



Application for Appeal

CALENDAR # _____ (FOR OFFICE USE ONLY)

WHEN COMPLETED, MAIL TO:

CITY OF PHILADELPHIA
 DEPARTMENT OF LICENSES AND INSPECTIONS
 BOARDS ADMINISTRATION
 MUNICIPAL SERVICES BUILDING, 11TH FLOOR
 1401 JOHN F. KENNEDY BLVD.
 PHILADELPHIA, PA 19102

APPLICANT MUST COMPLETE ALL INFORMATION BELOW. PRINT CLEARLY AND PROVIDE FULL DETAILS

LOCATION OF PROPERTY (LEGAL ADDRESS)

4136-40 MITCHELL STREET

PROPERTY OWNER'S NAME:

MITCHELL COMMONS, LLC

PHONE #: 215-508-5011

E-MAIL: MARK@NEREMANAGEMENT.NET

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

P. O. BOX 65025
 PHILADELPHIA, PA 19155

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

APPLICANT:

WILLIAM J. O'BRIEN

FIRM/COMPANY: MANAYUNK LAW OFFICE

PHONE #: 215-432-5341

APPLICANT'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)

4322 MAIN STREET
 PHILADELPHIA, PA 19127

E-MAIL: LawyersOnMain@gmail.com

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

APPEAL RELATED TO ZONING/USE REGISTRATION PERMIT APPLICATION # 931915

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 circumstances? Explain.

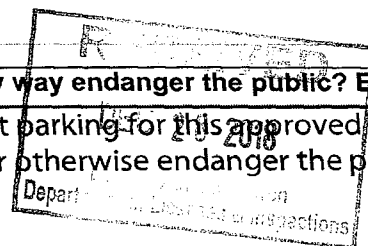
Strict compliance with the Zoning Code imposes a hardship that was not created by the Owner.

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.

Allowing compact parking spaces will increase the available off-street parking for this approved mixed-use development; and is the least modification possible to relieve the hardship imposed by the Code.

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

Allowing compact parking spaces will increase the available off-street parking for this approved mixed-use development; and will have no adverse affect on traffic congestion or otherwise endanger the public.



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.

Allowing compact parking spaces will increase the available off-street parking for this approved mixed-use development; and will have no adverse affect on neighbors' use of their property or impair the 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.

Allowing compact parking spaces will increase the available off-street parking for this approved mixed-use development; and will have no adverse affect on traffic congestion or burden public utilities or public facilities.

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

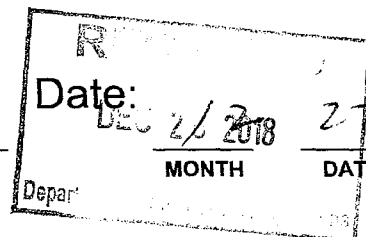
Allowing compact parking spaces will increase the available off-street parking for this approved mixed-use development; and will have no adverse affect on the environment, cause pollution, erosion or siltation, or increase the danger of flooding.

REASONS FOR APPEAL:

In 2017, the Department of Licenses and Inspections issued Permit 805936 for the erection of a five-story multi-use structure at 4136-40 Mitchell Street. The approved parking area includes 10 off-street parking spaces. The Owner has filed an Application to modify the approved parking area to provide a 30% increase in off-street parking spaces; introduce a secure trash storage area; provide additional bicycle storage; redesign the landscape buffer and introduce a curb cut at Mitchell Street. The modifications represented in the 2018 Zoning Submission Plan will better serve the multi-use structure now under construction. The modifications will have no adverse affect on public health, safety or welfare. Strict application of the Zoning Code's restriction on the use of compact parking spaces causes a hardship. The proposed modifications are the least possible change to alleviate that hardship.

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:



2018
YEAR

<input checked="" type="checkbox"/> NOTICE OF: <input type="checkbox"/> REFUSAL <input type="checkbox"/> SPECIAL EXCEPTION	CITY OF PHILADELPHIA DEPARTMENT OF LICENSES & INSPECTIONS Municipal Services Building, Concourse Level 1401 John F. Kennedy Boulevard Philadelphia, PA 19102	DATE OF REFUSAL 12/15/2018	APPLICATION # 931915
		ZONING DISTRICT(S) RSA-5 UNDER STEEP SLOPE CONTROL DISTRICT (14-704(2))	

ADDRESS/LOCATION: 4136 -40 MITCHELL STREET , PHILADELPHIA, PA

APPLICANT: WILLIAM J. OBRIEN | ADDRESS: 4322 MAIN ST, PHILADELPHIA, PA 19127

APPLICATION IS FOR THE CREATION OF THIRTEEN (13) ACCESSORY SURFACE PARKING SPACES INCLUDING WITH FIVE (5) COMPACT SPACES, FOR THE RELOCATE OF EXISTING 1A TYPE BICYCLE SPACES TO DRIVE AREA (OPEN SPACE); RELOCATE TRASH STORAGE AND TRANSFORMER PAD AT DRIVEWAY AREA ON THE SAME LOT EXISTING FRESH FOOD MARKET AT FIRST FLOOR FRONT IN THE SAME BUILDING WITH 72 DWELLING UNITS FROM 1ST FLOOR REAR THRU 5TH FLOORS AS PREVIOUSLY APPROVED STRUCTURE (SEE APPLICATION# 726946 FOR PERMIT). SIZE AND LOCATION AS SHOWN IN THE APPLICATION.


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	THE PROPOSED USE IS REFUSED FOR THE FOLLOWING:						
TABLE 14-803-1 NOTE[4]	COMPACT PARKING SPACES, IS NOT PERMITTED, FOR LESS THAN 25 PROPOSED ACCESSORY PARKING SPACES.						
TABLE 14-803-1	<table border="1" style="width: 100%;"> <thead> <tr> <th></th> <th>REQUIRED</th> <th>PROPOSED</th> </tr> </thead> <tbody> <tr> <td>AISLE WIDTH</td> <td>24'</td> <td>18'</td> </tr> </tbody> </table>		REQUIRED	PROPOSED	AISLE WIDTH	24'	18'
	REQUIRED	PROPOSED					
AISLE WIDTH	24'	18'					

TWO(2) USE REFUSALS
FEE TO FILE APPEAL: \$300

NOTE TO ZBA:
SEE APP# 57589H, CAL# V- 981, ZBA GRANTED FOR THE ONE(1) STORY ADDITION AS PART OF A METAL SHOP ON 8/22/66
SEE APP# 24232 H, CAL# W-1389, ZBA GRANTED ONE STORY EXTENSION OF METAL SHEET SHOP ON 8/30/63
SEE APP# 55871, CAL# H-50; ZBA GRANTED SHEET METAL SHOP ON 1/22/41.

Cc:
JOSE RAMOS
7033 SHEAF LANE
FORT WASHINGTON , PA 19034


CHELI DAHAL
PLANS EXAMINER

RECEIVED

DEC 20 2018

Board's 12/15/2018
Department of DATE

NOTICE TO APPLICANT:

AN APPEAL FROM THIS DECISION MUST BE MADE TO THE ZONING BOARD OF ADJUSTMENT, MUNICIPAL SERVICES BUILDING, 11TH FLOOR, 1401 JFK BOULEVARD, PHILADELPHIA, PA 19102, WITHIN THIRTY (30) DAYS OF DATE OF REFUSAL.

PRIOR TO THE HEARING BEFORE THE ZONING BOARD OF ADJUSTMENT, YOU ARE REQUIRED TO MEET WITH THE REGISTERED COMMUNITY ORGANIZATION (R.C.O.) FOR ALL REFUSALS AND SPECIAL EXCEPTIONS. FOR A LIST OF THE REGISTERED COMMUNITY GROUPS AND CONTACT INFORMATION, VISIT:
http://www.phila.gov/cityplanning/projectreviews/pdf/list_of_rcos.pdf

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

4136 MITCHELL ST

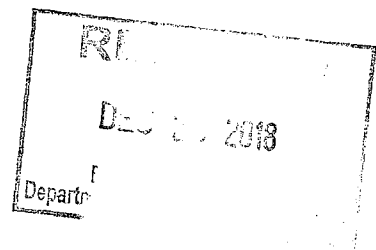
Council District #

4

Name of Applicant

William O'Brien

Zoning Application Number



931915

Address of Applicant

4322 Main Street
Philadelphia, Pennsylvania 19127

Contact Information

Is the contact person the same as applicant?

- Yes

Name of Contact Person

William O'Brien

Phone Number of Contact Person

(215) 432-5341

Email Address of Contact Person

LawyersOnMain@Gmail.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?

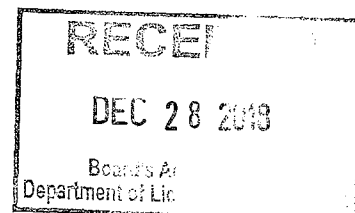
No

Key Project Statistics

Current Land Use on Parcel(s):

Residential

Proposed Land Use on Parcel(s):



Residential

Net Change in Number of Housing Units:

none

Net Change in Commercial Square Footage:

none

Net Change in Total Floor Area:

none

Net Change in On-Street Parking:

none

Number of Off-Street Parking Spaces to be Provided:

13

Approximate Projected Construction Period:

Completion by

Please provide a brief summary of your proposed project:

Modify approved parking area to increase off-street parking spaces from 10 to 13; increase bicycle storage area; introduce trash storage area; redesign landscape buffer; introduce curb cut.

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

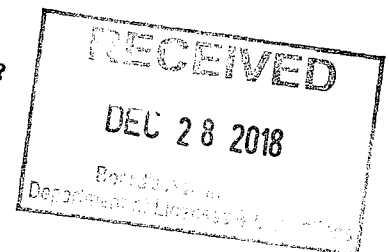
The approved landscape buffer is modified to allow additional off-street parking, bicycle storage and trash storage areas. As modified, the landscape buffer remains Code-complaint.

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 additional parking spaces will have no adverse affect on the transportation network. The proposed curb cut at Mitchell Street is at the same location as the existing curb cut that served the prior use.

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

none



Approximately how many full time equivalent workers will be employed on-site during the construction period?

25 construction workers at the approved multi-use building

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?

none

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

none

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

none

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:

none

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

The proposed modifications to the parking area will have no adverse affect on the community while better serving the multi-use structure now under construction.

Sign & Submit

Agreement:

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

Printed Name of Applicant

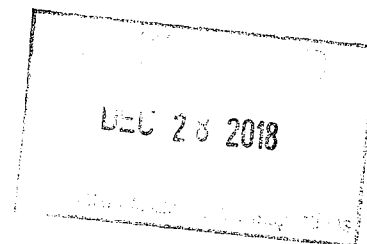
William J. O'Brien

Please sign with the Initials of the Applicant

WJOB

Date

12/27/2018



Feedback

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