

City of Philadelphia Zoning Board of Adjustment



Application for Appeal

CALENDAR # _____ (FOR OFFICE USE ONLY)

WHEN COMPLETED, MAIL TO:

CITY OF PHILADELPHIA
Department of Planning & Development
Zoning Board of Adjustment
One Parkway Building
1515 Arch St, 18th Floor
Philadelphia, PA 19102

APPLICANT MUST COMPLETE ALL INFORMATION BELOW. PRINT CLEARLY AND PROVIDE FULL DETAILS

LOCATION OF PROPERTY (LEGAL ADDRESS)

7111 GERMANTOWN AVE, Philadelphia, PA 19119-1838

PROPERTY OWNER'S NAME:

7111 DEVELOPMENT ASSOCIATES LLC

PHONE #: **(215)247-5555**

E-MAIL: **kate@phillyofficeretail.com**

PROPERTY OWNER'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)

**4701 Germantown Avenue
Philadelphia, PA 19144**

A CORPORATION MUST BE REPRESENTED BY AN ATTORNEY LICENSED TO PRACTICE IN PENNSYLVANIA

APPLICANT:

Steve Masters, Esquire

FIRM/COMPANY:

JustLaws PLLC

PHONE #:

484.483.3344

APPLICANT'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)

**621 W Mount Airy Avenue
Philadelphia PA 19119**

E-MAIL:

steve@justlaws.org

RELATIONSHIP TO OWNER: TENANT/LESEE ATTORNEY DESIGN PROFESSIONAL CONTRACTOR EXPEDITOR OTHER

APPEAL RELATED TO ZONING/USE REGISTRATION PERMIT APPLICATION # **ZP-2022-001234**

IF A VARIANCE IS REQUESTED, PLEASE PROVIDE AN EXPLANATION OF EACH OF THE FOLLOWING CRITERIA AS REQUIRED FOR THE GRANTING OF A VARIANCE:

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.

See reasons for appeal on page 2 for a full explanation of why compliance with the requirements of the zoning code cause an unnecessary hardship due to the size, shape, contours or physical dimensions of the property. This unnecessary hardship is caused by the physical characteristics of this non-conforming structure which was constructed decades before Philadelphia enacted its first zoning code.

Will the variance you seek represent the least modification possible of the code provision to provide relief from the requirements of the zoning code? Explain.

Yes. The lot adjustment should be allowed as of right under §14-305(7)(b) of the Zoning Code.

Will the variance you seek increase congestion in public streets or in any way endanger the public? Explain.

No. The lot adjustment should be allowed as of right under §14-305(7)(b) of the Zoning Code.

Will the variance you seek substantially or permanently harm your neighbors' use of their properties or impair anadequate supply of light and air to those properties? Explain.

No. The lot adjustment should be allowed as of right under §14-305(7)(b) of the Zoning Code.

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

No. The lot adjustment should be allowed as of right under §14-305(7)(b) of the Zoning Code.

Will the variance you seek create environmental damage, pollution, erosion, or siltation, or increase the danger offlooding? Explain.

No. The lot adjustment should be allowed as of right under §14-305(7)(b) of the Zoning Code.

REASONS FOR APPEAL:

Prior to applying for this lot adjustment, the property owner subdivided this parcel with a condominium declaration into four distinct parcels. These documents show that the property was changed from one integrated parcel with one integrated structure to four legally separate and distinct parcels with two separate and distinct (semi-detached) structures. The condominium division of the parcel changed the rear yard setback for Parcel B (the former church sanctuary which has now received a zoning variance for a performing arts center). Prior to this condominium subdivision there was only one integrated structure, and that structure had a rear yard setback because its rear wall was considered the wall on the far eastern side of the property. After the condominium subdivision of the parcel, the structure in parcel B became separate and distinct from the structure in parcel A, and the structure in parcel B no longer has any rear yard setback because its rear wall is attached to the front wall of the structure in parcel A (which is used as multifamily residential dwellings). It is therefore our interpretation that formally adjusting the lot in conformity to the previously recorded condominium subdivision into four separate condominium parcels cannot legally create any additional nonconformities because no additional nonconformities with parcel B could be created where the previous condominium subdivision changed which wall is the rear most wall of the structure in parcel B. Since the rear wall of parcel B already is now attached to the front wall of Parcel A, the proposed zoning lot adjustment cannot alter that preexisting dimensional nonconformity and therefore cannot increase any preexisting nonconformities. Therefore, under the provisions of 14-305(7)(b), this lot adjustment must be approved by right.

I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understandthat if I knowingly make any false statements herein I am subject to possible revocation of any licenses issued as result of myfalse application, and such other penalties as may be prescribed by law.

Applicant's Signature: _____  _____ Date: 07 / 21 / 2022
MONTH DATE YEAR

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Project Information Form

Applicants must also complete a **Project Information Form (PIF)**.

This form can be found at: <https://forms.phila.gov/form/project-information-form/>.

You **MUST** print out your completed Project Information Form (PIF) and submit it to the Zoning Board of Adjustment (ZBA) with your appeal paperwork.

NOTE: THE ZBA WILL NOT ACCEPT YOUR APPEAL PAPERWORK WITHOUT A COMPLETED PROJECT INFORMATION FORM.

This requirement can be found in Section §14-303 (15)(a)(.3)(.A) of the Philadelphia Code, "an applicant who seeks either a special exception or a variance must submit to the Board, at the time the appeal is filed, a copy of the Project Information Form for such application, if the preparation of a Project Information Form is required for such application..."