

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)

109 Pleasant Street, Philadelphia, PA 19119

PROPERTY OWNER'S NAME: CDPHI LLC

PHONE #: 610-505-8132

E-MAIL: Rachael@pritzkerlg.com

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

c/o Pritzker Law Group, LLC
1635 Market Street, Suite 1600
Philadelphia, PA 19103

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

APPLICANT:
Rachael Pritzker, Esq.

FIRM/COMPANY:
Pritzker Law Group, LLC

PHONE #: 610-505-8132

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

1635 Market Street, Suite 1600
Philadelphia, PA 19103

E-MAIL: Rachael@pritzkerlg.com

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

APPEAL RELATED TO ZONING/USE REGISTRATION PERMIT APPLICATION # ZP-2020-001401

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.

Please see attached.

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.

Please see attached.

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

Please see attached.

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.

Please see attached.

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.

Please see attached.

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

Please see attached.

REASONS FOR APPEAL:

Please see attached.

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: _____

7
MONTH

31
DATE

2020
YEAR

City of Philadelphia
Zoning Board of Adjustment
Application for Appeal



Pritzker Law
GROUP

109 Pleasant St., 121 Pleasant St., and 106 Meehan Avenue

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.

Yes. Compliance with the requirements of the zoning code would cause an unnecessary hardship due to the size, shape, contours or physical dimensions of the property. No action on our part caused or created the special conditions or circumstances. Refusals are discussed in turn below. First, a narrative description of the project is provided for reference:

- Description of Project:
 - This project proposes the rearrangement of 3 lots into 9 lots, on each of which one new attached single-family dwelling will be constructed.
 - 106 Meehan Av. is currently vacant; it will feature one dwelling.
 - 109 Pleasant St. is currently vacant, while 121 Pleasant St. currently contains one single-family dwelling to be demolished; the combined area of these two lots will be subdivided into 8 lots, to be addressed as 109A-109H Pleasant St., that will each feature one dwelling.
 - Each of the 9 homes to be constructed will consist of three-stories plus a roof deck accessed by pilothouse, with 1 parking space per lot in the rear-yard of each.
 - One curb-cut from the side-yard of the 106 Meehan property will connect Meehan Avenue to a driveway (running in an easement area) serving all 9 parking spaces.

- Refusals #1-8: Minimum lot area (109A-109H Pleasant St.) -- Table 14-701-1:
 - Meeting the minimum lot area requirement would demand a subdivision of the Pleasant Street properties into lots having widths and areas that would exceed the typical widths and areas of the block's other half-block deep lots; this would lessen the project's congruency with its surroundings, and accordingly, compliance with the Code's minimum area requirement is not advisable.
 - Table 14-701-1 calls for a minimum area of 1440 square feet in the RSA-5 zoning district; this minimum is not achieved by any of the block's typical lots of

half-block depth, and likewise, it would not be achieved by the 8 lots proposed here fronting Pleasant Street (which are each proposed to have areas ranging from 1246 square feet to 1190 square feet).

- The average area of the neighboring lots on the project's side of Pleasant Street is **1,172** square feet, while the average area of the project's 8 planned Pleasant Street lots will be **1,201** square feet.¹ The two numbers are virtually identical.
- Refusal #9: Minimum side yard width (106 Meehan Av. only) -- Table 14-701-1; and Refusal #10: Minimum rear yard depth at parking (106 Meehan Av. only) -- Table 14-701-1 & Section 14-803(1)(b)(1)(a)(ii):
 - Both of these refusals relate to the fact that the proposed 106 Meehan Avenue lot will contain both: 1) a driveway passing through its side yard that connects each of the other 8 lots' parking spaces to Meehan Avenue; and 2) one dwelling unit fronting Meehan Avenue, with a dedicated parking space to its rear (similar to the 8 dwellings planned for Pleasant Street).
 - The refusal for minimum rear yard depth was generated because, to enhance driver-safety, 106 Meehan's parking space is placed at the far rear of its lot rather than closer to the back of the house.²
 - In this location, the parking space is distanced as far as possible from the curb-cut to Meehan Avenue.
 - This enhances the amount of time and space with which drivers entering the curb-cut from Meehan Avenue can yield if a resident of 106 Meehan pulls out into the shared driveway from the parking space behind his/her/their home.
 - The refusal for minimum side yard width was generated because the space that would have constituted 106 Meehan's side yard will be occupied by the shared driveway that leads from the Meehan Avenue curb-cut to all of the project's parking spaces.

¹ The average of the neighboring Pleasant Street lots is calculated here as the average of the areas of 101 through 165 Pleasant Street (inclusive, odd only), as reported by the Office of Property Assessment, excluding the project's own 109 and 121 Pleasant Street. The lots on the odd side of Pleasant Street vary in size, but, by way of example, closest to the project are: 101 Pleasant (1,470 s.f.), 123 Pleasant (1,026 s.f.), 125 Pleasant (994 s.f.), 127 Pleasant (1,074 s.f.).

² The project would have avoided its refusal regarding Section 14-803(1)(b)(1)(a)(ii) of the Code had 106 Meehan's parking space been moved three (3) feet closer to the house (away from the rear property line) and placed under a carport, in which case it would have been able to avail itself of an exception under Section 14-803(1)(b)(1)(b)(ii)(B). But a design choice was made to move the space to the rear lot line and forgo a carport in order to enhance visibility and safety in regard to the user of this parking space entering and exiting the adjacent shared driveway.

- If 106 Meehan’s side yard was left vacant in conformity with the Zoning Code, a curb-cut would have had to be made onto Pleasant Street rather than Meehan Avenue.
 - Placing a curb-cut onto Pleasant Street would’ve required the wasteful use of an entire building lot for the driveway, precluding the development of one of the 9 planned dwelling units. Since the 106 Meehan lot is an unusually-wide lot (30 feet wide) in the context of both the neighborhood and this block, it can easily accommodate both a dwelling unit and the driveway.
- **In the alternative,** Applicant hereby asserts that the zoning examiner’s determination that the dwelling unit planned for 106 Meehan Avenue is a semi-detached structure was erroneous. The correct determination is that 106 Meehan is an “attached building”, and as such Refusals #9 and #10 should not have been generated.
 - The building planned for 106 Meehan is an “attached building” because Section 14-203(44)(a) defines an attached building as, “For intermediate lots, a building with both side building walls located on or at the side lot line.”
 - Section 14-203(178) defines “lot line” as “A boundary line delineating one lot from another lot, street, or any public or private means of vehicular or pedestrian traffic.”
 - The building planned for 106 Meehan will be bounded to the west by the side building wall of the home at 102 Meehan Ave., and bounded to the east by the boundary line of the non-exclusive easement area on which the shared vehicular driveway will run.
 - Therefore the building is bound “with both side building walls located on or at the side lot line”, and accordingly in an “attached building” under the Zoning Code.
 - When classified as an attached building, 106 Meehan would not have violated Section 14-803(1)(b)(.1)(a)(ii), prohibiting surface parking in the rear yard, because this provision of the code does not apply to attached buildings, per the exception at Section 14-803(1)(b)(.1)(b)(i).
 - When classified as an attached building, 106 Meehan would not have violated Table 14-701-1, regarding side yard width, because this provision of the code does not apply to attached buildings in the RSA-5 district, per the same Table.
 - Therefore when the building planned for 106 Meehan is correctly classified as an attached building, the project only generates one type of refusal: minimum lot area.

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 variances we seek represent the most limited relief of the relevant Code provisions to enable the proposed development. The proposed subdivision aims to create nine lots that mimic the existing half-block deep properties in their vicinity, which the Code does not permit. The variances are dimensional in nature; no use variance is requested, and the project's proposed single-family homes are in keeping with the neighborhood's surrounding use. The project does not propose any variances for side yard, rear yard, open space or height with the exception of the rear yard and side yard variances affecting the 106 Meehan lot only. These rear yard and side yard variances for 106 are necessary in order to allow space for safe vehicular and pedestrian egress to and from the project's parking courtyard. As detailed below, the parking courtyard as proposed reduces congestion on public streets, and enables the project to proceed in conformity with Section 14-803(1)(c)(.1), which requires all parking accessory to homes in the RSA-5 zoning district to be accessed by either an alleyway, rear street, or in this case a shared driveway.

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

No. The variances sought will not increase congestion in public streets or in any way endanger the public. In fact, the off-street parking provided will reduce the likelihood of future residents competing with existing residents for on-street parking. The proposal creates nine off-street parking spaces in exchange for the loss of only one on-street space (due to a curb-cut to access the parking courtyard). The alternative would provide for single-family homes that provide no accessory-off street parking, which will increase congestion in the public streets.

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

No. The variances sought will not substantially or permanently harm our neighbors' use of their properties or impair an adequate supply of light and air to those properties. The variances sought will ensure that the proposed development will fit with the character and design of most existing dwellings on the block. No variances are sought for height, side or rear yard setbacks, with the exception of the rear yard and side yard variances affecting the 106 Meehan lot only. These rear yard and side yard variances concern only the setback of paved parking and driveway areas on that lot; the dwelling structure itself complies with all zoning requirements. Therefore light and air reaching neighboring properties is not impacted by the requested yard variances. The project

will contribute to the continued revitalization of the neighborhood, and the proposed lots and structures will be in harmony with much of the neighborhood and block.

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 variances sought will not substantially increase traffic congestion in public streets or place an undue burden on water, sewer, school park or other public facilities. The project provides in-fill development in an immediate neighborhood with several vacant properties (including some held by the City of Philadelphia Land Bank). As such, the neighborhood has the capacity to accommodate this development. The construction will contribute jobs and homes to new and existing Philadelphia residents and will increase the congruity of the block. The proposed single-family use is in accordance with the character of the neighborhood and will in no way contribute to congestion of the public streets as detailed above. The existing utilities and facilities in the area are capable of supporting the nine proposed single-family homes. In fact, the project is located in the “Core Growth Area” designated in the Upper Northwest District Plan. The Plan aims to concentrate future development around Germantown Avenue (which is 600 feet away from the project) in furtherance of its commercial viability, and because the Avenue has the transit and utility infrastructure to efficiently accommodate further development. At the end of this brief is a copy of a map of the Core Growth Area included at Page 34 of the Plan (Please see ** below).

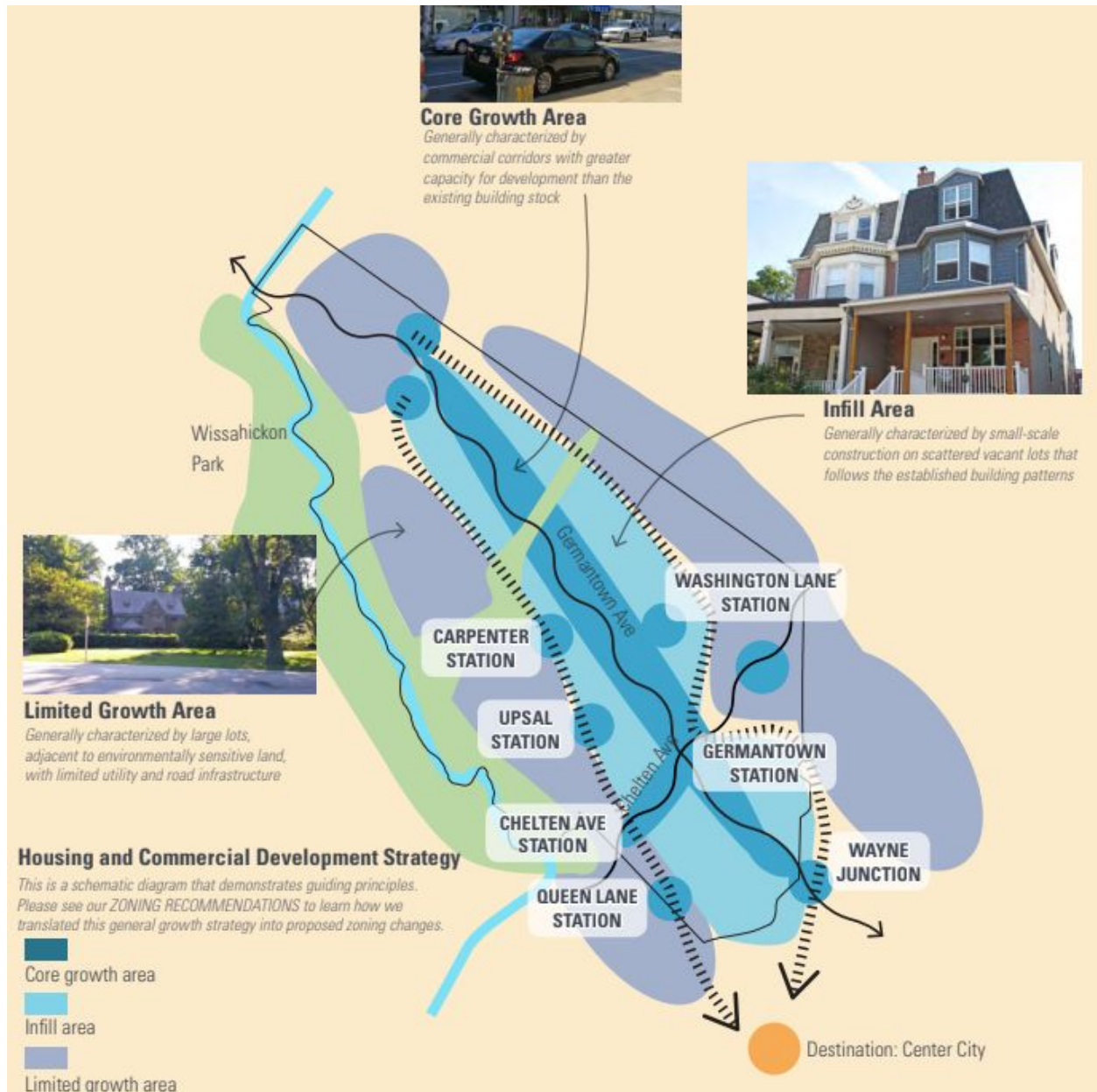
Will the variance you seek create environmental damage, pollution, erosion, or siltation, or increase the danger of flooding? Explain.

No. The variances sought will not create environmental damage, pollution, erosion, or siltation, or increase the danger of flooding. The variances are in line with adjacent and neighboring properties and will be developed in a manner protective against environmental damage, pollution, erosion or siltation and will not increase the danger of flooding.

REASONS FOR APPEAL:

Literal enforcement of the Zoning Code will impose unnecessary hardships upon the project and its properties, applicant and owner, whereas the proposed construction will not adversely affect the public health, safety or welfare or traffic in the area. Therefore, variance relief is requested. Applicant also requests any other variances, use certificates or special use permits that are necessary. Applicant reserves the right to supplement these reasons up to and including the hearing.

****Page 34 of the Upper Northwest District Plan, depicting location of Core Growth Area:**



City of Philadelphia Project Information Form

PIF Confirmation Page

Thank you for submitting your information. A copy of this information will be sent to your e-mail address. If you entered in any of this information incorrectly, please complete and **submit a new form** with the updated information.

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

View all projects submissions.

PRINT YOUR FORM

Applicant Information

Address of Development Project

109 PLEASANT ST

Council District

8

Name of Applicant

Rachael Pritzker

Zoning Application Number

2020001401

Address of Applicant

1635 Market Street
Suite 1600
Philadelphia, PA 19103

Contact Information

Is the contact person the same as applicant?

- Yes

Name of Contact Person

Rachael Pritzker

Phone Number of Contact Person

(610) 505-8132

Email Address of Contact Person

rachael@pritzkerlg.com

Project Information

Is your project exclusively residential?

Yes

Does your project contain three or fewer units?

No

Key Project Statistics

Current Land Use on Parcel(s):

Three lots (two vacant, one single-family dwelling)

Proposed Land Use on Parcel(s):

Nine lots (each having one attached single-family dwelling)

Net Change in Number of Housing Units:

Net Change in Commercial Square Footage:

0

Net Change in Total Floor Area:

Approx. 22000 sf, minus FA of 1 home to be demolished (unknown)

Net Change in On-Street Parking:

-1

Number of Off-Street Parking Spaces to be Provided:

9

Approximate Projected Construction Period:

TBD

Please provide a brief summary of your proposed project:

Lot line changes to take 3 lots (two vacant, one single-family dwelling) into 9 lots (each having one attached single-family dwelling). 8 of 9 lots will front Pleasant Street (proposed to be 109A-H Pleasant Street, on land presently addressed as 109 (presently vacant) and 121 Pleasant (one dwelling to be demolished)). These 8 lots will each contain 1 attached single-family dwelling of three-stories plus roof deck accessed by pilothouse, with 1 parking space per lot in rear-yard of each. 9th lot to remain addressed as 106 Meehan (presently vacant); will feature 1 attached single-family dwelling of three-stories plus roof deck accessed by pilothouse, with one parking space in rear-yard. 106 Meehan will also feature driveway over easement in side-yard that connects to parking in rear of 106 Meehan and 109A-H Pleasant Street. 1 curb-cut onto Meehan Street will connect this driveway easement (serving all 9 parking spaces) to the street.

Please describe any planned changes to the landscaping and lighting on any public space within or adjacent to your project:

n/a

Please describe any anticipated impacts on the transportation network (e.g. parking, sidewalks, street safety or traffic, transit) and any plans for mitigating any negative impacts:

Project promotes use of mass-transit as it is approx. 600 feet from Route 23 Bus stop and less than 1/2 mile from each of Chestnut Hill West Regional Rail Line (Carpenter Station) and Chestnut Hill East Regional Rail Line (Stenton Station). Project promotes safety and viability of Germantown Avenue commercial corridor by increasing residential population in its close proximity. Project results in loss of one on-street parking space on Meehan Street (for one curb-cut) in exchange for creation of 9 off-street spaces. This reduces future congestion compared to alternative developments that could rely on on-street parking or propose several curb-cuts.

Approximately how many full time equivalent jobs (if any) are currently located on site?

0

Approximately how many full time equivalent workers will be employed on-site during the construction period?

TBD

Approximately how many full time equivalent jobs (if any) will be located on-site after construction is complete? Approximately how many of these jobs (if any) will be paid a wage of at least \$15/hour and will include health and/or retirement benefits?

0

Describe your plan, if any, to increase the supply of affordable housing:

n/a

Please describe any partnerships with local community organizations that will be utilized during and/or after construction:

TBD

Please provide a brief summary of any plans for local hiring and job training/apprenticeships during or after construction. Also, please indicate whether you plan to submit an Economic Opportunity Plan to the Office of Economic Opportunity:

TBD

Please describe any other anticipated community impacts (positive or negative) associated with this project:

Project increases residential density within near-walking distance of Germantown Avenue for promotion of commercial viability of Avenue, without relying upon on-street parking (keeping it available for shoppers).

Sign & Submit

Agreement:

- I understand that all information submitted on this form is public information.

Printed Name of Applicant

Rachael Pritzker

Please sign with the Initials of the Applicant

RJP

Date

07/31/2020

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