

City of Philadelphia Zoning Board of Adjustment

WHEN COMPLETED, MAIL TO:



Application for Appeal

CITY OF PHILADELPHIA
Department of Planning & Development
Zoning Board of Adjustment
One Parkway Building
1515 Arch St, 18th Floor
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)

472-74 ROXBOROUGH AVENUE

PROPERTY OWNER'S NAME:

NYZIO BAKER REAL ESTATE, LLC

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

4127 MAIN STREET
PHILA., PA 19127

PHONE #: 215-668-7093

E-MAIL: ANDREW@BAKER-PARTNERS.COM

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

APPLICANT:

WILLIAM J. O'BRIEN II, ESQ.

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

4322 MAIN STREET
PHILA., PA 19127

FIRM/COMPANY:

MANAYUNK LAW OFFICE

PHONE #:

215-432-5341

E-MAIL:

LawyersOnMain@gmail.com

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

APPEAL RELATED TO ZONING/USE REGISTRATION PERMIT APPLICATION # **ZP-2023-010942**

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.

Yes. Compliance with the requirements of the zoning code causes an unnecessary hardship due to size and location of the Property. No intentional action on the Owner's part caused or created the special conditions or circumstances. The Property, zoned RSA-3, is a 22,336 square foot lot located on the northerly side of Roxborough Avenue between Mitchell Street and Ridge Avenue. The Property is now improved with a three-story, two-family structure having four off-street parking spaces. The Owner proposes to introduce a two-story structure having ten (10) residential units; renovate and update the systems of the existing structure to accommodate four (4) residential units; and, using the existing Roxborough Avenue curb cut to access an fourteen (14) accessory off-street parking spaces, including one van-accessible handicap 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 Property's area would reasonably allow ten (10) conforming attached single-family dwellings. Due to the configuration of the Property, however, strict application of the Code would allow only two (2) dwellings. The proposed multi-family residential use is consistent with, and complementary to, existing multi-family and apartment uses in the immediate neighborhood, including the 400 block of Roxborough Avenue. The Owner's proposal represents the least modification possible to relieve the hardship imposed by strict application of the Code.

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

No. The scope and massing of the proposed two-story structure is consistent with, and complimentary to, the existing residential structures in the immediate neighborhood, including the 400 block of Roxborough Avenue. The increased accessory off-street parking will serve the needs of the proposed multi-family use. The accessory parking will use the existing curb cut so existing on-street parking will not be diminished. The requested relief from strict application of the Code will not increase congestion in public streets or endanger the public.

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.

No. The requested relief from strict application of the Code will not substantially or permanently harm any neighbor's use of their property or impair adequate supply of light and air to those properties. The scope and massing of the proposed two-story structure is consistent with, and complimentary to, the existing residential structures in the immediate neighborhood, including the 400 block of Roxborough Avenue.

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 requested relief from strict application of the Code will not substantially increase traffic congestion in public streets or place an undue burden on public utilities or public facilities. The density of the proposed development is supported by the over half-acre lot and the increased accessory off-street parking. The proposed multi-family residential use is consistent with, and complementary to, existing multi-family and apartment uses in the immediate neighborhood, including the 400 block of Roxborough Avenue.

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

No. The requested relief from strict application of the Code will not create environmental damage, pollution, erosion, or siltation, or increase the danger of flooding. During construction all appropriate measures will be employed to assure no adverse environmental consequence. Post-construction, the Property will manage storm water to assure no adverse affect on neighboring properties.

REASONS FOR APPEAL:

Due to the size and configuration of the Property, strict application of the Code imposes a hardship on the Property. Grant of the requested relief is the minimum to relieve that hardship. The proposed multi-family residential use is consistent with, and complementary to, existing multi-family uses in the immediate neighborhood, including the 400 block of Roxborough Avenue. The proposed fourteen-unit development is supported by large (over half-acre) lot and one-to-one accessory off-street parking. Surrounding neighbors will bear no adverse affect because the location of the proposed two story structure is distant from existing residential structures and the use of the existing curb cut will assure that neighbors will bear no loss of existing on-street parking spaces. The grant of the requested relief will have no adverse affect on public health, safety or welfare.

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: 2 / 14 / 2024
MONTH DATE YEAR

City of Philadelphia
Zoning Board of Adjustment
Application for Appeal

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

Application Number: ZP-2023-010942	Zoning District(s): RSA3	Date of Refusal: 2/12/2024
Address/Location: 472-74 ROXBOROUGH AVE, Philadelphia, PA 19128-3507 Parcel (PWD Record)		Page Number Page 1 of 1
Applicant Name: William O'Brien DBA: Manayunk Law Office	Applicant Address: 4322 Main Street Philadelphia, PA 19127	Civic Design Review? N

Application for:

FOR THE ERECTION OF A TWO (2) STORY ADDITION ATTACHED TO AN EXISTING THREE (3) STORY STRUCTURE; FOR THE ERECTION OF A DETACHED TWO (2) STORY STRUCTURE; THE PROPOSED CONDITION CREATES A MULTIPLE PRINCIPLE BUILDINGS ON A SINGLE LOT; FOR USE AS MULTI-FAMILY HOUSEHOLD LIVING (FOURTEEN (14) DWELLING UNITS), FOURTEEN (14) ACCESSORY OFF-STREET SURFACE PARKING SPACES (INCLUDING ONE (1) ADA VAN ACCESSIBLE SPACE) AND FIVE (5) OFF-STREET ACCESSORY (CLASS 1A) BICYCLE PARKING SPACES ON ACCESSIBLE ROUTES; SIZE AND LOCATION AS SHOWN IN THE APPLICATION/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.)

<u>CODE REFERENCE</u>	<u>THE PROPOSED USE IS REFUSED FOR THE FOLLOWING:</u>						
TABLE 14-602-1	THE PROPOSED USE, MULTI-FAMILY (FOURTEEN (14) DWELLING UNITS) HOUSEHOLD LIVING, IS EXPRESSLY PROHIBITED IN THIS ZONING DISTRICT, RSA-3.						
§14-401(4)(B)	THE PROPOSED MULTIPLE PRINCIPAL BUILDINGS ON A SINGLE LOT ARE NOT PERMITTED IN THIS ZONING DISTRICT, RSA-3.						
§14-803 (1)(b)(.1)(a).ii)	THE PROPOSED SURFACE PARKING SPACES IN THE REQUIRED FRONT AND SIDE YARD ARE EXPRESSLY PROHIBITED IN THIS RESIDENTIAL ZONING DISTRICT, RSA-3.						
<u>CODE REFERENCE</u>	<u>THE PROPOSED ZONING IS REFUSED FOR THE FOLLOWING:</u>						
TABLE 14-701-1	<table border="1"> <thead> <tr> <th></th> <th>REQUIRED</th> <th>PROPOSED</th> </tr> </thead> <tbody> <tr> <td>MIN. DEPTH OF REAR YARD</td> <td>20 FT</td> <td>8 FT</td> </tr> </tbody> </table>		REQUIRED	PROPOSED	MIN. DEPTH OF REAR YARD	20 FT	8 FT
		REQUIRED	PROPOSED				
MIN. DEPTH OF REAR YARD	20 FT	8 FT					

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

Fee to File Appeal: \$ 300

NOTES TO THE ZBA:
N/A

PARCEL OWNER:
NYZIO BAKER REAL ESTATE L L C



CHANWOO JUNG
PLANS EXAMINER

2/12/2024
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.