

From: **Steve Masters** <steve@justlaws.org>

Date: Tue, Jul 12, 2022 at 11:21 AM

Subject: request for assistance with our application for a by right lot adjustment zoning permit for 7111 Germantown Avenue | ZP-2022-001234

To: Elizabeth Baldwin <elizabeth.baldwin@phila.gov>

Cc: Kate Schoener <kate@phillyofficeretail.com>, Dennis Lee <consultinggrouppllc@gmail.com>, Morrie Zimmerman <mzimmerman@ozcollaborative.com>

Dear Betsy:

We are looking for your assistance with a lot adjustment application which we believe falls within the by right provisions of §14-305(7)(b).

Prior to applying for this lot adjustment, the property owner subdivided this parcel with a condominium declaration into four distinct parcels (attached). This condominium declaration, along with a second amendment which depicts the new boundaries of the sanctuary unit, were both recorded with the Philadelphia Recorder of Deeds.

As you can see, the attached Second Amendment was intended to correct and clarify the title lines for the Sanctuary Unit and expressly provide for the power to subdivide.

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. (see attached code section).

The plans examiner has insisted that the current rear wall of parcel B is still the rear wall of parcel A, which has a rear yard setback, despite the recorded condominium declaration which clearly separates the structure in parcel B from the structure in parcel A and defines the rear wall of parcel B as attached to the front wall of parcel A.

We appreciate your assistance with this situation and would be happy to set up a meeting with you if you would find that helpful.

Respectfully submitted,

Steve Masters

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