

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)

279 GRAPE ST, Philadelphia, PA 19128-4928

PROPERTY OWNER'S NAME: Denise Lehmann

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

c/o Pritzker Law Group, LLC

1635 Market Street, Suite 1600
Philadelphia, PA 19103

PHONE #: 610-505-8132

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 Street, Suite 1600
Philadelphia, PA 19103

FIRM/COMPANY:

Pritzker Law Group, LLC

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-2020-003781

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: _____

9
MONTH

10
DATE

2020
YEAR

City of Philadelphia
Zoning Board of Adjustment
Application for Appeal



Pritzker Law
GROUP

279 Grape Street (4329 Dexter Street)

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 property is located at 279 Grape Street and is a corner lot zoned RSA-5 of approximately 4,869 square feet (according to the Office of Property Assessment). The subject project proposes to demolish the existing multi-family structure in favor of a new structure featuring twelve (12) dwelling-units with eight (8) automobile parking spaces and eight (8) class 1A bicycle parking spaces in the ground-level. The proposal generated two use refusals and one dimensional refusal:

- A use refusal for multi-family use, which is prohibited in the RSA-5 zoning district per Table 14-602-1 of the Zoning Code;
- A use refusal for its one accessible parking space not being van accessible as required per Table 14-802-4 of the Zoning Code;
- A dimensional refusal for exceeding the maximum height of 38 feet permitted by Table 14-701-1.

The hardship posed by this Property is its size and long-standing use as a multi-family site. The zoning history shows permitting for three dwelling-units in 1974, and again in 2001 under the current owner. At almost 5,000 square feet, the Property is the largest of any property on the four blocks that surround the intersection of Grape and Dexter Streets. It also is oddly shaped with the following dimensions: 46 feet on Dexter, 89 feet on Grape Street, 98 feet on the rear property line, 16 feet parallel to Grape Street, 54 feet parallel to Dexter, 68 feet on the side property line parallel to Grape Street. This odd “L” shape, the size of the lot and its corner exposure makes the Property undesirable and difficult for single-family use in conformity with the Zoning Code. Subdivision for single-family development would result in large homes with dimensional challenges in terms of siting rear yards and parking in a way that relates sensibly to both adjacent streets. Instead, the applicant desires to develop a multi-family project that would contain adequate accessory off-street parking, both in terms of practicality and conformity with the Zoning Code, and shield it from passersby. This requires the parking to be covered by the

upper-levels of the structure. The number of dwelling-units proposed is necessary to ensure a viable project when accounting for the need to construct such covered parking.

As mentioned, this Property has a long-standing history of use as a multi-family structure, in continuous use as such since at least 2001. It is also worth noting that because the current building does not fill the lot to Grape Street, this has left 100 feet of frontage along Grape Street (including the corner of Grape and Dexter) available for unauthorized parking, dumping and loitering. The proposed project's ground-level design will build out to Grape Street and thus take control of the street experience to the benefit of neighbors. This will mitigate the current issues posed by the gap between Grape Street and the existing building, preventing illegal activity and ensuring a safer street intersection.

The height of the roof of the proposed structure is only 38 feet, which would conform with the Zoning Code if not for the ten foot high pilothouses serving the roofdeck. The Property would qualify for its pilothouses not to count against its height limitation (per the exemption often granted to projects by Section 14-604-5(c)) if not for the fact that one of its pilothouses is adjacent to the extreme rear building line. The location of this pilothouse and the stairwell that serves it are due to the fact that a more central placement of that pilothouse and stairwell would result in a loss of a parking space on the ground-level.

Likewise, the refusal for the lack of a van-accessible parking space stems from a desire to maximize the number of parking spaces; conversion of the accessible space into a van-accessible space would result in the loss of another parking space.

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 RSA-5 district code provisions to provide relief from their requirements. The requested variance for multi-family use is necessary to enable a viable redevelopment of the Property given its size. As explained above, the other variances are necessary to allow a design that maximizes the number of accessory off-street parking spaces offered. As a result of this design, no refusal was generated for parking.

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. The proposed project does not require a variance for parking, as the project will provide eight (8) automobile parking spaces and eight (8) class 1A bicycle parking spaces.

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 an adequate supply of light and air to those properties. No refusal was generated concerning setbacks. While a refusal was generated concerning height, only the roof-access pilothouses exceed the RSA-5 district's 38 foot height limitation. Therefore the project will not substantially or permanently harm its neighbors' use of their properties or impair an adequate supply of light and air to those 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 variance 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 project offers eight (8) automobile parking spaces and eight (8) class 1A bicycle parking spaces in the ground-level. The existing utilities and facilities in the area are capable of supporting the proposed multi-family use.

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

No. The variance we seek will not create environmental damage, pollution, erosion, or siltation, or increase the danger of flooding. The variances we seek are in line with the adjacent and neighboring properties and will be developed in a manner in which to 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 renovation and residential conversion project 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

279 GRAPE ST

Council District

4

Name of Applicant

Rachael Pritzker

Zoning Application Number

2020003781

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):

Multi-family residential

Proposed Land Use on Parcel(s):

Multi-family residential

Net Change in Number of Housing Units:

+9 units

Net Change in Commercial Square Footage:

0

Net Change in Total Floor Area:

FA of existing structure unknown. New structure approx 6300 s.f.

Net Change in On-Street Parking:

+5 automobile spaces, +8 class 1A bicycle spaces

Number of Off-Street Parking Spaces to be Provided:

8 automobile spaces, 8 class 1A bicycle spaces

Approximate Projected Construction Period:

TBD

Please provide a brief summary of your proposed project:

Demolition of existing structure. Erection of a semi-detached structure with roof deck, roof deck access structures, and elevator penthouse. For use as twelve (12) dwelling units (multi-family household living), eight (8) parking spaces (one (1) accessible space) within garage, and eight (8) class 1A bicycle 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:

None anticipated. Eight automobile and eight bicycle parking spaces provided.

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?

TBD

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:

None anticipated.

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

09/12/2020

Feedback

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

Application Number: ZP-2020-003781	Zoning District(s): RSA5	Date of Refusal: 8/28/2020
Address/Location: 279 GRAPE ST, Philadelphia, PA 19128-4928 Parcel (PWD Record)		Page Number Page 1 of 1
Applicant Name: Brian Corcodilos DBA: Designblendz Architecture LLP	Applicant Address: 4001 Main Street Suite 203 Philadelphia, PA 19127 USA	

Application for:

FOR THE COMPLETE DEMOLITION OF EXISTING STRUCTURE. FOR THE ERECTION OF A SEMI-DETACHED STRUCTURE WITH ROOF DECK, ROOF DECK ACCESS STRUCTURES, AND ELEVATOR PENTHOUSE. FOR USE AS TWELVE (12) DWELLING UNITS (MULTI-FAMILY HOUSEHOLD LIVING), EIGHT (8) PARKING SPACES (ONE (1) ACCESSIBLE SPACE) WITHIN GARAGE, AND EIGHT (8) CLASS 1A BICYCLE SPACES. SIZE AND LOCATION AS SHOWN IN PLAN.

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.)

Code Section(s):	Code Section Title(s):	Reason for Refusal:
Section 14-604 (5)(c) & Table 14-701-1	Access Structure Requirements & Dimensional Standards	Per Table 14-701-1 maximum allowable height shall be 38 ft. whereas pilot houses shall not be considered exempt appurtenances the proposed height is 52 ft.
Table 14-602-1	Uses Allowed in Residential Districts - Refusal	Whereas the proposed use, multi-family household living (twelve (12) dwelling units), is expressly prohibited in the RSA-5 residential zoning district.
Table 14-802-4	Required Parking for Persons with Disabilities	Per Table 14-802-4 where 6-25 parking spaces are proposed, at least one space shall be accessible. The one required accessible space shall be van accessible whereas proposed accessible space is not van accessible.

TWO (2) USE REFUSALS
ONE (1) ZONING REFUSAL

Fee to File Appeal: \$300

Parcel Owner:

LEHMANN DENISE



EXAMINER NAME
PLANS EXAMINER

8/28/2020
DATE SIGNED

Notice to Applicant: An appeal from this decision may be made to the Zoning Board of Adjustment, One Parkway Building, 1515 Arch St., 18th Fl., Phila., PA 19102 within thirty (30) days of date of Refusal / Referral. Please see appeal instructions for more information.