

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) 4112 Pechin St., Philadelphia, PA 19128

PROPERTY OWNER'S NAME: William C McDowell

PROPERTY OWNER'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)
c/o Pritzker Law Group

PHONE #: 610-505-8132

1635 Market St., Ste. 1600
Philadelphia, PA 19103

E-MAIL: Rachael@pritzkerlg.com

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

APPLICANT: Rachael Pritzker, Esq.

APPLICANT'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)
1635 Market St., Ste. 1600
Philadelphia, PA 19103

FIRM/COMPANY: Pritzker Law Group

PHONE #: 610-505-8132

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-2021-000504

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: _____

05
MONTH

06
DATE

2021
YEAR

City of Philadelphia
Zoning Board of Adjustment
Application for Appeal



Pritzker Law
GROUP

4112 Pechin St.

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 causes 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.

The Applicant proposes the erection of a new detached building for use as a multi-family structure with thirty-six (36) dwelling units above twenty-five (25) accessory off-street parking spaces on the ground level. Applicant's proposal generated four refusals:

- Multi-family use (not permitted in the RSA-5 zoning district);
- Maximum building height (Zoning Code limitation of 38 feet vs. proposed portions of building up to 67.5 feet in height as measured from average grade);
- Minimum drive aisle width (Zoning Code minimum of 24 feet drive aisle width vs. proposed portions of drive aisle being 20 feet in width);
- Minimum parking stall size (Zoning Code minimum of 8.5 feet stall width and 18 feet stall length vs. certain proposed stalls being 8 feet in width and 16 feet in length).

Multi-Family Use

Literal enforcement of the RSA-5 zoning designation's prohibition on multi-family use creates an unnecessary hardship for the Property because it contains 15,570 square feet of surface area (according to the Office of Property Assessment). The general difference in elevation between the Property and its two adjacent streets makes subdivision impractical; once the soil is leveled for redevelopment, the only reasonable point of access can be from its northeast corner along Pechin Street. In other locations, the Property has and will continue to hover many feet over the streets above retaining walls.

Development or rehabilitation of a single-family home on a lot of the Property's massive size in Roxborough is not viable in this location when accounting for the cost of acquiring the Property through an arms-length transaction. Strict enforcement of the Zoning Code would eviscerate the vast majority of the Property's value given that there is no market for a home with 15,570 square

feet of surface area in the heart of the Property's historically dense Roxborough neighborhood, where even the largest single-family homes have lots that do not exceed 3,000 square feet.

In addition, literal enforcement of the RSA-5 zoning designation's prohibition on multi-family use creates an undue hardship for the Property because the proposed project would fit the character of the neighborhood much more so than would a single-family home with enormous grounds. While there are no such examples of single-family homes with 10,000+ square foot grounds in the immediate neighborhood, there are examples of other large properties permitted for multi-family use according to the Zoning Archive, such as:

- 3901 Manayunk Avenue (108 units);
- 410 Shurs Lane (61 units) (via 2009 variance, Calendar No. 9060);
- 4200 Mitchell street (nursing home with 38 units);
- *4112 Pechin Street as proposed (subject Property) (36 units)*;
- 374 Shurs Lane (9 units).

An analysis of the Zoning Map of the area shows that most large parcels in the vicinity of the Property are zoned in a manner that allows some degree of multi-family usage, having designations such as CMX-2, RM-4, and IRMX. In terms of its size and location near the arterial street Shurs Lane, the Property has more in common with these non-RSA-zoned properties than it does with other RSA-zoned properties in the vicinity. It is not intuitive nor apparent why the subject Property has remained zoned RSA-5 despite similarly-situated properties having received other designations, but this demonstrates the inappropriateness of the subject Property's present designation.

The owners of properties in zones such as CMX-2 and RM-4 can freely renovate or reconstruct their properties to include multiple dwelling-units, and thereby can offer more affordable units that are more easily sold or rented than can the applicant under the Property's RSA-5 zoning. This further undercuts the viability of a single-family unit on the Property.

Maximum Building Height

Literal enforcement of the RSA-5 requirement that a building be no taller than 38 feet creates an unnecessary hardship for the Property. Given the aforementioned residential density of the surrounding area, it is critical for the proposed project to include some off-street accessory parking. Further, given the slope of the Property and its long-and-narrow shape, fully underground parking nor surface parking were reasonably feasible, so the project proposes ground-level parking to be located under the building's apartment floors (colloquially called a design with 'stilts'). This virtually unavoidable parking design accounts for a full floor's worth of the building's height. The remaining four (4) floors of apartment units are all necessary for the project to be feasible, especially in light of its construction on complex terrain.

The Applicant also wishes to note that because height for purposes of the Zoning Code is measured from the average grade, the project's height is *less* when experienced from the Pechin Street side of the site, which faces an aforementioned 61-unit residential building. The Lauriston Street side of the project, which is taller as experienced from the street, faces only a warehouse.

Minimum Drive Aisle Width within Parking Lot Area

The driveway between Pechin Street and the entrance to the proposed under-building parking area was placed in the northeast corner of the site in order to minimize the slope of the driveway, since this corner is the area of the Property that is nearest to street grade. But placement of the entrance driveway in this location necessitates a separate drive aisle for access to the parking spaces. In other words, for safety reasons, the entrance driveway does not have parking spaces along it.

The spaces are served by a separate drive aisle, which is the subject of this refusal. This drive-aisle, located under the building, is of a variable width. In the half (approximately) of the parking area that is located under eastern side of the building, it is 20 feet wide, whereas under the western side of the building it widens to 24 feet. The Zoning Code requires a minimum width of 24 feet, but the four-foot deficit in the eastern portion of the drive aisle is caused by the need to fit the following elements laterally across the eastern portion of the property: the entrance driveway, a row of parking spaces, the drive aisle, and another row of parking spaces. A 24-foot wide drive aisle serving the parking spaces is simply not achievable under these circumstances. Again, the need for these four elements to co-exist adjacent to one another is caused by placement of the entrance driveway and the lack of parking spaces along it, both of which are necessitated by safety considerations. Strict compliance with the Zoning Code would cause a loss of a half-row of parking spaces or an entry design that is more dangerous in terms of its slope and relation to the parking spaces..

Minimum Parking Stall Width and Length

The aforementioned squeeze in the eastern half of the parking lot area also necessitates the creation of five (5) parking spaces (out of 25 total parking spaces) that are 16 feet long rather than the 18 feet long as commanded by the Zoning Code. These five spaces will be marked as "Compact Only"; all of the other 20 spaces will be of the required length.

The width of the parking spaces also generated a refusal, as many are closer to eight (8) feet in width rather than 8.5 feet, as commanded by the Zoning Code. The Applicant feels that there is no safety concern created by the loss of a few inches of stall-width, and the chosen sizes allow the inclusion of two (2) more spaces in the lot area than would otherwise be possible.

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 least modification possible of the relevant code provisions to provide relief from its prohibition on multi-family use, height limit, and drive aisle and parking stall dimensional standards, as detailed above.

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

No. The multi-family use will in no way contribute to any congestion in public streets or endanger the public. The new construction will contribute to the revitalization of the block and will improve surrounding property values. The 25 parking spaces provide residents an off-street parking option. In addition, the SEPTA Route 27 bus (serving Manayunk Avenue) has a stop within two blocks of the Property, and the Route 35, 61 and 62 buses (serving Main Street) and Route 9 bus (serving Ridge Avenue) have stops about a half-dozen blocks from the Property.

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 we seek will not substantially or permanently harm our neighbor's use of their properties or impair adequate supply of light and air to those properties. The nearest other building to the proposed building is 16 feet away thanks to the proposals side-yards as well as the yards of surrounding properties.

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 we seek will not substantially increase traffic congestion in public streets or place an undue burden on water, sewer, school park or other public facilities. The proposed construction will contribute to the revitalization of the neighborhood and make good use of a property too large to be reasonably limited to single-family housing. The existing utilities and facilities in the area are capable of supporting the proposed use.

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

No. The variances we seek will not create environmental damage, pollution, erosion, or siltation, or increase the danger of flooding. The property will be developed in a manner which will

protect 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 an unnecessary hardship upon the Subject Property, 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.

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

4112 PECHIN ST

Council District

4

Name of Applicant

Rachael Pritzker

Zoning Application Number

2021000504

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):

Semi-detached dwelling structure, permitted for 3 dwelling units

Proposed Land Use on Parcel(s):

New detached dwelling structure with 36 dwelling units and 24 automobile parking spaces

Net Change in Number of Housing Units:

+33

Net Change in Commercial Square Footage:

No change (no commercial space)

Net Change in Total Floor Area:

TBD (new structure to have approx. 45,000 s.f. of FA including parking area; FA of existing structure unknown)

Net Change in On-Street Parking:

-2 spaces (one new curb-cut on Pechin Street)

Number of Off-Street Parking Spaces to be Provided:

24 spaces

Approximate Projected Construction Period:

TBD

Please provide a brief summary of your proposed project:

New detached dwelling structure with 36 dwelling units and 24 automobile parking spaces.

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

TBD

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:

No significant impacts anticipated given provision of an on-site parking space for 67% of dwelling units and proximity of Property to arterial roadways.

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:

TBD

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:

TBD

Sign & Submit

Agreement:

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

Printed Name of Applicant

Rachael J. Pritzker

Please sign with the Initials of the Applicant

RJP

Date

05/03/2021

Feedback

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Notice of: **Refusal** **Referral**

Application Number: ZP-2021-000504	Zoning District(s): RSA5	Date of Refusal: 4/17/2021
Address/Location: 4112 PECHIN ST, Philadelphia, PA 19128-3514 Parcel (PWD Record)		Page Number Page 1 of 1
Applicant Name: Designblendz Architecture, LLP DBA: DESIGNBLENDZ LLC	Applicant Address: 4001 Main Street Suite 203 Philadelphia, PA 19127 USA	

Application for:

FOR THE ERECTION OF A DETACHED BUILDING. FOR USE AS MULTI-FAMILY HOUSEHOLD LIVING [THIRTY-SIX (36) DWELLING UNITS] WITH TWENTY-FIVE (25) ACCESSORY GARAGE PARKING SPACES INCLUDING TWO (2) ACCESSIBLE SPACES (ONE (1) VAN SPACE) AND TWO (2) EV SPACES. SIZE AND LOCATION AS SHOWN IN APPLICATION/PLANS.

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.)

<u>Code Section(s):</u>	<u>Code Section Title(s):</u>	<u>Reason for Refusal:</u>
Table 14-602-1	Uses Allowed in Residential Districts	WHEREAS THE PROPOSED USE, MULTI-FAMILY HOUSEHOLD LIVING, IS EXPRESSLY PROHIBITED IN THE RSA-5 RESIDENTIAL ZONING DISTRICT.
Table 14-701-1	Dimensional Standards for Lower Density Residential Districts	MAXIMUM ALLOWABLE BUILDING HEIGHT - 38 FEET; PROPOSED BUILDING HEIGHT - 67'-1/2"
Table 14-803-1	Dimensional Standards for Parking Spaces and Aisles	MINIMUM AISLE WIDTH FOR A REGULAR PARKING SPACE - 90 DEGREES - 24 FEET; PROPOSED AISLE WIDTH - 20 FEET
TABLE 14-803-1	Dimensional Standards for Parking Spaces and Aisles	MINIMUM STALL SIZE FOR A REGULAR PARKING SPACE - 90 DEGREES - 8.5 X 18 FEET; PROPOSED STALL SIZE - 8 X 16 FEET

THREE (3) USE REFUSALS
ONE (1) ZONING REFUSAL

Fee to File Appeal: \$ 300

Parcel Owner:

MC DOWELL WILLIAM C



ANDREW KULP
PLANS EXAMINER

4/17/2021
DATE SIGNED