

INSTRUCTIONS FOR VIRTUAL HEARINGS BEFORE THE ZBA

The Zoning Board of Adjustment will begin holding bi-weekly virtual hearings on July 14, 2020. To facilitate these hearings, which will be conducted using the Zoom platform, the Board has adopted emergency regulations addressing procedural requirements for public notice, submission of documents and exhibits, and conduct of hearings. These instructions summarize the relevant regulations and explain what is required of applicants and members of the public who wish to participate in these proceedings. To the extent these instructions conflict with otherwise applicable Code provisions and/or information contained in any scheduling notice sent by the Board's administrative office, these instructions, and the emergency regulations upon which they are based shall govern.

1. Scheduling.

- A. For appeals filed on or after March 13, 2020, and appeals filed prior to March 13, 2020, but not yet scheduled for a hearing as of that date, the Zoning Board will schedule the matter for an original hearing, and notify the appellant at least 21 days in advance of the hearing date.
- B. For appeals scheduled to be heard after March 13, 2020, the Board will reschedule any hearing that was cancelled or otherwise continued and notify the appellant at least 14 days prior to the hearing date.
- C. For appeals not involving a request for a variance or special exception, the Board will schedule the matter for a hearing and notify the appellant at least seven days in advance of the hearing date.

2. Prior to the Hearing:

A. Posting.

- i. At the time a hearing on a request for a variance or special exception is scheduled, the Board will email the appellant the contents of the notice(s) that must be posted at the subject property. The Appellant will be responsible for printing the notices in the number and size required by Code and posting them at the Property in the manner and location required by Code. A copy of the referral or refusal must be posted with the notice(s).
- ii. The applicant must provide the following information on the notice to be posted within the designated area on the poster: the full name and address of the owner; and, if the owner is not a natural person, the full names and addresses of the owner's responsible officers as defined in § 14-303 (5) *Owner Information Required*.
- iii. Notices for an original hearing must be posted at least 21 days prior to the scheduled hearing and must remain posted continuously up to and including the day of the hearing.
- iv. Notices for a continued hearing, including any hearing rescheduled due to cancellations, must be posted at least 14 days prior to the scheduled hearing and must remain posted continuously up to and including the day of the hearing.
- v. The appellant shall be responsible for maintaining the required notices during the mandated posting period and replacing/reposting any notice damaged or removed.

- vi. The Board's emergency regulation relating to public notice and posting requirements can be viewed in its entirety at <http://regulations.phila-records.com/pdfs/ZBA%20Reg%20Notice%20and%20Filing%20Deadlines%5B47151%5D.pdf> and the extended regulation at <http://regulations.phila-records.com/pdfs/ZBA%20Restart%20regs%20extension%20corrected.pdf>

B. Mailings

- i. Where a hearing scheduled to take place after March 13, 2020, was cancelled and rescheduled, an appellant who previously satisfied the public notice, mailing, and meeting requirements set forth at Code section 14-303 (12)(d) shall not be required to mail new notices to the Registered Community Organizations, District Councilperson, and properties identified in the list provided by the Planning Commission. However, due to the lengthy delay and the changed hearing format, and to avoid further requests for continuances, the Board recommends that appellants renotify the individuals, organizations and properties to whom the prior, required mailings were sent.
- ii. The recommended mailing should include:
 - (a) The hearing date and time.
 - (b) Instructions and information for accessing the hearing by video or phone.
 - (c) Notification that any interested party or member of the public wishing to testify should contact the Board at least five days prior to the hearing to register his/her/their planned participation.
 - (d) Notification that any interested party or member of the public wishing to submit documents or exhibits should email them to the Board at least five days prior to the hearing.
 - (e) Notification that any submitted documents or exhibits must be sent to the same email addresses, and conform to the same formatting and size requirements, as required for an appellant's submissions, as described below.

C. Appellant's Submission of Required Documents and Exhibits

- i. By close of business at least five days prior to the scheduled hearing date, the Appellant must email the Board an exhibit packet that includes
 - (a) A copy of the subject application submitted to L&I (if available).
 - (b) A copy of the refusal or referral.
 - (c) A copy of the application for appeal to the ZBA.
 - (d) A copy of the completed Project Information Form, which form can be accessed at <https://forms.phila.gov/form/project-information-form/>
 - (e) A copy of the deed, lease, or agreement of sale, or a receipt from the Sheriff if the property was purchased at a Sherriff sale within the past year.

- (f) Where the appellant is not the sole owner or lessee of the subject property, a notarized letter of authorization from any other person/party listed on the submitted document establishing the appellant's ownership interest.
 - (g) A Certificate of Tax Compliance from the Philadelphia Department of Revenue, which can be requested at <https://secure.phila.gov/revenue/TaxCompliance> .
 - (h) A copy of any plans submitted to L&I for review of the proposed development.
 - (i) Where revised plans are submitted at the time of the hearing, a completed and signed revised proviso plans form. A copy of the form is attached to these instructions.
 - (j) Photos of the posted property.
 - (k) Interior/exterior photos of any existing structures and/or site conditions at the property, where necessary for consideration of the appeal.
 - (l) Documentation of meetings or requests for meetings with the Registered Community Organization(s) for the subject area.
 - (m) Any other documents or exhibits the appellant will rely upon at the scheduled hearing before the Board.
 - (n) A list of the witnesses whose testimony the appellant plans to present.
- ii. Documents and exhibits submitted by the appellant or any other party must be emailed to: RCOZBA@phila.gov mailbox and cc: suletazba@gmail.com and PCPC.Zoning@phila.gov
 - iii. Emails must include the property address and calendar number in the subject line.
 - iv. Submitted documents and exhibits must be in pdf format.
 - v. Attachments to an individual email may not exceed a combined total of 15mb.
 - vi. Where the exhibit packet exceeds 15mb, the appellant may submit the required exhibits and documents in multiple emails.
 - vii. Where exhibits and documents are submitted in multiple emails, the emails should be numbered sequentially in the subject line.
 - viii. Each submitted exhibit should be labeled or numbered in a manner that makes it identifiable and accessible to be viewed on a shared screen during the hearing.

D. Failure to Submit Required Materials

- i. Where an appellant fails to submit required documents and exhibits by 5:00 pm at least five days prior to the hearing, the Board may notify the appellant the matter will be continued or, where warranted, dismissed.
- ii. Where an appellant or other party seeks to introduce documents and/or exhibits that were not submitted in advance of the hearing, the Board may, in its discretion, refuse to accept the offered materials or allow them to be entered into the record.

E. Hearing Procedure

- i. Hearings will be conducted as outlined in the ZBA Emergency Regulation governing procedures for virtual zoning hearings, which can be viewed at <http://regulations.phila-records.com/pdfs/ZBA%20Reg%20Hearing%20Procedure%202%5B47152%5D.pdf>