St, 18 th Floor Philadelphia, PA 19102	
CALENDAR # _____ (FOR OFFICE USE ONLY)			
LOCATION OF _____ PROPERTY OF _____ PHONE #: _____ E-MAIL: urb	Will the variance you seek represent the least modification possible of the code provision to provide relief from therequirements of the zoning code? Explain. <div style="background-color: green; color: white; padding: 5px; text-align: center;">Statement B</div> <p style="text-align: center;">Yes. The issue is the lot size. Other, nearby parcels are permitted to have the lot size we request because they are adjacent to sufficiently small lot areas. We request only a small modification of the adjacency rules to permit the development to be economically viable.</p>		
ACCOMPANYING DOCUMENTS: X Finding 4 show lots do not meet CD8's RSA-5 1,600 sf exception			
APPLICANT: Daniel Aurbach (City, State, and ZIP)		X Finding 5 shows those are Pre-1933 Zoning Code lots 1203	
FIRM/COMPANY: Gamburg & Bernick		X Finding 7 shows recent sale of 3 lots & houses > 1,500 sf for \$450-\$475,000	
PHONE #: (267) 687-2336		E-MAIL: dan@gamburglaw.com	
RELATIONSHIP TO OWNER: <input type="radio"/> TENANT/LESEE <input checked="" type="radio"/> ATTORNEY <input type="radio"/> DESIGN PROFESSIONAL <input type="radio"/> CONTRACTOR <input type="radio"/> EXPEDITOR <input type="radio"/> OTHER			
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CALENDAR # _____ (FOR OFFICE USE ONLY)			
APPLICANT MUST COMPLETE ALL INFORMATION BELOW. PRINT CLEARLY AND PROVIDE FULL DETAILS			
LOCATION OF PROPERTY (LEGAL ADDRESS) 141-43 E. Sharpnack St.			
PROPERTY OWNER'S NAME: 141-43 E. Sharpnack St. LLC		PROPERTY OWNER'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)	
PHONE #: (267) 693-4258		112 East Duval Street Philadelphia, PA 19144	
E-MAIL: urb		<div style="border: 1px solid black; padding: 5px;"> REASONS FOR APPEAL: <div style="background-color: yellow; padding: 5px; margin: 5px 0;"> X Finding 7 shows recent sale of 3 lots & houses > 1,500 sf for \$450-\$475,000 each </div> <p>The parcels cannot economically be developed given the current lot size. To make the development economically viable, the parcels must be subdivided into three lots permitting construction of three structures. The land will remain undeveloped and vacant absent a variance. The dimensional requirements of the Zoning Code represent a hardship that can be cured only by permitting subdivision.</p> <div style="background-color: green; padding: 5px; margin: 5px 0;"> Statement C </div> </div>	
APPLICANT: Da			
FIRM/COMPAN Ga			
PHONE #:			
RELATIONSHIP T			
APPEAL RELATED TO ZONING/USE REGISTRATION PERMIT APPLICATION #		ZP-2022-008453	

ZBA Variance Approval Criteria

(.1) General Criteria.

... The Zoning Board shall grant a variance only if it finds each of the following criteria are satisfied:

... unnecessary hardship

... least modification possible

... harmony with the purpose and spirit of this Zoning Code

... will not substantially increase congestion in public streets, danger of fire, or otherwise endanger the public health

... will not injure the appropriate use of adjacent conforming property

... will not adversely affect transportation or unduly burden water, sewer, school, park, or other facilities

... will not affect the implementation of any adopted plan

... will not create any significant environmental damage

(.3) Dimensional Variances.

... may consider the economic detriment to the applicant if the variance is denied, and the characteristics of the surrounding neighborhood.

