

City of Philadelphia Zoning Board of Adjustment

WHEN COMPLETED, MAIL TO:



# Application for Appeal

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

CALENDAR # \_\_\_\_\_ (FOR OFFICE USE ONLY)

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

LOCATION OF PROPERTY (LEGAL ADDRESS)

433 LYCEUM AVENUE SWC MITCHELL STREET

PROPERTY OWNER'S NAME:

Lyceum LLC

PHONE #: 215-893-8727

E-MAIL: jhorvitz@finemanlawfirm.com

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

7708 Matthias Street  
Philadelphia, PA 19128

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

APPLICANT:

Josh Horvitz, Esquire

FIRM/COMPANY: Fineman, Krekstein & Harris

PHONE #: 215-893-8727

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

1801 Market Street, Suite 1100  
Philadelphia, PA 19103

E-MAIL: jhorvitz@finemanlawfirm.com

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

APPEAL RELATED TO ZONING/USE REGISTRATION PERMIT APPLICATION # 673191

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.

There is an unnecessary hardship of the property which was not caused by the operator of the property.

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.

The Variance sought represents the least modification possible to provide relief.

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

The variance sought will not increase congestion in the streets or endanger the public. The variance will not affect parking, as parents have staggered times for pickup of their child.

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.

The Variance sought does not include any change in the size or dimensions of the property. Therefore there will be no impact on the supply of light or air to neighbors.

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.

The variance sought will not increase congestion in the streets or endanger the public. The variance will also not affect water, sewer, school, park or other public facilities.

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

The variance sought will have no impact on environmental damage, pollution, erosion, or siltation, or increase the danger of flooding whatsoever.

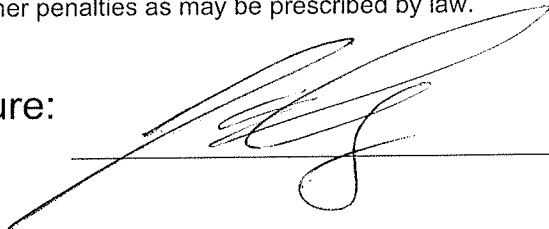
**REASONS FOR APPEAL:**

The property is currently zoned for Day Care on the first floor and residential on the second and third floors. The additional space on the second and third floors was previously used by a prior owner as commercial and is suited for this purpose. There will be no adverse impact on neighbors, and if granted this variance will only serve to increase the safety and welfare of the children.

2016 APR -7 AM 12:42  
BOARD OF ADJUSTMENT

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:



Date:

4 / 7 2016  
MONTH DATE YEAR

|                                                                                                       |                                                                                                                                                                                     |                                                                                  |                         |
|-------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|-------------------------|
| <b>NOTICE OF:</b><br><input checked="" type="checkbox"/> REFUSAL<br><input type="checkbox"/> REFERRAL | CITY OF PHILADELPHIA<br><b>DEPARTMENT OF LICENSES &amp; INSPECTIONS</b><br>Municipal Services Building, Concourse Level<br>1401 John F. Kennedy Boulevard<br>Philadelphia, PA 19102 | DATE OF REFUSAL<br>03/08/16                                                      | APPLICATION #<br>673191 |
|                                                                                                       |                                                                                                                                                                                     | ZONING DISTRICT(S)<br>RSD-3 RESIDENTIAL DISTRICT AND<br>NCO (CENTRAL ROXBOROUGH) |                         |

ADDRESS/LOCATION: 433 LYCEUM AVENUE SWC MITCHELL STREET

|                         |                                                 |
|-------------------------|-------------------------------------------------|
| APPLICANT: THOMAS OMLOR | ADDRESS: 7708 MATTHIAS STREET, PHILADELPHIA, PA |
|-------------------------|-------------------------------------------------|

APPLICATION IS FOR EXPANSION OF DAYCARE CENTER FROM 1<sup>ST</sup> FLOOR TO 2<sup>ND</sup> AND 3<sup>RD</sup> FLOORS IN AN EXISTING STRUCTURE.

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](http://WWW.PHILA.GOV))

| <u>CODE REFERENCE</u>        | <u>PROPOSED</u>                                                                                                                                                                                                                                                    |
|------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| TABLE 14- 602-1 & 14-303 (6) | <p>THE PROPOSED USE IS REFUSED FOR THE FOLLOWING:</p> <p>THE PROPOSED USE, DAYCARE CENTER, IS PROHIBITED IN THIS ZONING DISTRICT AND THIS HAS BEEN PREVIOUSLY REVIEWED BY ZONING BOARD OF ADJUSTMENT (ZBA) AND ANY EXTENSION REQUIRES ADDITIONAL ZBA APPROVAL.</p> |

ONE (1) USE REFUSAL  
 FEE TO FILE APPEAL: \$250.00

NOTE TO ZBA: NO SIGN ON THIS APPLICATION.

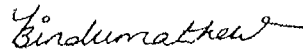
SEE A/P # 342546, CAL # 15338, ZBA GRANTED WITH PROVISIO FOR A DAYCARE FOR PERIODS OF LESS THAN TWENTY-FOUR (24) CONSECUTIVE HOURS TO INCLUDE ACCESSORY PREPARING AND SERVING OF FOOD ON THE FIRST FLOOR AND FOR A TOTAL OF TWO (2) APARTMENTS ON THE SECOND AND THIRD FLOOR OF THE SAME BUILDING WITH NO CHANGE TO ACCESSORY PARKING AS PREVIOUSLY APPROVED, 01/03/12.

SEE A/P # 088279-A, CAL # 93-0363, ZBA GRANTED FOR THE LEGALIZATION OF A PRIVATE PARKING LOT (12' PARKING SPACES) AND LEGALIZATION OF THE ERECTION OF 6' AND 4' HIGH FENCE AS PART OF A PRIVATE SCHOOL, 05/26/93.

SEE A/P # 02041, CAL # 79-0362, ZBA GRANTED FOR THE ERECTION OF A 2<sup>ND</sup> STORY ADDITION AS PART OF A SCHOOL, 05/08/79; PERMIT NEVER PICKED UP.

CC:

OWNER/APPLICANT: SAME



\_\_\_\_\_  
 BINDU MATHEW  
 PLANS EXAMINER

03/08/16

\_\_\_\_\_  
 DATE

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