

123 E. Gorgas Lane

November 16, 2022



Application for: FOR THE ERECTION OF AN ADDITION AT THE REAR OF THE EXISTING SEMI-DETACHED STRUCTURE. CONTAINING ONE (1) OFF-STREET SURFACE PARKING SPACE. FOR USE AS SINGLE-FAMILY HOUSEHOLD LIVING.

[Refusal](#)

[ZBA Appeal Docs](#)

[Elevation and site plan](#)

EMAN COMMUNITY MEETING: 1/24/2023

EMAN RCO Meeting Date: 2/7/2023

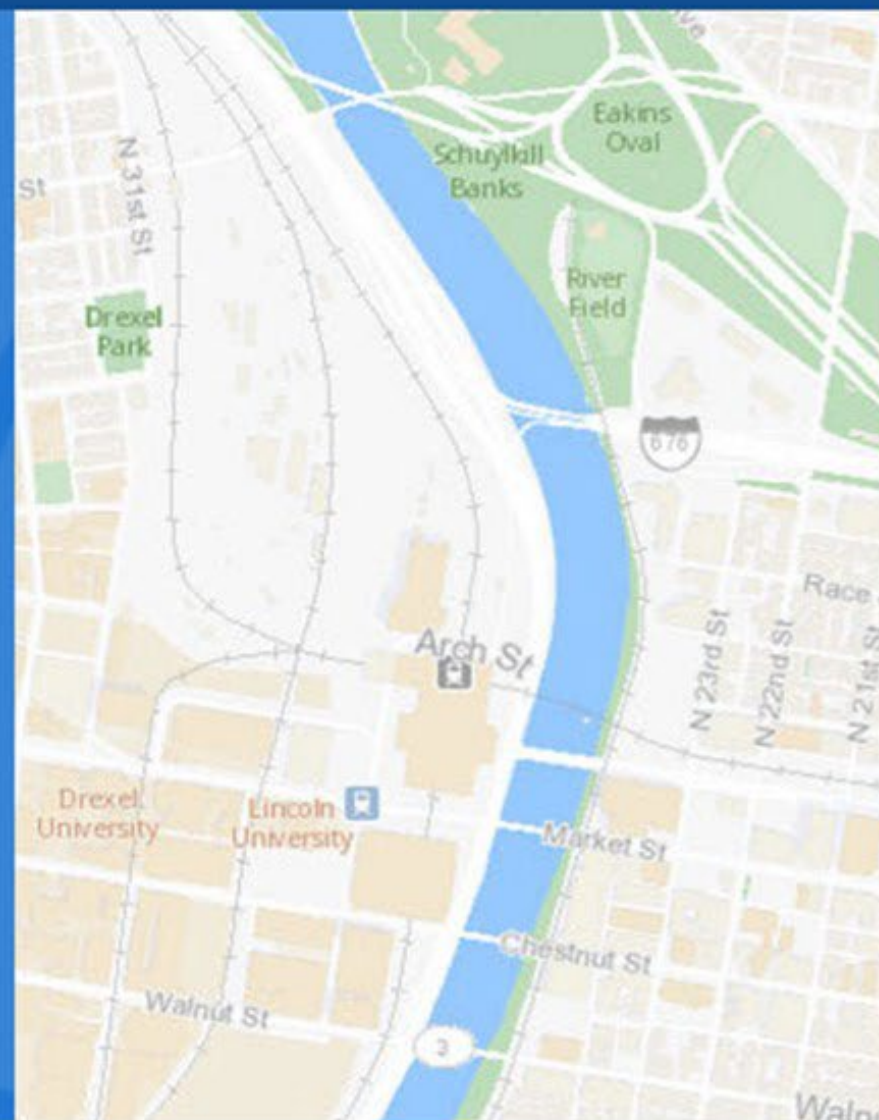
Zoning Hearing Date: 2/22/2023

Neighborhood Decision:

Zoning Board Decision:

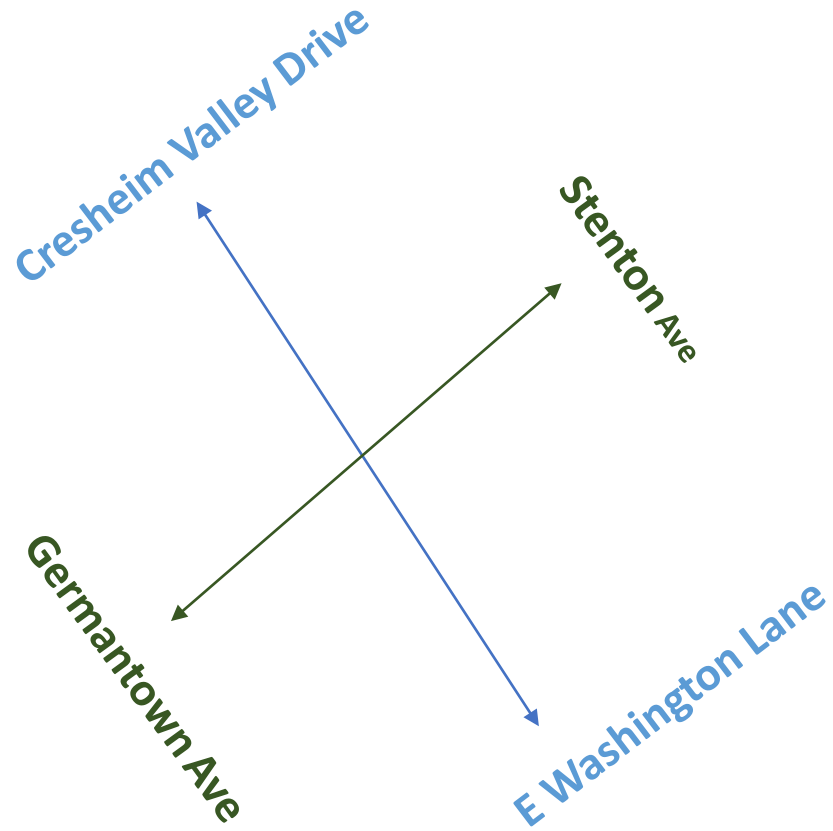
Registered Community Organizations (RCOs)

Ensuring that community members have a chance to learn about and give feedback on nearby developments that affect them.





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.



RCO Input to ZBA Process

☐ RCO Vote Meeting:

- Neighbors Vote to Support or Oppose the Variance Request
- EMAN Tabulates the Neighbors' Votes and Notifies ZBA of the Vote Outcome

☐ ZBA Hearing:

- Testimony: Applicant, City Councilor Recommendation, RCO Recommendation, Planning commission Recommendation, Neighbors
- ZBA Votes on Variance Approval or Refusal



RCO Meeting Agenda

1. Welcome, Introductions
2. Zoning Committee Variance Review
3. Applicants' Presentation
4. Neighbors' Q & A
5. Voting by Neighbors
6. Announcement of Vote Outcome

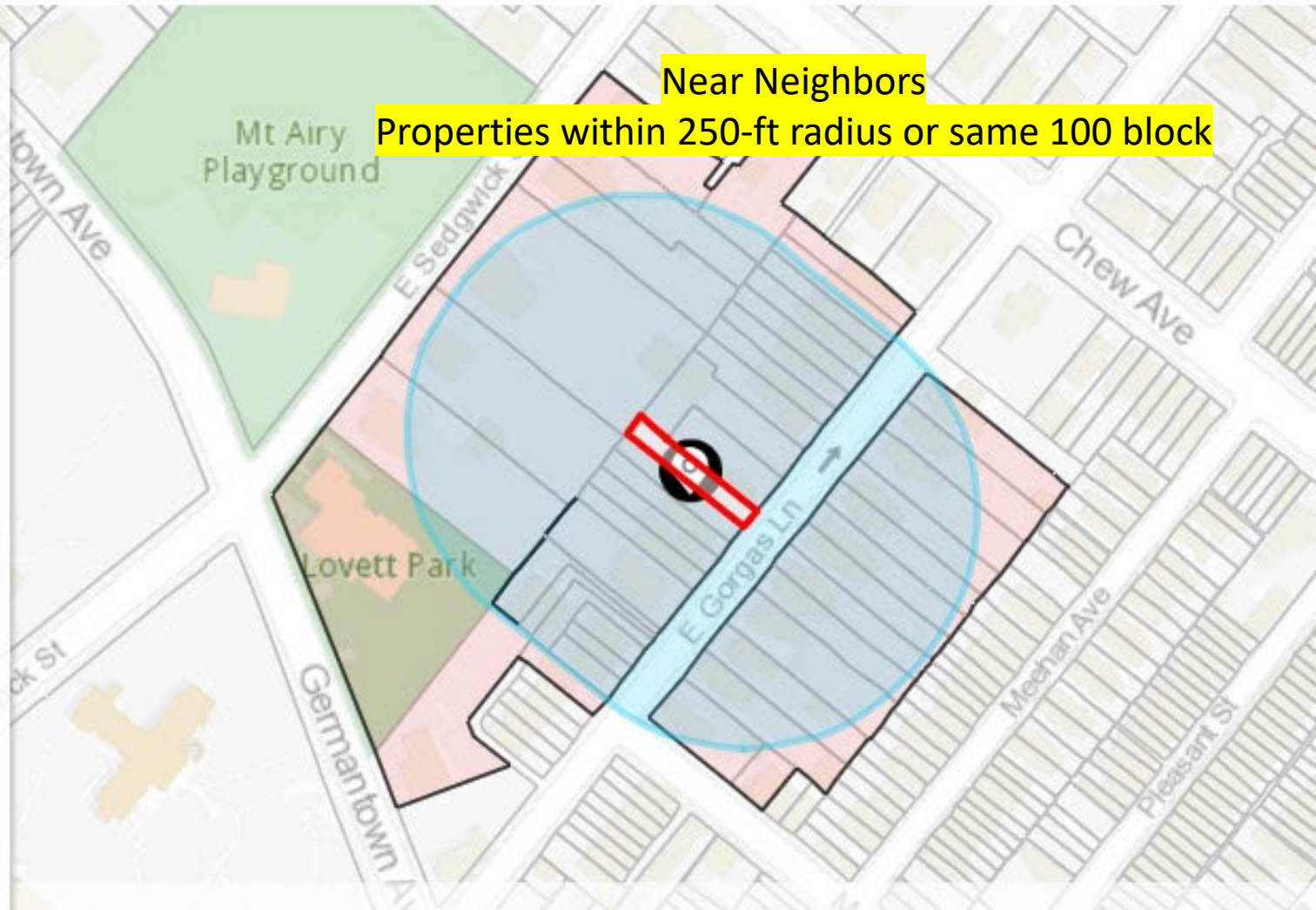
123 E Gorgas Ln Near Neighbors

RCO NOTIFICATION FOR ZONING APPLICATIONS

123 E Gorgas Ln

SUBJECT: 123 E GORGAS LN
COUNCIL DISTRICT: 8
RCO: East Mt. Airy Neighbors, Mt. Airy Business Improvement District, 22nd Ward Democratic RCO

46

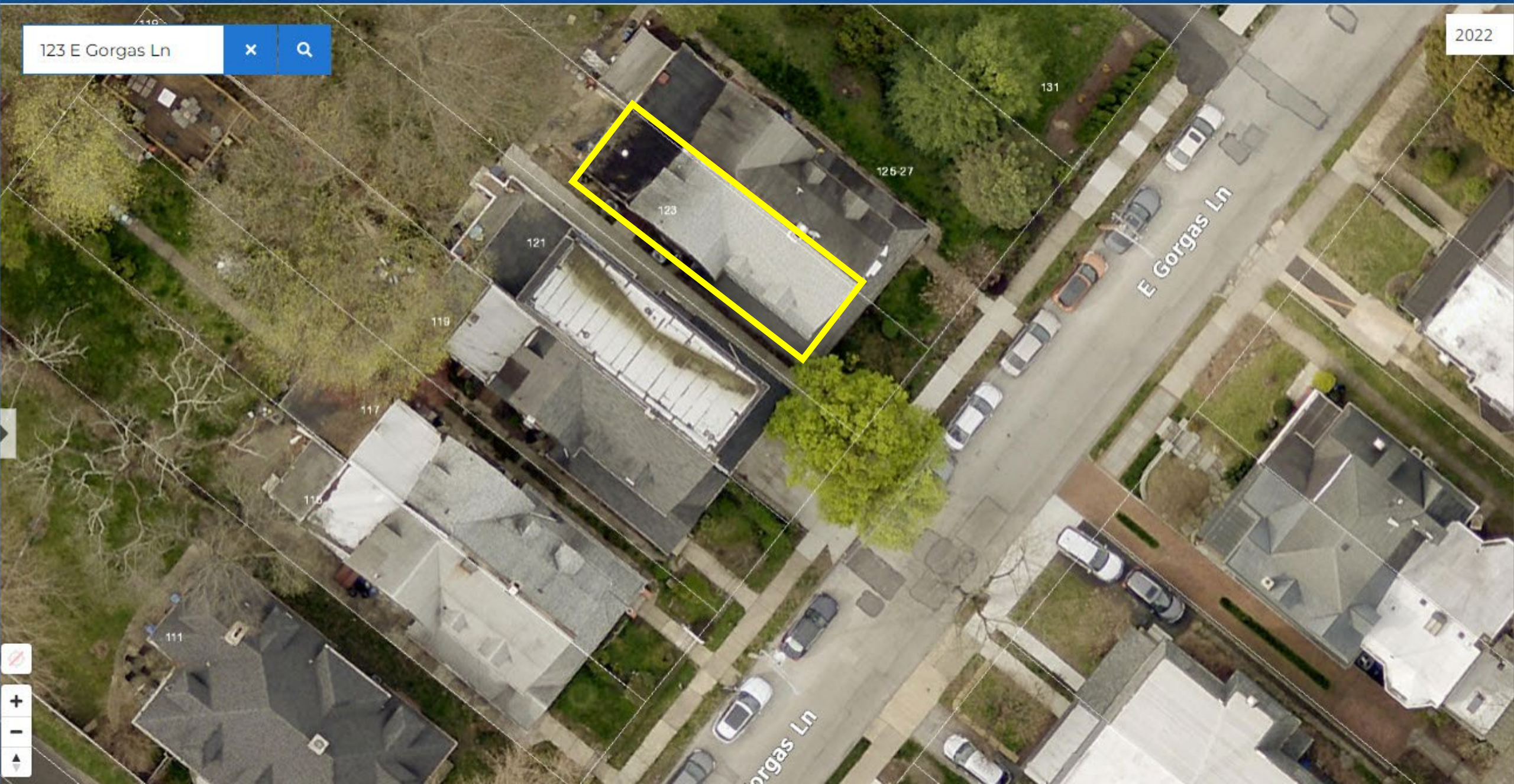


Near Neighbors
 Properties within 250-ft radius or same 100 block

46 Near Neighbor Properties		
Street	Address Range	
	From	To
Chew Ave	6908	
E Gorgas Ln	101	145
E Sedgwick	12	50
Germantown Ave	6915	6945
Musgrave St	6835	

123 E Gorgas Ln x Q

2022



121 - 123 E Gorgas Ln

11/23/2021

Parking space in required front yard

121

123

125



Proposed Changes to 123 E Gorgas Ln

Side View of House – Looking East

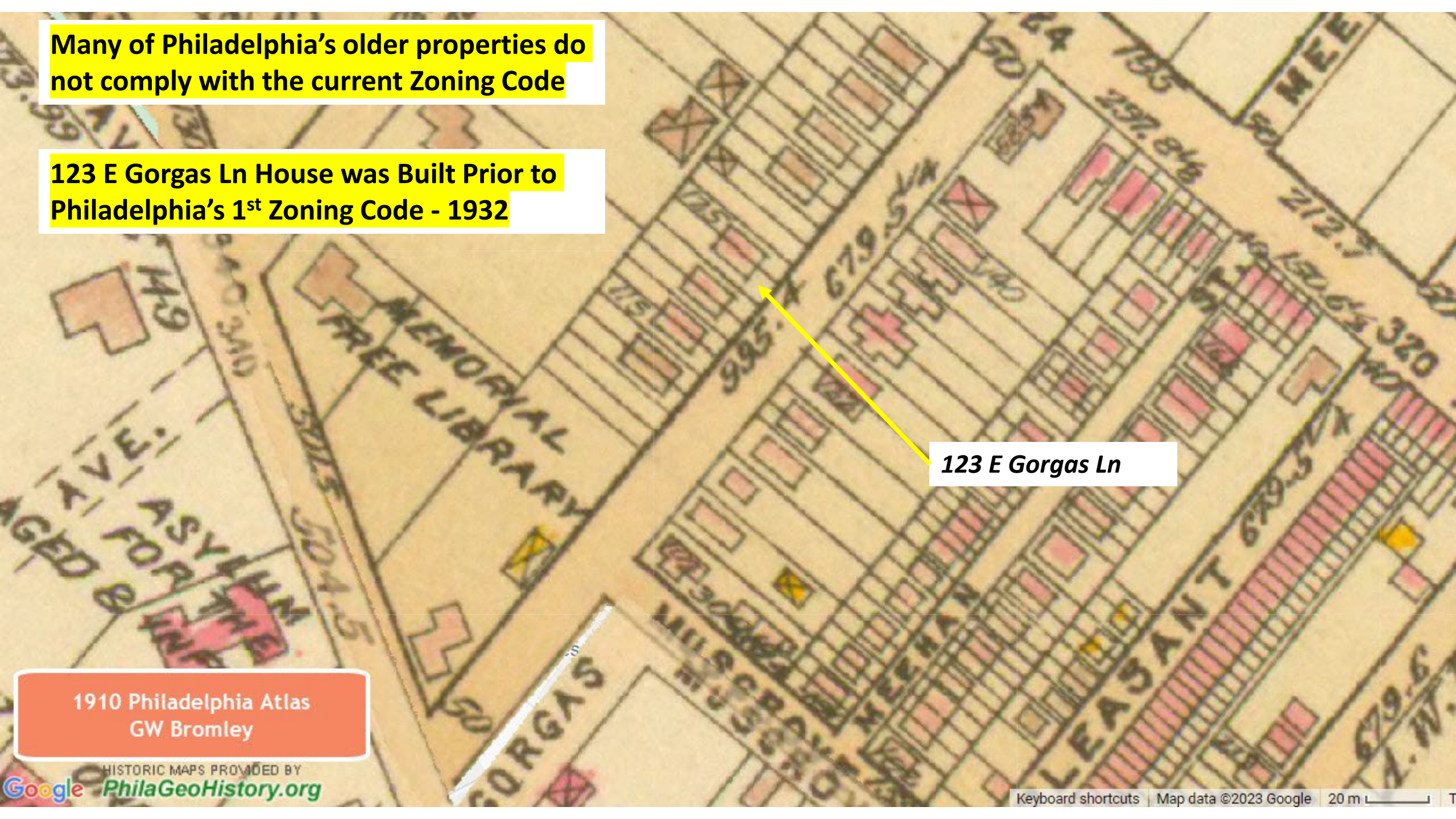
2. One-story addition at rear of house

1. Off-street Parking Space



Many of Philadelphia's older properties do not comply with the current Zoning Code

123 E Gorgas Ln House was Built Prior to Philadelphia's 1st Zoning Code - 1932



123 E Gorgas Ln

1910 Philadelphia Atlas
GW Bromley

Zoning Code * Recognizes Nonconforming Properties
§14-305. Nonconformities

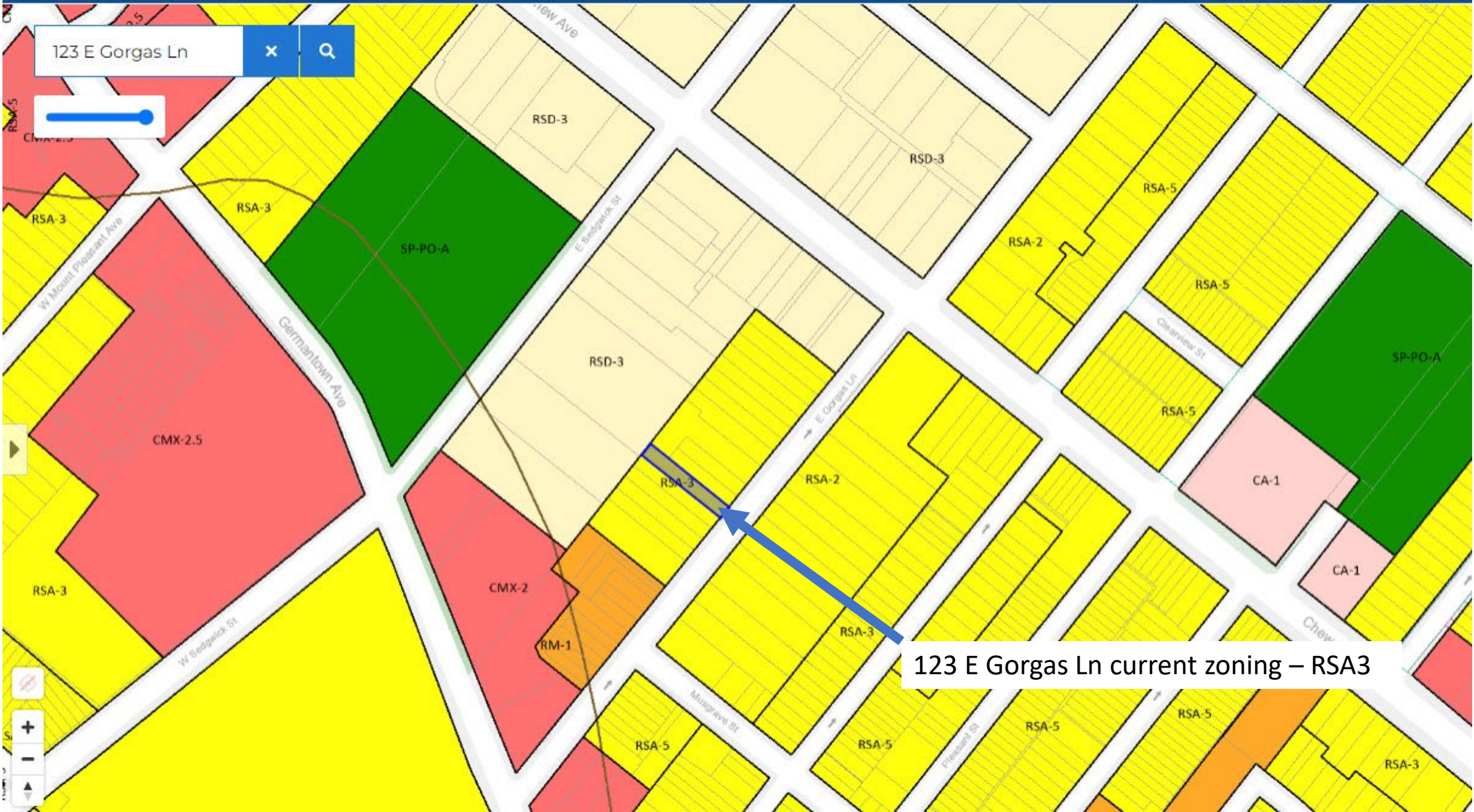
(1) Purpose *“... many land uses ... do not conform with the requirements of this Zoning Code ... because ... (b) they were legal when established but have become nonconforming due to later zoning amendments. “*

(4) General Requirements.

“(b) Any rights conferred on a nonconformity run with the property. ...”

“(d) The burden of establishing the prior existence of a nonconformity is on the applicant. “

* Philadelphia's current zoning code adopted in 2012



123 E Gorgas Ln



123 E Gorgas Ln current zoning – RSA3

Current Off-Street Parking Requirements:

Table 14-802-1: Required Parking in Residential Districts⁶⁶⁹

	Minimum Required Parking Spaces (spaces per unit/sq. ft. of gross floor area/beds/seats)		
	RSA-1/2/3 RTA-1 RMX-1	RSA-4/5/6 RM-1	RM-2/3/4 RMX-2/3
Residential Use Category (as noted below)			
Household Living (as noted below)			
Single-Family	1/unit	0	0
Two-Family	1/unit	0	1/2 units
Multi-Family	1/unit	0	3/10 units
Group Living (except as noted below)	1/10 permanent beds	1/10 permanent beds	1/10 permanent beds
Single-Room Residence	1/20 sleeping units + 1; min. 2	1/20 sleeping units + 1; min. 2	1/20 sleeping units + 1; min. 2
Public, Civic, and Institutional Use Category (as noted below)			
Religious Assembly	1/10 seats or 1/1,000 sq. ft., whichever is greater	1/10 seats or 1/1,000 sq. ft., whichever is greater	1/10 seats or 1/1,000 sq. ft., whichever is greater
Wireless Service Facility	0	0	2
Commercial Services Use Category (as noted below)			
Assembly and Entertainment	1/10 seats or 1/1,000 sq. ft., whichever is greater	The greater of (a) none for first 100 seats then 1/10 seats or (b) none for first 2,500 sq. ft. then 1/1,000 sq. ft.	The greater of (a) none for the first 200 seats then 1/10 seats or (b) none for first 4,000 sq. ft. then 1/1,000 sq. ft.
Urban Agriculture Use Category (as noted below)			
Market or Community-Supported Farm	None if lot area is less than 5,000 sq. ft., otherwise 2	None if lot area is less than 5,000 sq. ft., otherwise 2	None if lot area is less than 5,000 sq. ft., otherwise 2
All Other Uses			
All Other Uses	1/1,000 sq. ft.	None for first 2,500 sq. ft., then 1/1,000 sq. ft.	None for first 4,000 sq. ft., then 1/1,000 sq. ft.

RSA3 Districts require 1 parking space per housing unit

123 E Gorgas has a nonconformity for no off-street parking

123 E Gorgas Ln Does Not Meet 2 Current RSA3 Dimensional Requirements

Project Description

Erection of new 1-story addition to rear of existing single family residence and addition of (1) on-site parking space with curb cut at 123 E. Gorgas Lane, Philadelphia, PA 19119

Owner

Stacey Harley
123 E. Gorgas Lane
Philadelphia, PA 19119

Architect

Always by Design
771 S. 2nd Street - Suite G
Philadelphia, PA 19147
- Ed Barnhart, AIA; principal
- 215.627.6250
- eabarnhart@a-x-d.com

Site Information

OPA No.: 222113000

ZONING CRITERIA	REQUIREMENTS	EXISTING	PROPOSED
ZONING CLASSIFICATION:	RSA-3	RSA-3	(NO CHANGE)
BUILDING USE:	SINGLE-FAMILY	SINGLE-FAMILY	(NO CHANGE)
LOT WIDTH	25-FT MIN.	23'-4"	(NO CHANGE)
LOT AREA:	2,250 SF MIN.	3,977.55 SF	(NO CHANGE)
OCCUPIED LOT AREA:	50% MAX.	1,056 SF=27%	1,386 SF=35%
BUILDING TYPE:	SEMI-DETACHED	SEMI-DETACHED	(NO CHANGE)
FRONT YARD DEPTH:	8-FT MIN.	18'-2"	(NO CHANGE)
SIDE YARD WIDTH:	8-FT MIN.	4'-8"	(NO CHANGE)
REAR YARD:	15-FT MIN.	92'-4"	74'-4"
BLDG. HEIGHT, FRONT:	38-FT MAX.	34'-4"	36'-8"
SIDE:	38-FT MAX.	33'-9"	(NO CHANGE)
REAR:	38-FT MAX.	22'-5"	11'-2"

123 E Gorgas Ln has 2 dimensional nonconformities

1. Lot width less than required 25-ft
2. Minimum Side Yard less than required 8-ft

L&I's Notice of Refusal

Notice of: Refusal Referral

Application Number: ZP-2022-008756	Zoning District(s): RSA3	Date of Refusal: 9/2/2022
Address/Location: 123 E GORGAS LN, Philadelphia, PA 19119-2151 Parcel (PWD Record)		Page Number Page 1 of 1
Applicant Name: Jennifer Bazydlo	Applicant Address: 2401 Walnut Street Unit 102 Philadelphia, PA 19103 USA	

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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):	Reason
Section 14-803(1)(b)(.1)(.a)(ii) & Table 14-701-1	WHERE THE PROHIB
Table 14-701-1	THE PRO MINIM

TWO (2) ZONING REFUSALS

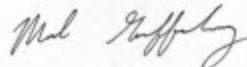
Fee to File Appeal: \$ 125

NOTES TO THE ZBA:
N/A

Parcel Owner:
HARLEY STACEY

Code Section(s):	Reason for Refusal:						
Section 14-803(1)(b)(.1)(.a)(ii) & Table 14-701-1	<p>THE PROPOSED ZONING IS REFUSED FOR:</p> <p>WHEREAS THE PROPOSED OFF-STREET SURFACE PARKING SPACES ARE PROHIBITED IN THE REQUIRED 8' – 0" FRONT YARD</p>						
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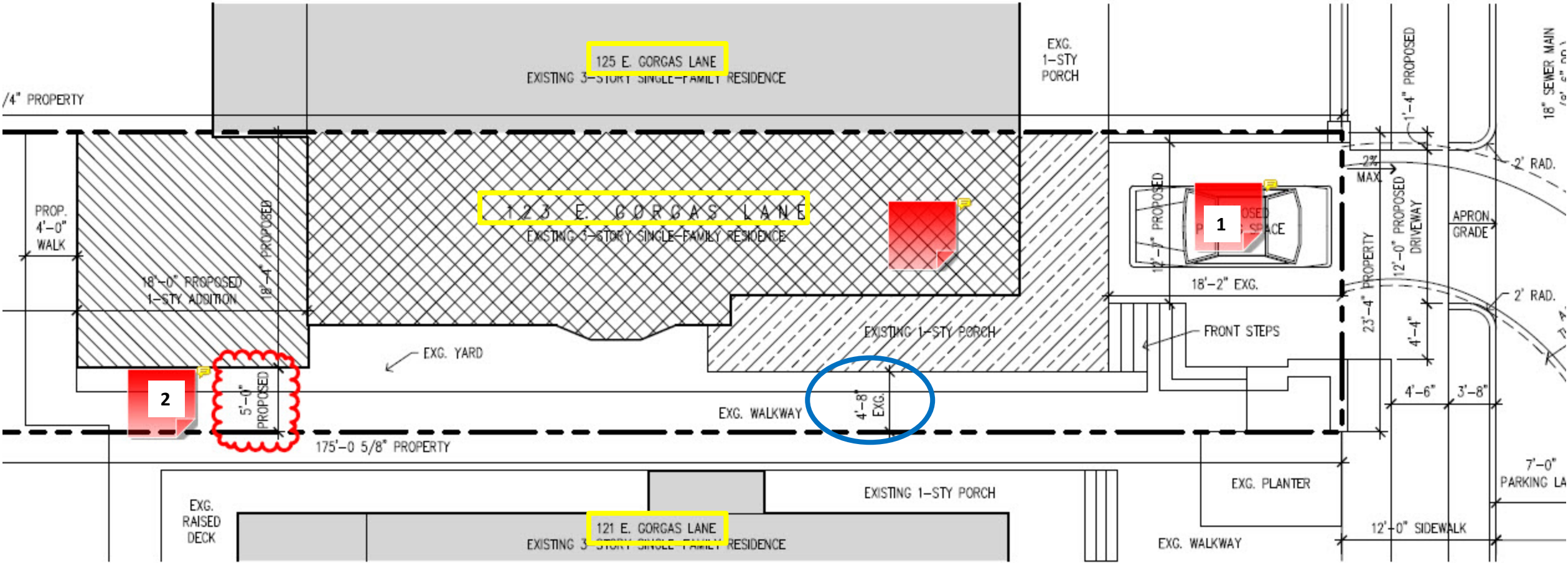


MARK GRIFFENBERG
PLANS EXAMINER

9/2/2022
DATE SIGNED

L&I Refusals

Site Plan View of 121, 123 and 125 E Gorgas Ln



01. Site Plan

L&I Refusals



1. No parking space in required front yard
2. 8-ft Minimum Side Yard

1. Nonconforming Parking Variance

§ 14-305. Nonconformities.

1. ... nonconformity may remain



(9) Nonconforming Parking or Site Improvements. 185

Where the amount or location of off-street parking or amount, location, or design of site improvements (for example, landscape area) does not meet the requirements of this Zoning Code, the nonconformity may remain and be used notwithstanding those nonconformities. However, all provisions of Chapter 14-800 (Parking and Loading) shall apply to any development or changes to structures or uses on the lot.

2. ... all provisions of §14-800 shall apply



§ 14-803. Motor Vehicle Parking Standards.

(1) (b) Location of Accessory Parking.


(.1) Residential and Commercial Districts.

(.a) General.

(ii) Surface parking spaces and detached garages and carports are prohibited in required front, side, and rear yards.

(iii) Driveways that provide vehicular access to accessory parking spaces may be located in required front, side, or rear yards.

3. ... parking spaces ... prohibited in required front ... yards.



Proposed Changes to 123 E Gorgas Ln

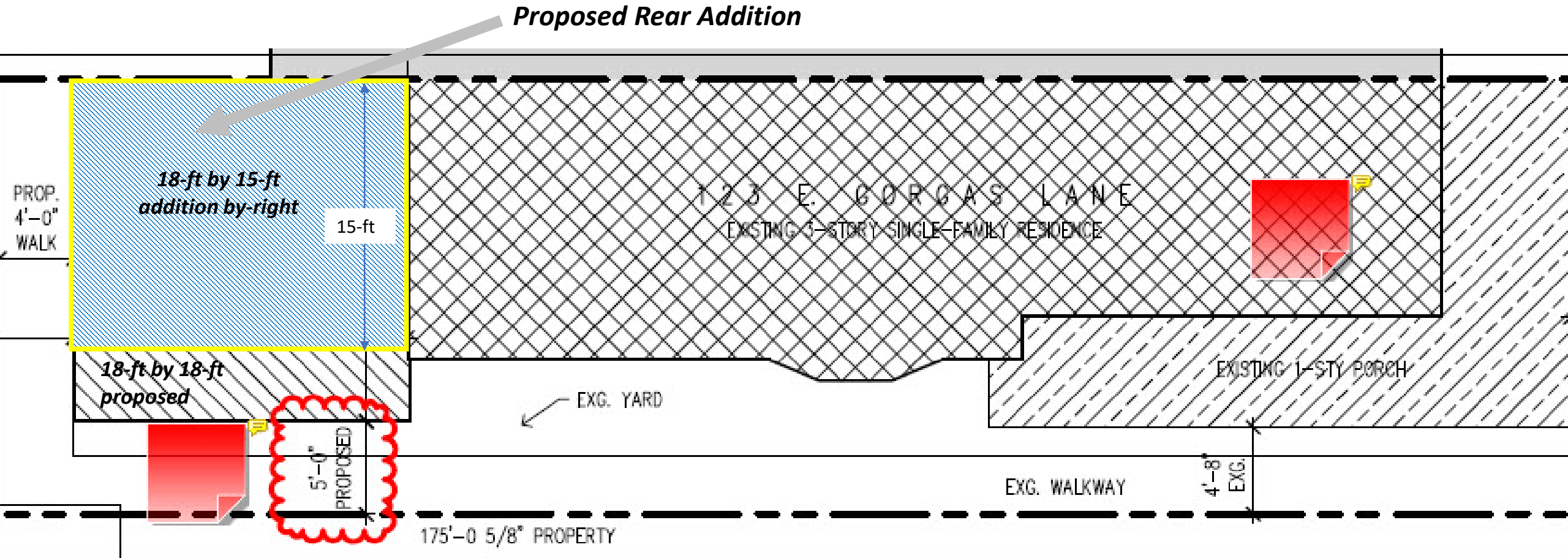
Side View of House – Looking East



02. Side Elevation



2. Minimum Side Yard Variance



18-ft by 15-ft Rear Addition Would Not Require a Variance

Applicant Is Seeking 2 variances

**No Variance
Needed for
By-right Option**

No off-street parking

18-ft by 15-ft Addition

<u>Code Section(s):</u>	<u>Reason for Refusal:</u>						
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TWO (2) ZONING REFUSALS

ZBA Variance Review Criteria - Philadelphia Code: §14-303(8)(e)

(.1) General Criteria.

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

ZBA Variance Review Criteria - Philadelphia Code: §14-303(8)(e)

(.1) General Criteria. ... The Zoning Board shall grant a variance only if it finds each of the following criteria are satisfied:		ZC Review
(.1)(.a)	Denial would result in an unnecessary hardship. The applicant shall demonstrate that the unnecessary hardship was not created by the applicant and that the criteria set forth in § 14-303(8)(e)(2) (Use Variances) below, in the case of use variances, or the criteria set forth in § 14-303(8)(e)(3) (Dimensional Variances) below, in the case of dimensional variances, have been satisfied;	?
(.1)(.b)	The variance, whether use or dimensional, if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the use or dimensional regulation in issue	?
(.1)(.c)	The grant of the variance will be in harmony with the purpose and spirit of this Zoning Code	✓
(.1)(.d)	The grant of the variance will not substantially increase congestion in the public streets, increase the danger of fire, or otherwise endanger the public health, safety, or general welfare	✓
(.1)(.e)	The variance will not substantially or permanently injure the appropriate use of adjacent conforming property or impair an adequate supply of light and air to adjacent conforming property	?
(.1)(.f)	The grant of the variance will not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities	✓
(.1)(.g)	The grant of the variance will not adversely and substantially affect the implementation of any adopted plan for the area where the property is located	✓
(.1)(.h)	The grant of the variance will not create any significant environmental damage, pollution, erosion, or siltation, and will not significantly increase the danger of flooding either during or after construction, and the applicant will take measures to minimize environmental damage during any construction	✓

ZBA Variance Review Criteria - Philadelphia Code: §14-303(8)(e)

(.3) Dimensional Variances.

To find an unnecessary hardship in the case of a dimensional variance, the Zoning Board may consider the economic detriment to the applicant if the variance is denied, the financial burden created by any work necessary to bring the building into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood.

Key Questions for Near Neighbors To Consider in the RCO Vote

1. Is there an unnecessary hardship?

*“To find an unnecessary hardship in the case of a **dimensional variance**, the Zoning Board may consider the economic detriment to the applicant if the variance is denied, the financial burden created by any work necessary to bring the building into strict compliance with the zoning requirements and the characteristics of the surrounding neighborhood.”*

2. Do the proposed variances represent the **minimum variance** that will afford relief and will represent the least modification possible?



RCO Meeting Agenda

1. Welcome, Introductions
2. Zoning Committee Variance Review
3. Applicants' Presentation
4. Neighbors' Q & A
5. Voting by Neighbors
6. Announcement of Vote Outcome