# Registered Community Organizations (RCOs)

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

City of

Philadelphia

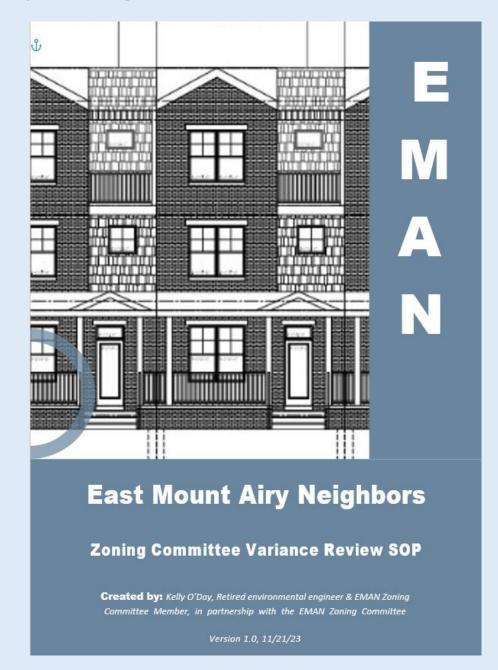
## **EMAN Zoning Committee's RCO Priorities**

☐ Serve as E Mt Airy's zoning history collective memory ■ Educate E Mt Airy residents on zoning issues □ Notify Neighbors of upcoming RCO Community and Vote meetings ☐ Serve as neutral fact finder to provide reliable information to all parties in Variance Review Process ☐ Host respectful and informative meetings where Applicant, Near Neighbors and E Mt Airy Residents can share information and express their view about a proposed Variance Oversee a fair and accurate vote on the Proposed Variance and possible proviso recommendations that Neighbors may want to have the ZBA consider ☐ Advise the ZBA of Near Neighbors and E Mt Airy Residents' vote results

# **East Mount Airy Neighbors RCO Standard Operating Procedures**

This recently created handbook describes EMAN's process, our research on proposed projects, and how we provide fact-based information to EMA residents.

Available at: www.eastmountairy.org/zoning



### **ZONING INTRO:** BECOME AN EXPERT IN ONE CONVENIENT SLIDE

#### Q: What is Zoning?

A: A set of restrictions and conditions on HOW a property owner can use or develop their property.

#### Q: Why do we have zoning in the City?

A: Helps make sure that the ways property is developed and used is safe, doesn't impact other properties negatively, minimizes negative environmental impacts, weighs character of neighborhoods, etc. Allows for orderly, well-planned development and use of land.

#### Q: Does every piece of property in the City have a zoning classification assigned to it?

A: Yes. (Check Out: <a href="https://www.atlas.phila.gov">www.atlas.phila.gov</a> to search any property's zoning)

#### Q: Who decides what the zoning classification is for a specific property?

A: City Council, along with the Mayor who signs the bill into law.

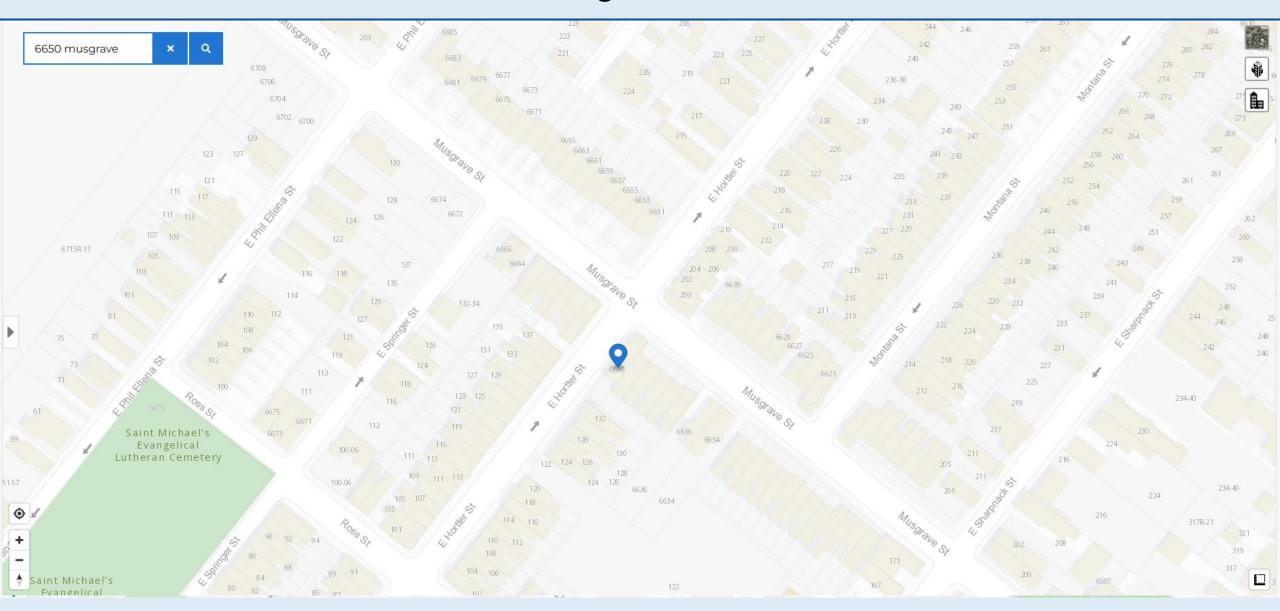
# Q: Who decides what a property owner can and cannot do with their property depending on their zoning?

A: City Council, along with the Mayor who signs the bill into law.

# Q: What if a property owner wants to use their property in a way that ISN'T allowed based on their zoning?

A: Seek a VARIANCE from the Zoning Board of Adjustment. (this is why we are here now)

# 6650 Musgrave St.: Present

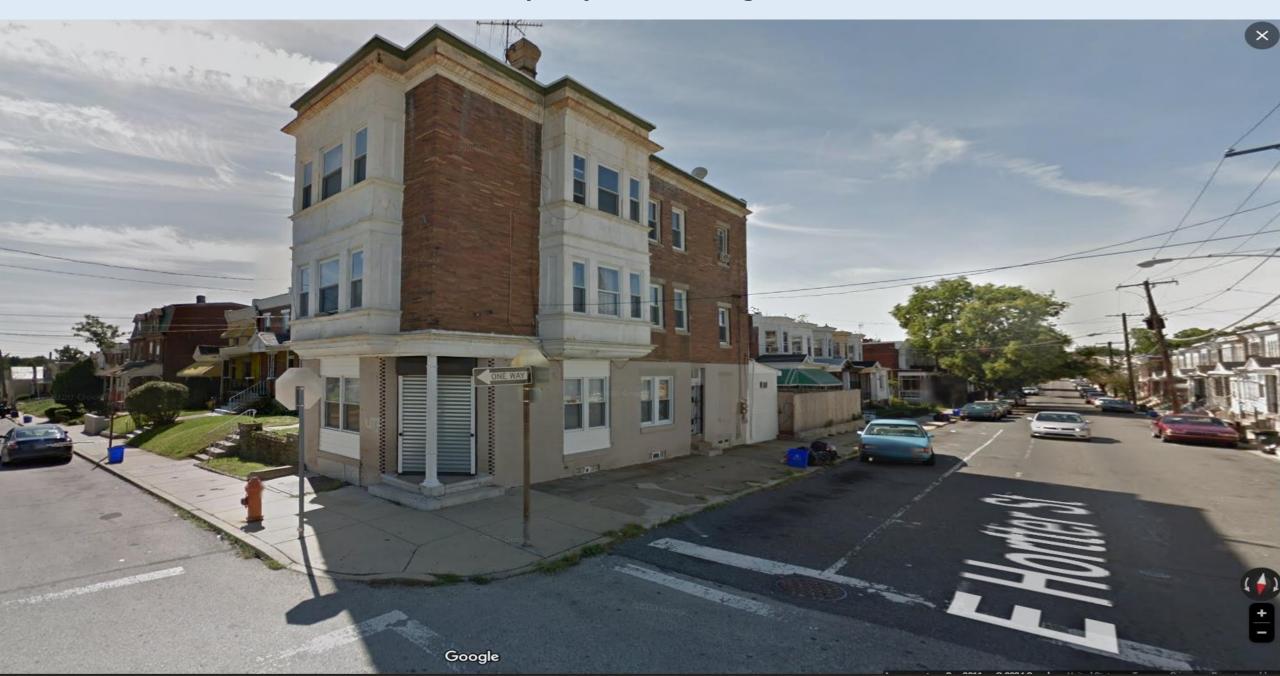


# The Property: 6650 Musgrave St.

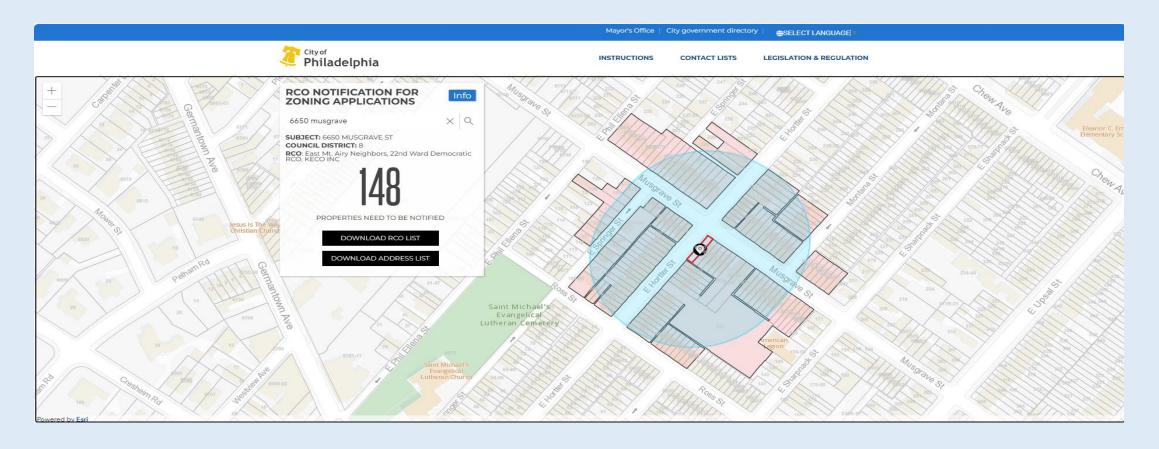




The Property: 6650 Musgrave St.



# RCO Notification: Near Neighbor Properties for 6650 Musgrave St.



Variance Request: To allow for Multi-Family household living, specifically Four dwelling units on the property.

**L&I Refusal**: Multi-Family use is prohibited in the RSA-5 zoning district. See Phila. Code Section 14-602(1).

148 Near Neighbor Properties

# 6650 Musgrave St. RSA5 District, CD 8

**Permit Request:** Allow 4 dwelling units on the property.

**L&I Refusal**: Multi-family use not allowed in RSA-5 zoning district

#### **L&I Notice of Refusal**



Notice of:

**Application Number:** Date of Refusal: Zoning District(s): ZP-2023-002426 RSA5 3/17/2023 Address/Location: Page Number 6650 MUSGRAVE ST, Philadelphia, PA 19119-2216 Page 1 of 1 Parcel (PWD Record) Civic Design Review? Applicant Address: Queen Memorial Building Applicant Name: 1313 S. 33rd Street Henry Clinton ESQ.

□ Refusal

□ Referral

APPLICATION IS FOR A MULTI-FAMILY HOUSEHOLD LIVING (FOUR (4) DWELLING UNITS ON THE SAME LOT WITH ALL OTHER USES AS PREVIOUSLY APPROVED. NO SIGN ON THIS APPLICATION.

Philadelphia, PA 19146

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

Section(s):  Code Section Title(s):  Reason for Refusal:		
TABLE 14-602-1 USES ALLOWED IN RESIDENTIAL DISTRIC THE PROPOSED, MULTI-FAMILY HOUSEHOLD LIVING,	S	
PROHIBITED, IN THIS ZONING DISTRICT		

ONE (1) USE REFUSAL

Fee to File Appeal: \$300

#### NOTES TO THE ZBA:

SEE APPLICATION# 15774, CALENDAR# 06-0796; THE CASE WAS DISMISSED ON 10/11/2006 FOR A RETAIL GROCERY STORE WITH PREPARING AND SERVING OF HOT AND COLD FOODS FOR TAKE OUT ON THE 15T FLOOR, IN THE SAME BUILDING WITH AN EXISTING SINGLE FAMLY DWELLING ON THE 2ND FLOOR AND A VACANT 3RD FLOOR; AND FOR THE ERECTION OF AN ACCESSORY WRAP AROUND AWNING SIGN WITH COPY ON SIDES. SIZE AND LOCATION AS SHOWN IN THE APPLICATION.

SEE APPLICATION# 010521034; CAL# 02-0142, FOR RETAIL GROCERY STORE WITH PREP. AND SERVING OF COLD SANDWICHESFOR TAKE-OUT, AND TWO APARTMENYS . CASE DISMISSED 11/19/04.

#### Parcel Owner:

TUDAE TORBOH CEMAH F

# Property Owner Appeals L & I Refusal to Zoning Board of Adjustment ("ZBA")



ZONING BOARD OF ADJUSTMENT

### APPLICATION FOR **APPEAL**

WHEN COMPLETED, MAIL TO:

CITY OF PHILADELPHIA DEPARTMENT OF LICENSES AND INSPECTIONS **BOARDS ADMINISTRATION** 

MUNICIPAL SERVICES BUILDING, 11TH FLOOR

CALENDAR#	(FOR OFFICE USE ONLY)	1401 JOHN F. KENNEDY BLVD. PHILADELPHIA, PA 19102
APPLICA	NT MUST COMPLETE ALL INFORMATION B	ELOW. PRINT CLEARLY AND PROVIDE FULL DETAILS
LOCATION OF PROPERTY (LEGA	L ADDRESS)	
6650 Musgrave Street, Phila	delphia, PA 19119	
PROPERTY OWNER'S NAME:	-	PROPERTY OWNER'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)
Tudae Torboh Cemah F		6650 Musgrave St Philadelphia PA 19119-2216
PHONE #:		
E-MAIL:		<b>,</b>
A CORPOR	RATION MUST BE REPRESENTED BY AN A	TTORNEY LICENSED TO PRACTICE IN PENNSYLVANIA
APPLICANT:		APPLICANT'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)
HENRY M. CLINTON, ESQUIRE		OUEEN MEMORIAL BUILDING 1313 S. 33rd STREET PHILADELPHIA, PA 19146
FIRM/COMPANY: Law Office of Henry	y M. Clinton, LLC	
PHONE #:		E-MAIL: Indinton@hcilatonlaw.com
RELATIONSHIP TO OWNER:	TENANT/LESEE (a) ATTORNEY (C) DE	SIGN PROFESSIONAL CONTRACTOR EXPEDITOR COTHER
APPEAL RELATED TO ZONIN	IG/USE REGISTRATION PERMIT APP	LICATION #   ZP-2023-002426
REASONS FOR APPEAL:		
Seeking variance for one (1) Use Refusal as	follows:	
1. The proposed, multi-family household li	ving, is prohibited in this zoning district.	
		arrounding neighborhood; and will enable the reasonable use of the property which is consistent who do rimpair the appropriate use and development of the aplacent properties.

## What's the Deal with RSA-5?

Services, Basic

Single Family Use: YES

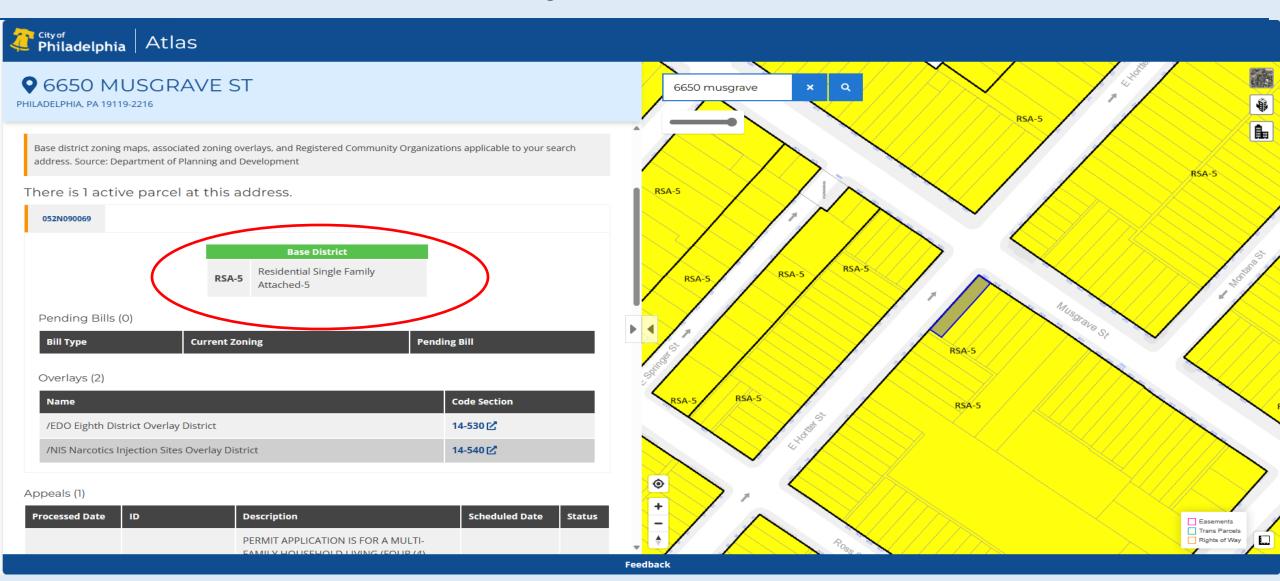
<u>Two-Family Use</u>: **No (Unless a variance granted)** 

Multi-Family Use: No (Unless a variance granted)

			Tabl	e 14-	<b>602</b> -1	l: Us	es Al	lowe	d in l	Resid	  entia	ıl Dis	trict	s <sup>493</sup>				
											61							
Previous District Name	RI	RIA	R2	R3	R4	RS	R6/7	R9A/10A/R20	New	RSA	R8/9/10/10B/18/19	R11/11A/12/13	R14	R15/16	RC-6	WRD/ITD	RC-4	
District Name	RSD-1	RSD-2	RSD-3	RSA-1	RSA-2	RSA-3	RSA-4	RSA-5	RSA-6	RTA-1	RM-1	RM-2	RM-3	RM-4	RMX-1	RMX-2	RMX-3	Use- Specific Standards
See § 1	14-602		N = No	t allow	ed (exp	ressly p	prohibit	S = Sp ted)   Us rmation	ses not	listed	in this t	ab le ar	e prohil		2]") in	table ce	ells.	
Residential Use Categ	gory																	
Household Living (as noted below)																		
Single-Family	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Two-Family	N	N	N	N	N	N	N	N	N	Y	Y[1]	Y	Y	Y	Y	Y	Y	
Multi-Family	N	N	N	N	N	N	N	N	N	N	Y[1]	Y	Y	Y	Y	Y	Y	
Group Living (except as noted below)	N	N	N	s	s	s	s	s	s	s	s	s	s	s	s	s	s	
Personal Care Home	N	N	N	s	s	s	s	s	s	s	s	s	s	s	s	s	s	§ 14-603(11)
Single-Room Residence	N	N	N	N	N	N	N	N	N	N	s	s	s	s	s	S	s	
Parks and Open Space	e Use	Catego	ory															
Passive Recreation	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	
Active Recreation	N	N	N	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Public, Civic, and Ins	titutio	nal Us	e Cate	gory														
Adult Care	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	Y	
Child Care (as noted below)																		
Family Child Care	N	N	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	§ 14-603(5)
Group Child Care	N	N	N	N	N	N	N	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	Y	Y	Y	§ 14-603(5)
Child Care Center	N	N	N	N	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	§ 14-603(5)
Community Center	N	N	N	N	N	N	N	N	N	N	Y	Y	Y	Y	Y	Y	Y	
Educational Facilities	N	N	N	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S	S	S	
Fraternal Organization	N	N	N	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S	S	S	
Hospital	N	N	N	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S	S	S	
Libraries and Cultural Exhibits	N	N	N	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S	S	s	
Religious Assembly	N	N	N	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y	Y	Y	
Safety Services	N	N	N	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y	Y	Y	
Transit Station	N	N	N	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y[2]	Y	Y	Y	
Utilities and	N	N	N	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	S[2]	s	S	S	

### 6650 Musgrave St. Zoning

#### **Zoning District – RSA5**



### **148 Near Neighbor Properties**

**146** RSA-5

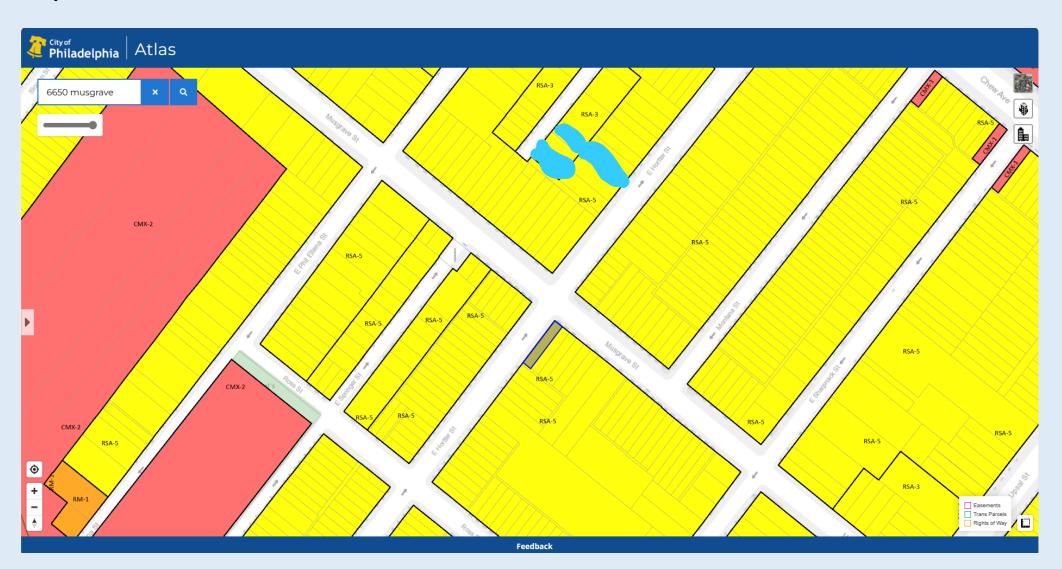
2 RSA-3

RSA-3 Allowable Uses:

Single Family: Yes

Two Family: **No** 

Multi-Family: **No** 



# (.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 (.2) Criteria Specific to Use Variances. ... The Zoning Board shall grant a variance only if it finds each of the following criteria are satisfied: ... unique physical circumstances or conditions peculiar to the property and unnecessary hardship due to it ... because of unique physical circumstances or conditions no possibility without variance for viable economic use ... hardship cannot be cured by a dimensional variance ... will not be detrimental to the public welfare ... will not alter the essential character of the neighborhood

# ISSUE 1: Increasing Population Density in an Already Densely Populated Area

No. The variance sought will	not increase congestion in	public streets or in any way	endanger the public.		
[]					

Will the variance you see substantially increase traffic congestion in public streets or place undue burden on water, sewer, school park or other public facilities? Explain.

No. The variance sought will not increase traffic congestion in public streets nor place an undue burden on water, sewer, school park or other public facilities.

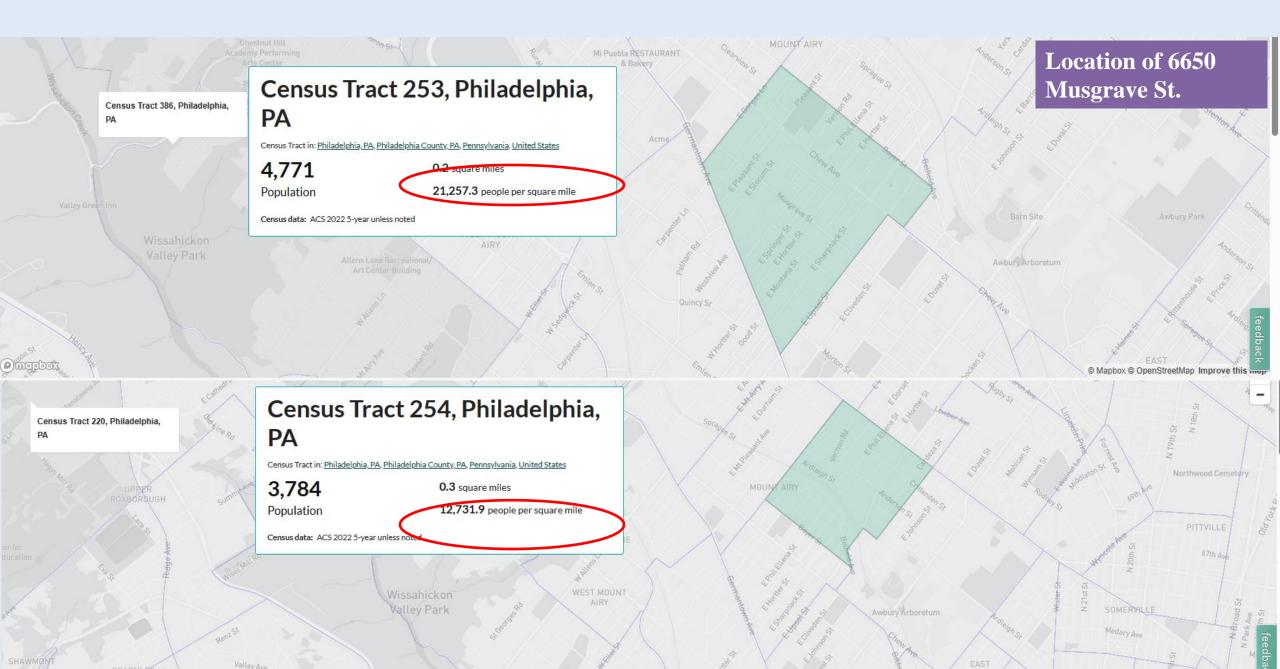
... will not substantially increase congestion in public streets, danger of fire, or otherwise endanger the public health

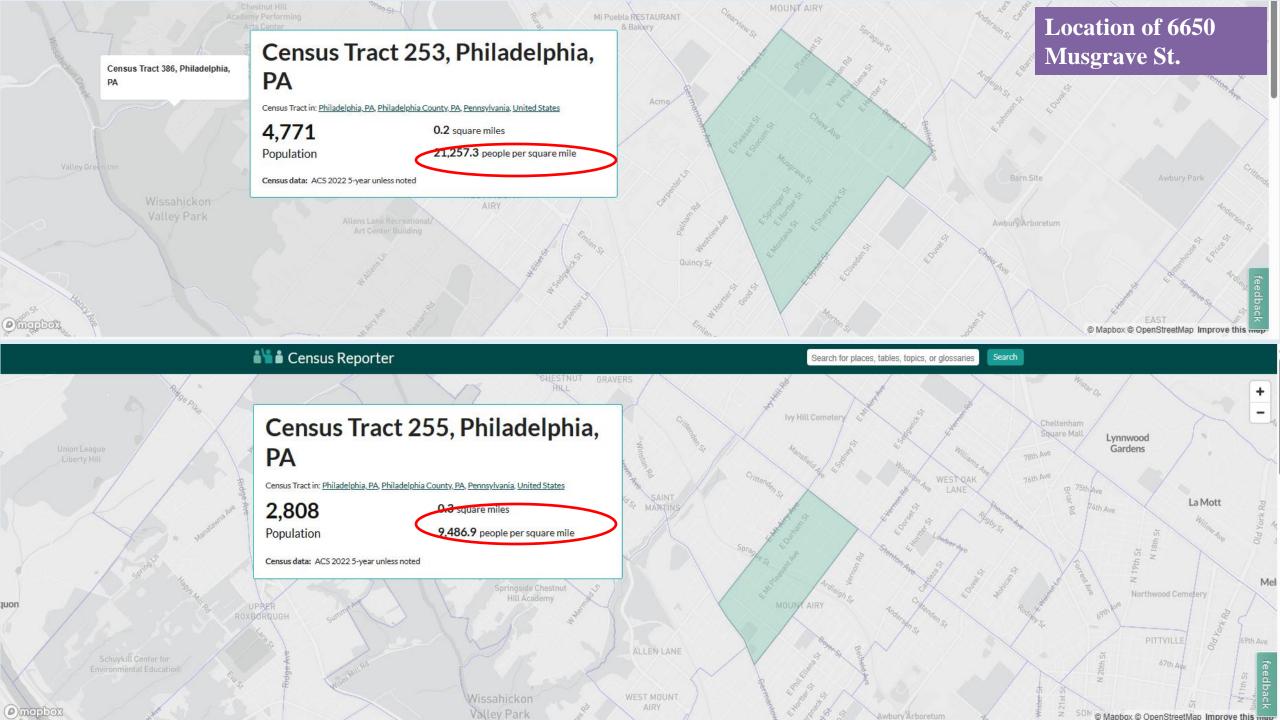
... will not be detrimental to the public welfare

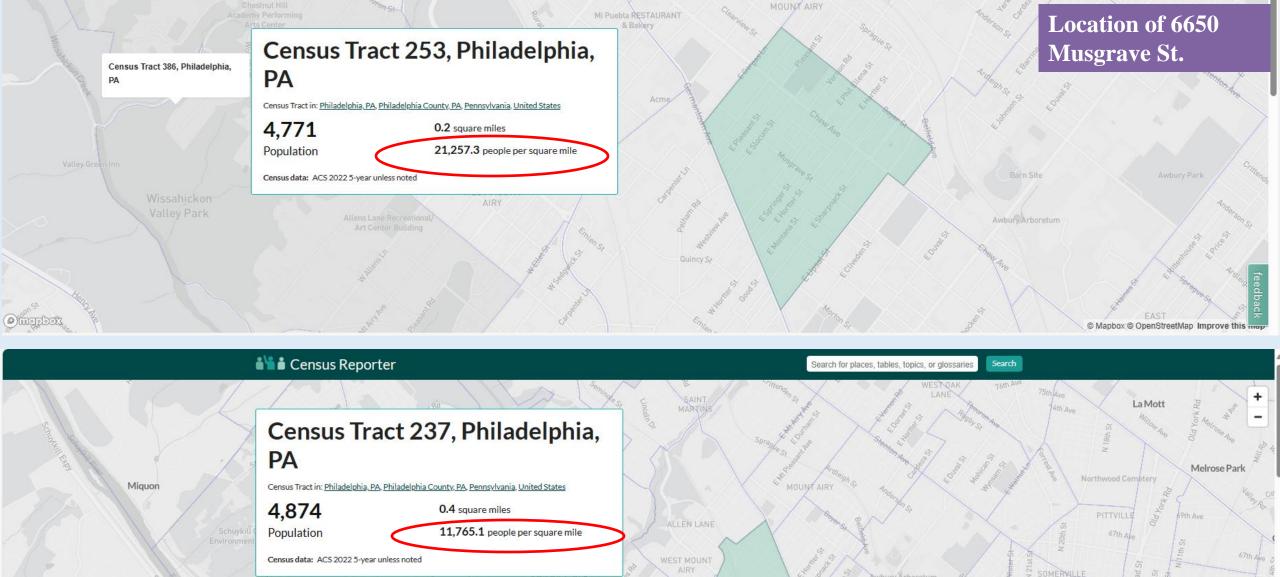
... will not alter the essential character of the neighborhood

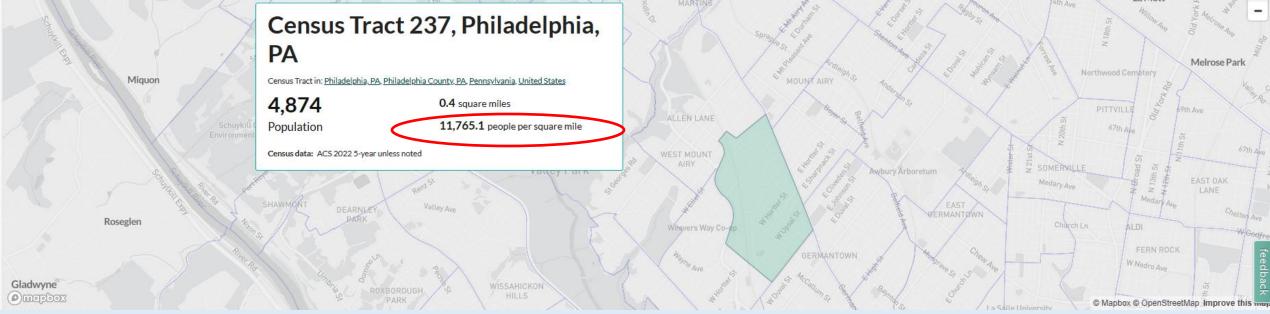
... will not adversely affect transportation or unduly burden water, sewer, school, park, or other facilities

### ISSUE 1: Increasing Population Density in an Already Densely Populated Area

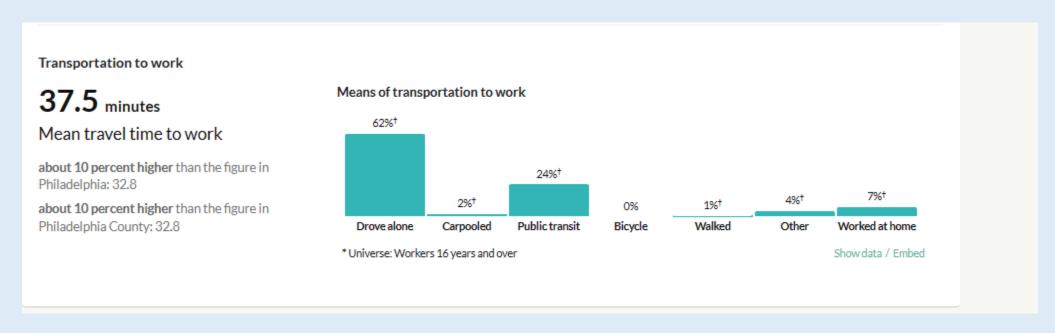








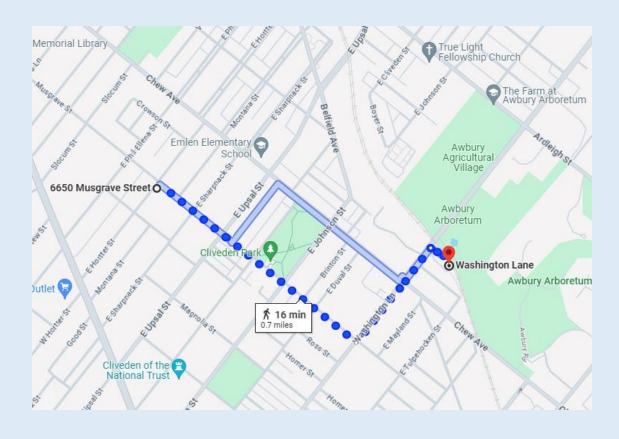
## **Density and Modes of Transport**

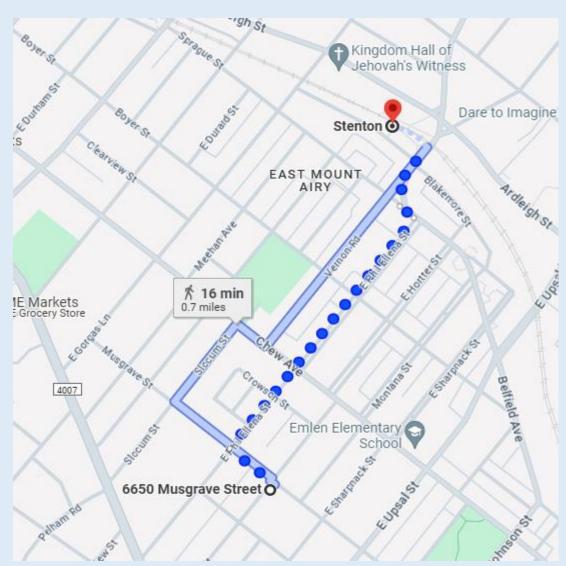


Cars are the predominant mode of transportation in the area around 6650 Musgrave St., according to Census data.

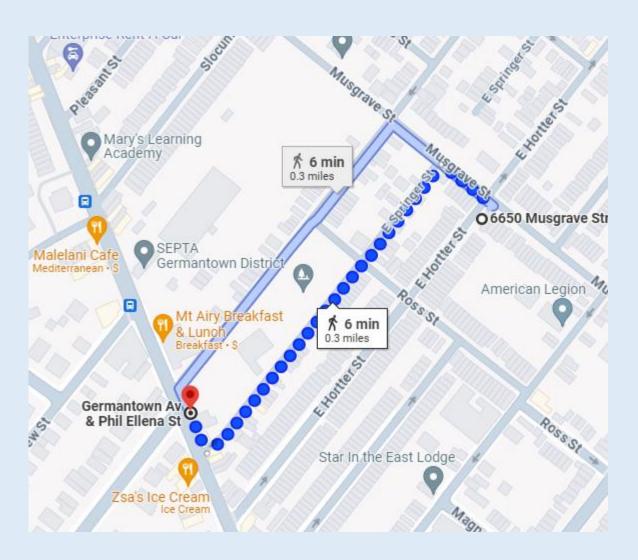
# **Density and Modes of Transport**

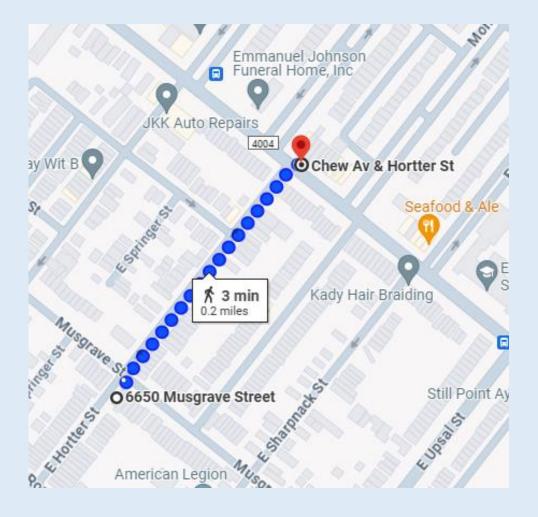
#### 0.7 miles walking to Washington Lane SEPTA





# **Density and Modes of Transport**

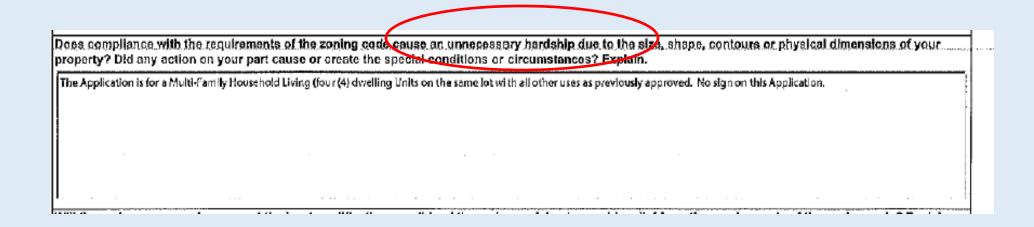




0.2 miles walking to 18 Bus

# **Issue 2: Unnecessary Hardship**

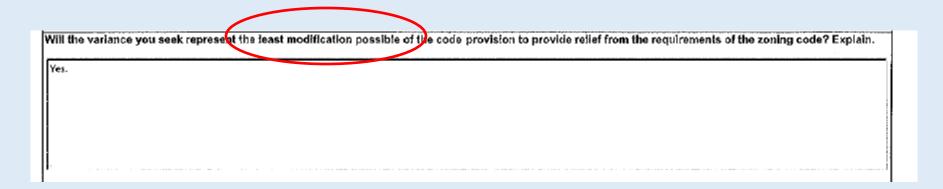
1) What is the HARDSHIP that requires a 4-unit use versus a 1-unit use?



\* Property owner's appeal does not address what the hardship is, if any, to operating a 1-unit rental, for which no variance is needed \*

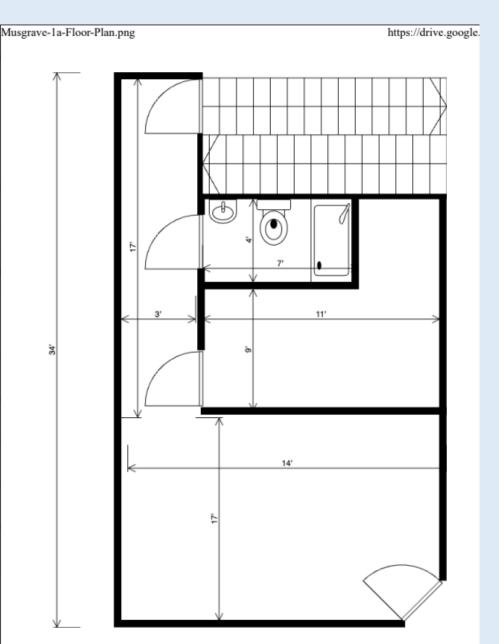
### **Issue 3: Least Modification**

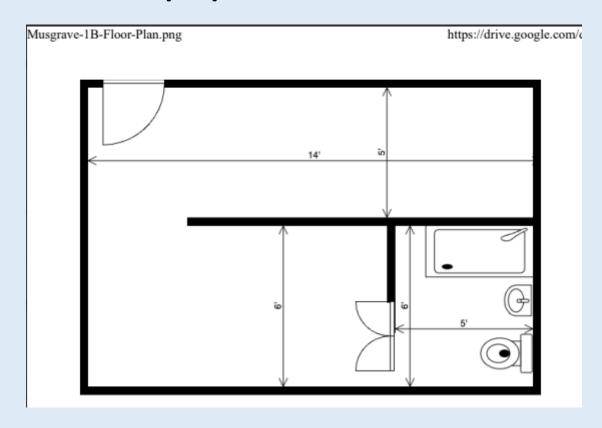
1) If there is a hardship, why are 4-units needed to remedy the hardship versus 3-units or 2-units?



\*Property owner's appeal does not provide any explanation as to why 4-units, versus 3-units, versus 2-units is the least modification possible to alleviate the purported hardship\*

# Issue 4: Details on the Size of the 4 proposed Units

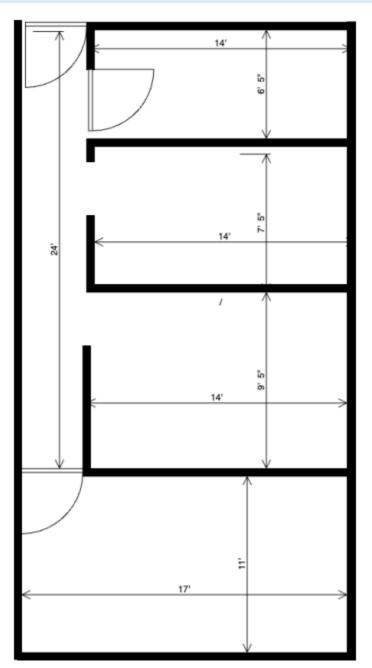




Unit 1b: 14 ft. x 11 ft. = 154 sq. ft.

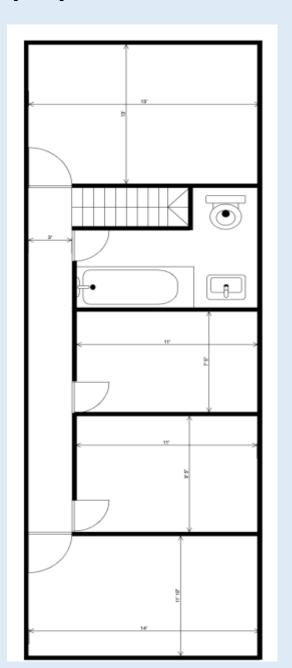
Unit 1a: 34 ft. x 14 ft = 476 sq. ft.

# Issue 4: Details on the Size of the 4 proposed Units



Unit 3: 41.1 ft. x 14 ft. = 575.4 sq. ft.

Unit 2: 35 ft. x 17 ft. = 595 sq. ft.



#### § 9-3902. Rental Licenses.

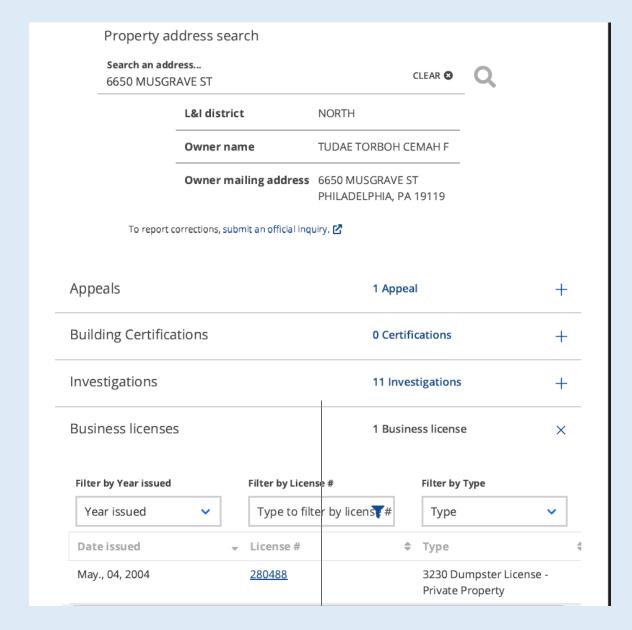




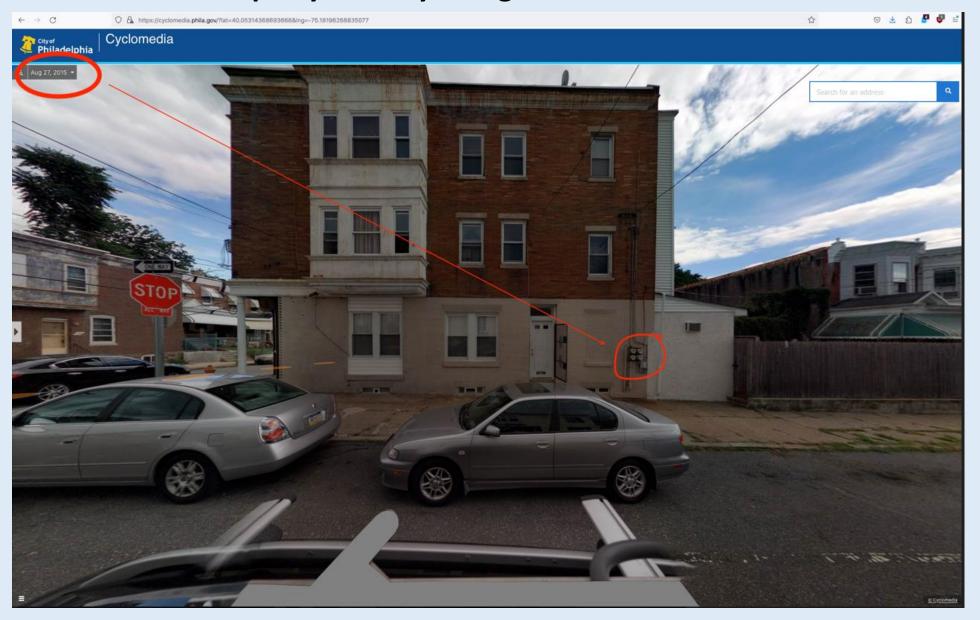


- (1) Required.
- (a) The owner of any dwelling unit, multiple family dwelling, rooming house, dormitory, hotel, one-family dwelling, two-family dwelling, or rooming unit let for occupancy must obtain a rental license. No person shall collect rent with respect to any property that is required to be licensed pursuant to this Section unless a valid rental license has been issued for the property. 1218
  - (b) Exceptions.
  - (.1) If a building contains multiple dwelling units, a single rental license may be obtained for the entire building, provided that such license shall specify each unit in such building governed by such license. 1219
  - (.2) A rental license is not required for any dwelling unit that is occupied by the owner or a member of the owner's family, provided that the Department may require the owner to submit an Affidavit of Non-Rental
- (.3) The holder of a housing inspection license under former Section PM-102.1 for 2015, or the owner of any dwelling unit subject to the requirements of this Section that is part of a building governed by a housing inspection license applicable to such building in its entirety in 2015, need not obtain a rental license in order to let the property or any portion of such property for occupancy in 2015. 1220
  - (.4) A rental license shall not be required for use as limited lodging, as defined at subsection 14-604(13) of this Code, so long as the activity is licensed pursuant to Section 9-3909 of this Chapter ("Limited Lodging Operator License").

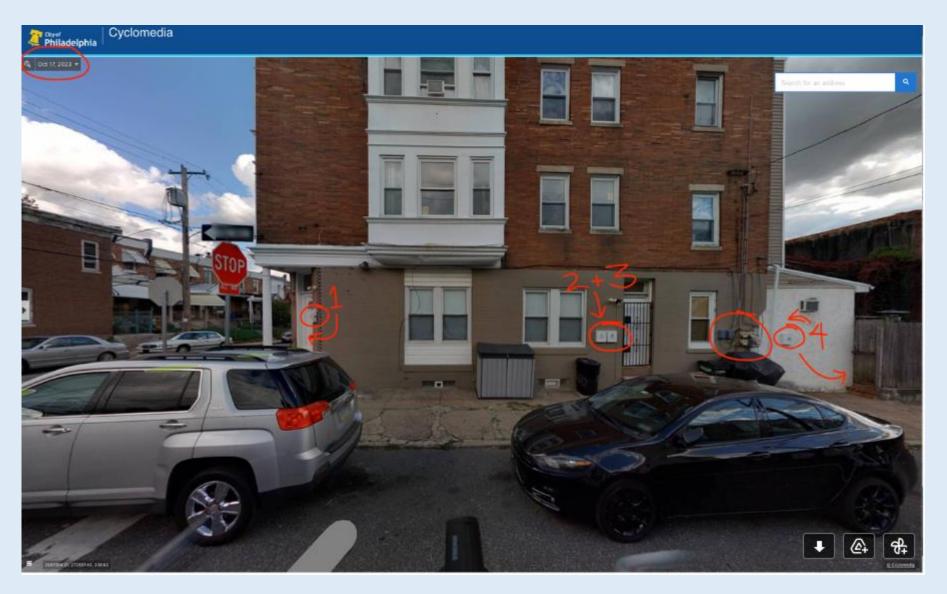
Section 9-3902 of The Philadelphia Code requires a rental license to be issued before any rent can be collected from a tenant



Department of Licenses and Inspection website search shows no rental license(s) for 6650 Musgrave St.

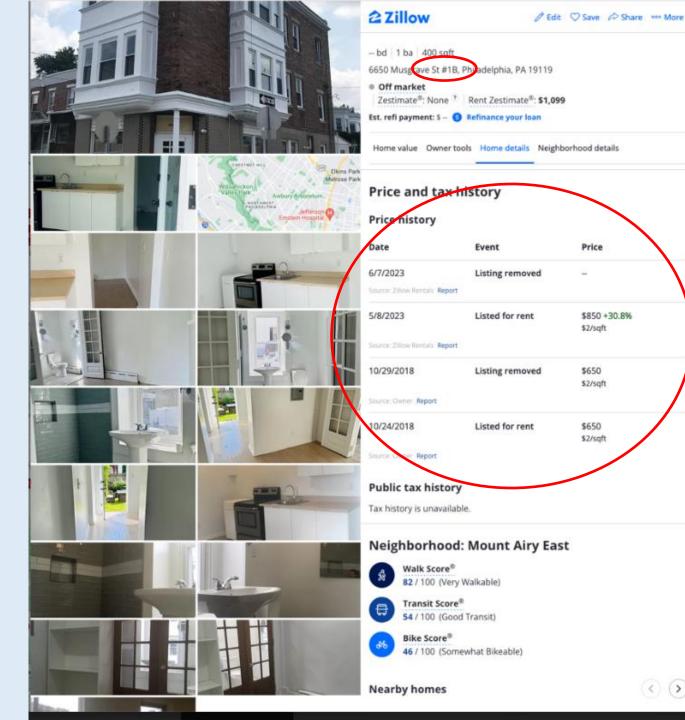


Picture dated August 27, 2015: shows 4 electricity meters at the property



Picture dated October 17, 2023: shows 3 mailboxes and 4 electricity meters

Zillow Rental Listing for Unit 1b (400 sq. ft.) – listed for rent on 10/24/2018 and 5/8/2023



LAST SOLD ON SEP 24, 2018 FOR \$300,000

6650 Musgrave St, Philadelphia, PA 19119

\$432,980 2,400

Redfin Estimate

Beds

Baths

Sq Ft



#### Is this your home?

Track this home's value and nearby sales activity

I own 6650 Musgrave St

#### About this home

Great mixed use property in the heart of Germantown - currently occupied as three residential wits. Great income, better potential, with split utilities for each unit. First floor unit bedroom is 30X15, could easily be divided up into at least two bedrooms. First floor had been a grocery

#### Show more >

**1,418** sq ft lot

Built in 1920

\$180 Redfin Estimate per sq ft

Listed by Matthew Harnick • Keller Williams Real Estate-Blue Bell • 215-646-2900 (broker)

Bought with Sean Conroy • RE/MAX Access • 215-400-2600 (broker)

• remaxsteveo@gmail.com (broker)

Source: BRIGHT MLS



LAST SOLD ON SEP 24, 2018 FOR \$300,000

6650 Musgrave St, Philadelphia, PA 19119

\$432,980

Redfin Estimate

& Street View

Beds

Baths

2,400

Sq Ft

Property details

Overview

Search

OFF MARKET

Sale & tax history

Public Facts

I own 6650 Musgrave St

#### Is this your home?

Track this home's value and nearby sales activity



# **EMAN Zoning Committee Variance Review Summary**

☐ Multi-Family (4-units) in densely populated area of East Mount Airy: Increased congestion? Effects on transportation? Counter to character of neighborhood (overwhelmingly singlefamily housing)? Public welfare? ■ What is the hardship to the property owner by keeping the property to 1 rental unit? □ Is 4-units the smallest change needed from what is already allowed (1-unit) to resolve the hardship? Why not 2-units? ☐ Is the Property already occupied and used as multi-unit apartments? If yes, does the property owner have the required rental licenses? If no, does the property owner intend to apply for the required rental licenses?

## Help East Mount Airy Neighbors Continue its Work in the Zoning Area By:

- Becoming a Member of East Mount Airy Neighbors: visit <u>www.eastmountairy.org</u> to sign up!
- Making a Donation to East Mount Airy Neighbors: visit <u>www.eastmountairy.org/donate</u>.
- Joining the Zoning Committee as a committee member: message Nina Curlett in the Zoom Chat if interested!



BOUT MEMBERSHIP VOLUNTEER HUB DONATE ZONING RESOURCES CONTACT



