

# Registered Community Organizations (RCOs)

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



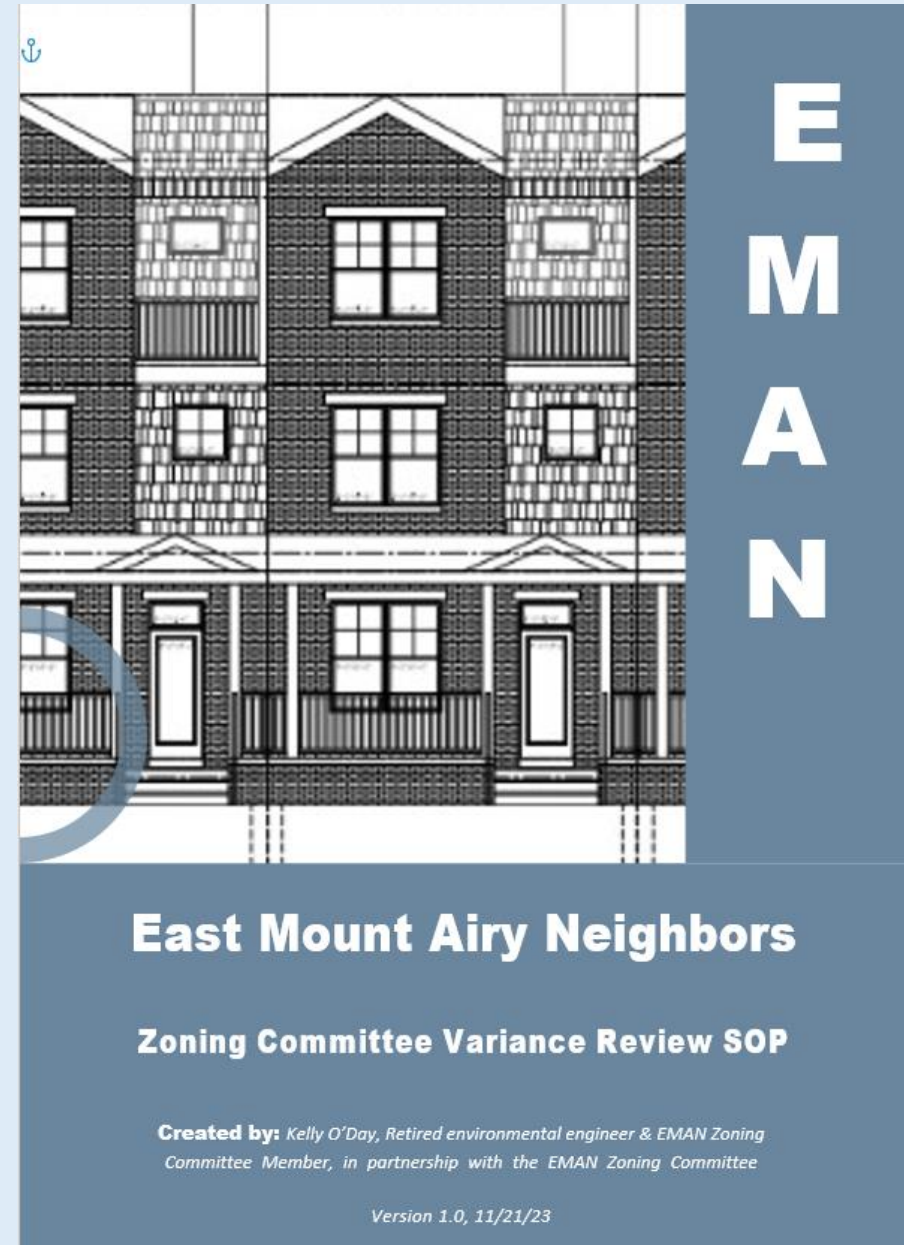
## EMAN Zoning Committee's RCO Priorities

- 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](http://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: [www.atlas.phila.gov](http://www.atlas.phila.gov) 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.

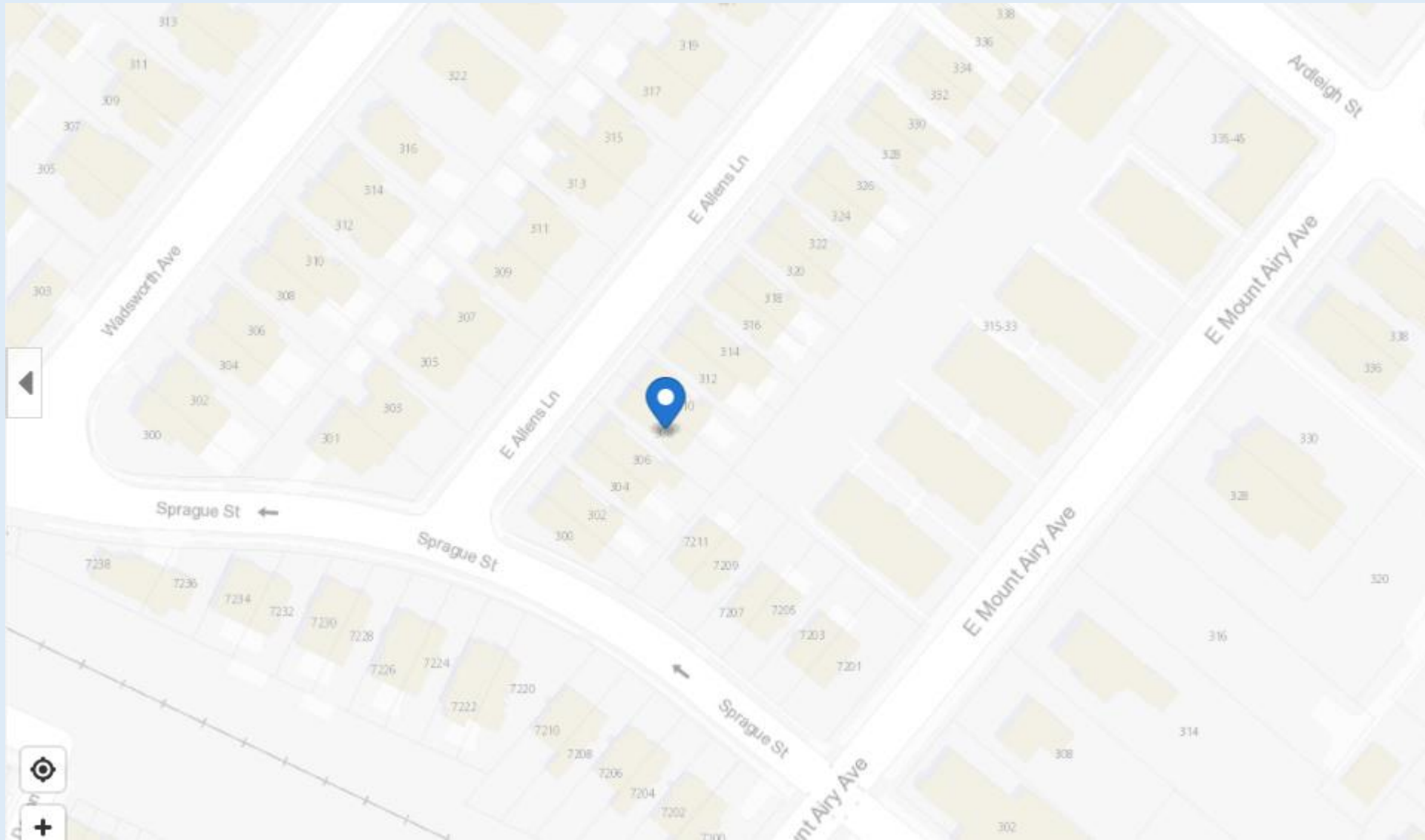
Q: Who decides what a property owner can and cannot do with their property depending on their zoning?

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)

# 308 E. Allens Lane: Present



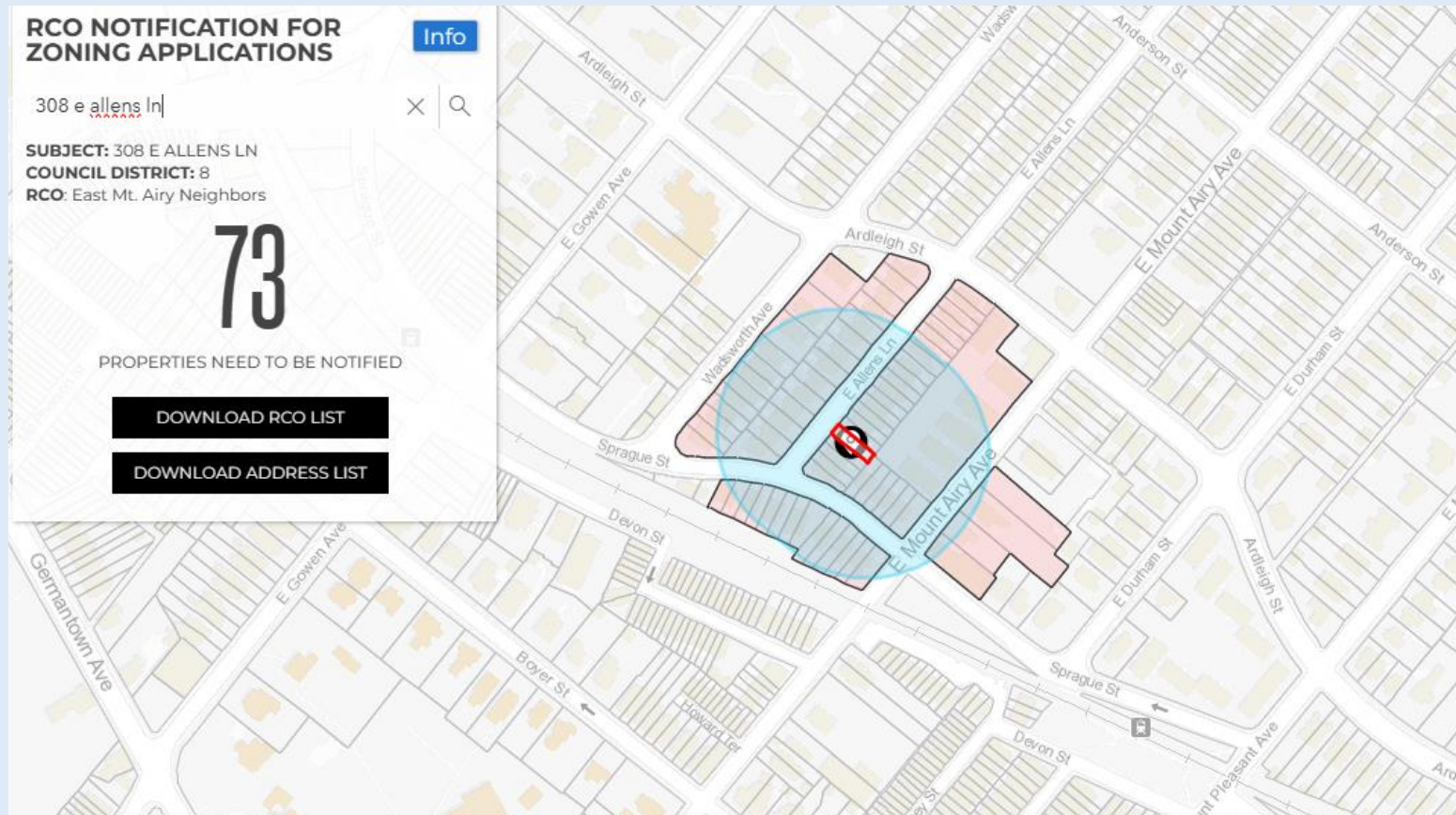
# The Property: 308 E. Allens Lane



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# RCO Notification: Near Neighbor Properties for 308 E. Allens Lane



**Variance Request:** To allow for a rear deck that has a “floor level” that is above the “floor level” of the first, fully above ground floor of the house.

**L&I Refusal:** A rear deck cannot have a floor level that is not **at or below** the floor level of the first floor of the house that is fully above ground. See Philadelphia Code. Section 14-604(4)(d)(.3)(.a)

73 Near Neighbor Properties (this is the property count – there are multi-unit properties within the near neighbor<sup>7</sup> radius.)

# 308 E. Allens Lane

## L&I Notice of Refusal

**Permit Request:** To allow a rear deck with an elevation that is above the floor level of the first floor of the house that is fully above ground.

**L&I Refusal:** A deck must be constructed so that the floor level of the deck is either at or below the floor level of the first story of the house which is fully above ground.



**Notice of:**     Refusal     Referral

Application Number: ZP-2023-006870	Zoning District(s): RSA3	Date of Refusal: 10/12/2023
Address/Location: 308 E ALLENS LN, Philadelphia, PA 19119-1101 Parcel (PWD Record)		Page Number Page 1 of 1
Applicant Name: Christopher Simpson	Applicant Address: 308 east allens lane philadelphia, PA 19119 USA	Civic Design Review? N

**Application for:**

FOR THE ERECTION OF A REAR DECK ACCESSORY TO EXISTING SEMI-DETACHED STRUCTURE. FOR CONTINUED USE AS SINGLE FAMILY DWELLING. SIZE AND LOCATION AS SHOWN IN 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](http://www.phila.gov).)

Code Section(s):	Code Section Title(s):	Reason for Refusal:
Section 14-604(4)(d)(.3)(.a)	Deck at Rear Yard	A deck may not encroach into the required rear yard unless it complies with the following:  (.a) It is constructed such that the floor level of the deck is at or below the floor level of the first story which is fully above grade;  The deck is constructed above floor level thus shall be prohibited in the required rear yard.

ONE (1) ZONING REFUSAL

Fee to File Appeal: \$125



# Section 14-604(4)(d)(.3)(.a) of The Philadelphia Code

## (4) Decks other than Roof Decks.

All decks, except for decks in CMX-4 and CMX-5 districts, are subject to the following requirements:

\*308 E Allens Lane is zoned RSA-3\*



### (a) Fences, Guard Rails, and Privacy Screens. <sup>536</sup>

Fences or guard rails used to enclose decks may not exceed 42 in. in height, except that privacy screens up to 60 in. in height and no more than fifty percent (50%) opaque may be installed on the sides of decks that are parallel to side lot lines and located within 18 in. of a side lot line that is not also a street line.

### (b) Front Yard.

Decks are prohibited in required front yards.

### (c) Side Yard.

Decks are prohibited in required side yards.

### (d) Rear Yard.


Decks are permitted between the rear wall of the building and the rear property line, provided the following conditions are met:

### (.3) Minimum Distance from Driveway, Rear Lot Line, and Required Rear Yard.

A deck may not encroach into the required rear yard unless it complies with the following:

- (a) It is constructed such that the floor level of the deck is at or below the floor level of the first story which is fully above grade; and
- (b) It is not, at any point, closer than three ft. from a rear lot line serving two or more lots or the edge of any common driveway.

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

<p>City of Philadelphia Zoning Board of Adjustment</p>  <p><b>Application for Appeal</b></p> <p>CALENDAR # _____ (FOR OFFICE USE ONLY)</p>	<p>WHEN COMPLETED, MAIL TO:</p> <p>CITY OF PHILADELPHIA          Department of Planning &amp; Development          Zoning Board of Adjustment          One Parkway Building          1515 Arch St, 18<sup>th</sup> Floor          Philadelphia, PA 19102</p>
<p>APPLICANT MUST COMPLETE ALL INFORMATION BELOW. PRINT CLEARLY AND PROVIDE FULL DETAILS</p>	
<p>LOCATION OF PROPERTY (LEGAL ADDRESS)  <u>308 E Allens Lane</u></p>	
<p>PROPERTY OWNER'S NAME:  <u>Christopher Simpson</u></p> <p>PHONE #: <u>267-974-6514</u></p> <p>E-MAIL: <u>csimpson879@gmail.com</u></p>	<p>PROPERTY OWNER'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)  <u>308 E Allens Lane</u>  <u>Phila., PA 19119</u></p>
<p>A CORPORATION MUST BE REPRESENTED BY AN ATTORNEY LICENSED TO PRACTICE IN PENNSYLVANIA</p>	
<p>APPLICANT:</p> <hr/> <p>FIRM/COMPANY:</p> <hr/> <p>PHONE #:</p>	<p>APPLICANT'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)</p> <hr/> <p>E-MAIL:</p>
<p>RELATIONSHIP TO OWNER: <input type="radio"/> TENANT/LESEE <input type="radio"/> ATTORNEY <input type="radio"/> DESIGN PROFESSIONAL <input type="radio"/> CONTRACTOR <input type="radio"/> EXPEDITOR <input type="radio"/> OTHER</p>	
<p>APPEAL RELATED TO ZONING/USE REGISTRATION PERMIT APPLICATION #</p>	
<p>IF A VARIANCE IS REQUESTED, PLEASE PROVIDE AN EXPLANATION OF EACH OF THE FOLLOWING CRITERIA AS REQUIRED FOR THE GRANTING OF A VARIANCE:</p>	

## **(.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**





# Issue 2: How Long Has the Deck Been Present?

L&I dashboard / Property history / 308 E ALLENS LN / Violation: CF-2021-117210

**STANDARD** IN VIOLATION  
**CASE NUMBER: CF-2021-117210**  
L&I District: NORTH  
OPA Account #: 091007900  
308 E ALLENS LN  
Philadelphia, PA 19119-1101 [Applicable codes index](#)

Case number	CF-2021-117210
Priority	STANDARD
Date added	Dec. 10, 2021
Date updated	Aug. 04, 2023
Resolution date	Not Available

Violation number: VI-2021-085429 - A-301.1/10 ×

Code	A-301.1/10 ⓘ
Type	OUTDOOR DECK
Date	Dec. 10, 2021
Status	OPEN

### Investigations

Date	Case #	Status
Dec. 10, 2021	CF-2021-117210	FAILED
Feb. 28, 2022	CF-2021-117210	FAILED
Apr. 06, 2022	CF-2021-117210	FAILED
Apr. 14, 2022	CF-2021-117210	FAILED
Aug. 04, 2023	CF-2021-117210	FAILED

5 records

## Issue 3: Unnecessary Hardship

1) What is the hardship, if any, to reconstruct the deck to conform with the Philadelphia Code?  
(Price quote?)

# EMAN Zoning Committee Variance Review Summary

- How far above ground level grade is the deck? A little bit? A lot?
- How long has the deck been present?
- What is the hardship to rebuilding the deck to comply with the Code?



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

- Becoming a Member of EMAN: Visit [eastmountairy.org](http://eastmountairy.org)
- Making a Donation to East Mount Airy Neighbors: Visit [www.eastmountairy.org/donate](http://www.eastmountairy.org/donate)
- Joining the Zoning Committee as a committee member: Message Nina Curlett in the Zoom Chat if interested



East Mount Airy Neighbors

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# Welcome to East Mount Airy Neighbors

Making a great community even better!