



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)
6765-71 Germantown Avenue

PROPERTY OWNER'S NAME:
Neighborlyliving LLC and NL2 LLC

PHONE #: 215-569-4292

E-MAIL: bpeanasky@klehr.com

PROPERTY OWNER'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)
141 W. Phil Ellena Street
Philadelphia, PA 19119

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

APPLICANT:
Brett Peanasky, attorney for owner

FIRM/COMPANY:
Klehr Harrison Harvey Branzburg LLP

PHONE #: 215-569-4292

APPLICANT'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)
1835 Market Street
14th Floor
Philadelphia, PA 19103

E-MAIL: bpeanasky@klehr.com

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

APPEAL RELATED TO ZONING/USE REGISTRATION PERMIT APPLICATION # 924610

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.

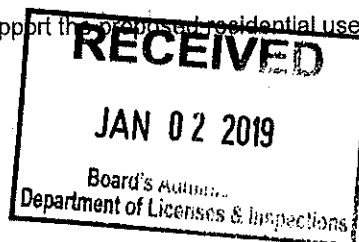
Yes, strict adherence to the requirements of the Zoning Code causes an unnecessary hardship to the properties because of their unique size, shape, and configuration. The properties have street frontages on both Germantown Avenue and Pleasant Street, which intersect at an odd angle. Because the properties are in the CMX-2 Zoning District, the Zoning Code requires that the first 30' of depth of the ground floor be used for commercial purposes. The properties meet this requirement along Germantown Avenue, a main commercial corridor. However, because of the odd lot configurations and adjacent residential uses, commercial uses on the ground floor frontage of Pleasant Street is infeasible and non-contextual. Because the hardship arises from the unique lot conditions and the surrounding uses, the hardship is not self-created.

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 proposed project complies with the Zoning Code in all respects, except for the use of the ground floor frontage along Pleasant Street.

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

No. The proposed project includes ample off-street parking spaces to support the proposed residential use.



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 proposed project complies with all dimensional requirements of the Zoning Code. Thus the new proposed structure will not block light or air to the neighbors' use of their properties or otherwise harm them.

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 properties are in a principal, mixed-use corridor that is well-served by transit, existing public services, and existing utilities.

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

No. The properties are not within a flood plain or other environmentally-sensitive area.

REASONS FOR APPEAL:

Applicant requests zoning variance relief to alleviate the unnecessary hardship that the Zoning Code imposes on the properties. The properties are oddly-shaped, relatively large lots at the intersection of Germantown Avenue and Pleasant Street. While Germantown Avenue is a commercial corridor, Pleasant Street is a residential street. However, because the properties front both Germantown Avenue and Pleasant Street, the Zoning Code requires commercial uses on both frontages. Providing commercial uses on Pleasant Street is both impractical and incompatible with the uses on adjacent properties.

The proposed project is contextual with the surrounding neighborhood. The requested variance will not cause or create any negative impacts to the surrounding properties.

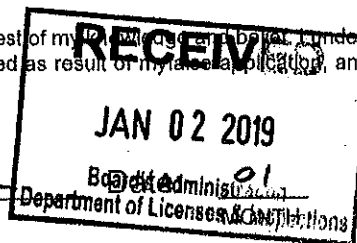
For all of these reasons, the application meets the standard for variance relief under Zoning Code Section 14-303(8), and variance relief is appropriate.

Applicant also requests any necessary variance or special exception relief in addition to the items of relief stated in the Notice of Refusal.

Applicant reserves the right to amend or supplement these reasons for appeal up to and during the oral hearing for this appeal.

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

Applicant's Signature: _____



02 2019
DATE YEAR

City of Philadelphia
Zoning Board of Adjustment
Application for Appeal

NOTICE OF:

☒ REFUSAL
☐ REFERRAL

CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES & INSPECTIONS
Municipal Services Building, Concourse Level
1401 John F. Kennedy Boulevard
Philadelphia, PA 19102

DATE OF REFUSAL:
12/06/2018

APPLICATION #:
924610

ZONING DISTRICT(S):
CMX-2 COMMERCIAL DISTRICT

ADDRESS/LOCATION: 6765-71 GERMANTOWN AVE, PHILADELPHIA PA 19119 (SEC PLEASANT STREET)

APPLICANT: JITING DENG
RUGGIERO PLANTE LAND DESIGN,LLC
(DESIGN PROFESSIONAL)

ADDRESS: 4220 MAIN STREET
PHILADELPHIA PA, 19127

APPLICATION FOR: FOR THE RELOCATION OF LOT LINES TO CREATE THREE (3) LOTS [PARCELS (F),(G) AND (E)]FROM TWO (2) DEEDED LOTS [6767 GERMANTOWN AVENUE & 6771 GERMANTOWN AVE]. AND FOR THE ERECTION OF A DETACHED STRUCTURE (IN PARCEL E).NO CHANGE IN STRUCTURE HEIGHT OR AREA IN PARCELS F & G. SIZES AND LOCATIONS AS SHOWN IN APPLICATION/PLAN. FOR USE AS 15 FAMILY DWELLING UNITS [MULTI-FAMILY HOUSEHOLD LIVING] WITH 15 ACCESSORY OPEN-AIR PARKING SPACES INCLUDING ONE (1) VAN ACCESSIBLE PARKING SPACE AND FIVE (5) CLASS 1A BICYCLE PARKING SPACES(IN PARCEL E). ALONG WITH PREVIOUSLY APPROVED USES;NUSERY SCHOOL WITH DAY CARE CENTER ,FOOD PREPARATION AND SERVICE (IN PARCELS F) & FIVE ROOMING UNITS WITH COMMUNITY KITCHEN TO ACCOMMODATE A MAXIMUM OF TEN(10) PERSONS(IN PARCEL G) TO REMAIN.

PERMIT FOR THE ABOVE LOCATION CANNOT BE ISSUED BECAUSE IT IS NOT IN COMPLIANCE WITH THE FOLLOWING PROVISIONS OF THE PHILADELPHIA CODE. (CODES CAN BE ACCESSED ON LINE AT WWW.PHILA.GOV)

CODE REFERENCE:

TABLE 14-602 NOTE [3]

PROPOSED USE IS REFUSED FOR THE FOLLOWING:

WHEREAS, A RESIDENTIAL USE IS PROPOSED ALONG PLEASANT STREET FRONTAGE, WHICH IS PROHIBITED IN THE CMX-2 ZONING DISTRICT WHERE A USE OTHER THAN RESIDENTIAL OR PARKING SHALL BE PROVIDED ALONG 100% OF THE GROUND FLOOR FRONTAGE AND WITHIN THE FIRST 30 FT OF THE BUILDING DEPTH, MEASURED FROM THE FRONT BUILDING LINE.

ONE(1) USE REFUSAL

FEE TO FILE APPEAL - \$300

Cc:
OWNER -
141 W. PHIL ELLENA ST
PHILADELPHIA PA 191119

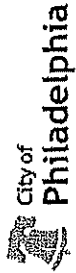


Roland Ngaba
PLANS EXAMINER

12/08/2018
DATE

NOTICE TO APPLICANT:

AN APPEAL FROM THIS DECISION MUST BE MADE TO THE ZONING BOARD OF ADJUSTMENT, ONE PARKWAY BUILDING, 1515 ARCH STREET - 18TH FLOOR,, PHILADELPHIA, PA 19102, WITHIN THIRTY (30) DAYS OF DATE OF REFUSAL.



PROJECT INFORMATION FORM RESULTS

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..."



Applicant Information

Address of Development Project

6765 GERMANTOWN AVE

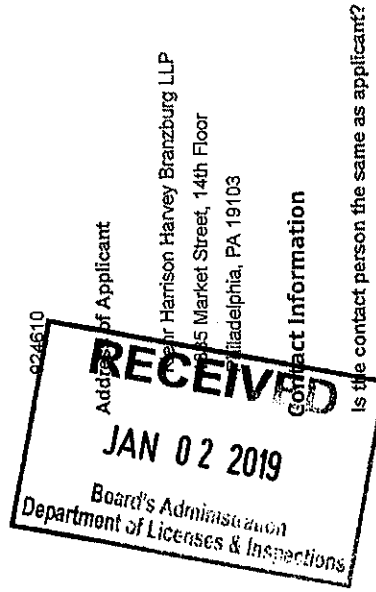
Council District #

8

Name of Applicant

Brett Peanasky

Zoning Application Number



Name of Contact Person

Brett Peanasky

Phone Number of Contact Person

(215) 589-4292

Email Address of Contact Person

bpeanasky@klehr.com

Project Information

Is your project exclusively residential?

No

Does your project result in a total of 2,500 square feet or more of floor area?

Yes

Is your zoning application exclusively for signage?

No

Key Project Statistics

Current Land Use on Parcel(s):

Day care/nursery school and 5-unit rooming house (fronting Germantown Ave.)

Proposed Land Use on Parcel(s):

Same with addition of 15 residential units and 15 parking spaces on Pleasant Street side

Net Change in Number of Housing Units:

15

Net Change in Commercial Square Footage:

0

Net Change in Total Floor Area:

12,500 sq. ft. (approx.)

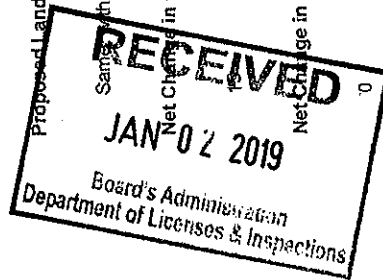
Net Change in On-Street Parking:

0

Number of Off-Street Parking Spaces to be Provided:

15

Approximate Projected Construction Period:



12 months

Please provide a brief summary of your proposed project:

The project proposes to adjust the lot lines of the properties and create a new parcel fronting Pleasant Street. On this new parcel, the project proposes to construct a new structure containing 15 residential dwelling units (5 rowhome-style attached buildings, with three units in each) and 15 off-street, surface parking spaces.

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

The project will include reconstruction of the sidewalk adjacent to Pleasant Street.

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:

The project includes ample off-street parking, and no impacts on the existing transportation network are anticipated.

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

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?

TBD

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

The project does not include an affordable housing component.

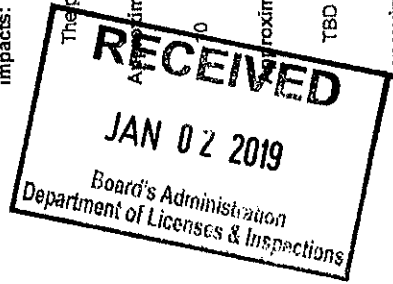
Please describe any partnerships with local community organizations that will be utilized during and/or after construction:

At this time, no partnerships are anticipated.

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:

Applications for positions will be open to all persons. Hiring decisions will be based on experience and qualifications.

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



Sign & Submit

Agreement:

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

Printed Name of Applicant

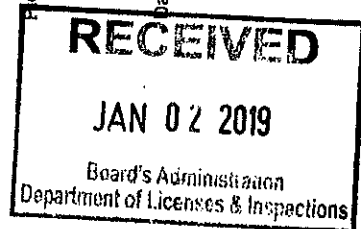
Brett Peanasky

Please sign with the Initials of the Applicant



Date _____

01/02/2019



Feedback

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