

DIMENSIONAL AND USE VARIANCES, STEP-BY-STEP

From Application to Approval

Updated 6/15/16

Why seek a variance?



- **Dimensional (zoning):** Building design does not conform to dimensional standards
 - Open Space
 - Set-backs
 - Height or Floor-Area-Ratio
 - Lot Size

Why seek a variance?



- **Use:** Proposed use is not permitted
 - Classes of use (e.g. residential, commercial, industrial)
 - Specific uses (e.g. multi-family housing, bars/restaurants, auto repair)
 - Parking (# of spaces, type, location, and access)
 - Fences (height and transparency)
 - Landscaping (trees, screening from parking)

- **Special Exception:** Proposed use requires review
 - Same process as a use variance, lower standard of review by ZBA

Process: Initial Application

- 1) **Applicant submits application to L+I**
 - ▣ L+I may request additional information before making a decision

- 2) **L+I approves or issues a refusal or referral**
 - ▣ Refusals require variances; referrals require special exceptions
 - ▣ Applicant can request second review by L+I

- 3) **Applicant submits petition to appeal to ZBA**

Process: Notification



- 4) **PCPC sends information to applicant and Registered Community Organization (RCO)**
 - ▣ Must occur within 7 days of appeal
 - ▣ Identifies Coordinating RCO (selected by District Council) and other affected RCOs (if any)
 - ▣ Identifies affected properties that need to be notified
 - ▣ Outlines timeline for process

- 5) **Applicant contacts affected RCOs**

Process: Notification



6) Coordinating RCO sets meeting

- ▣ Date/time/location determined in consultation with other affected RCOs
- ▣ Coordinating RCO must make meeting available within 45 days of appeal, **unless applicant fails to deliver notice within 10 days of PCPC notice.** In such cases, the meeting must be within 45 days of that notice being delivered.

7) Applicant distributes written notice to affected addresses

- ▣ Applicant must complete within 10 days of PCPC notice, regardless of whether meeting date is set

Process: RCO Meeting



8) **RCO meeting is held**

- ▣ *Applicant is required to attend one RCO meeting; additional meetings are purely voluntary by the applicant*
- ▣ Meeting cannot be held until after applicant delivers notice to affected addresses

9) **RCO sends meeting summary to ZBA**

- ▣ Must include summary of events of meeting and should indicate position of RCO (support, opposition, or non-opposition).
- ▣ Must include meeting summary form

Process: ZBA Hearing



10) **ZBA Hearing**

- ▣ ZBA makes official ruling on whether to grant the variance or special exception
- ▣ If applicant does not meet previous requirements, ZBA may issue a continuance, hold its decision, or deny the appeal

Example: 1224-40 Frankford Ave.

- ❑ **Use:** Vacant building and lots
- ❑ **Zoning:** ICMX and RM-1



Example: 1224-40 Frankford Ave.

- ❑ **Proposal:** 125-room hotel with restaurant



Example: 1 224-40 Frankford Ave.



- ❑ **12/10/2014:** Zoning application submitted to L+I
- ❑ **2/11/2015 :** Revised zoning application submitted to L+I
- ❑ **2/19/2015 :** Refusal Issued by L+I

Example: 1224-40 Frankford Ave.

NOTICE OF: <input checked="" type="checkbox"/> REFUSAL <input type="checkbox"/> REFERRAL		CITY OF PHILADELPHIA DEPARTMENT OF LICENSES & INSPECTIONS Municipal Services Building, Concourse Level 1401 John F. Kennedy Boulevard Philadelphia, PA 19102		DATE OF REFUSAL 2/19/2015	APPLICATION # 577490
ADDRESS/LOCATION 1224-40 FRANKFORD AVE					
APPLICANT: RONALD J. PATTERSON, ESQUIRE FOR OWNERS			ADDRESS: 1835 MARKET ST, SUITE 1400 PHILADELPHIA, PA 19103		
APPLICATION FOR: RELOCATION OF LOT LINE TO CREATE ONE LOT FROM SEVEN (7) DEEDED / OPA LOTS. ERECTION OF AN ADDITION TO AN EXISTING ATTACHED STRUCTURE MAXIMUM HEIGHT NE 71 FT WITH CELLAR AND POOL & POOL DECK AND ROOF DECK ABOVE THE EXISTING STRUCTURE (ROOF DECK SET BACK AT LEAST FIVE FT FROM THE EXTREME FRONT BUILDING LINE). USES- ACCESSORY STORAGE FOR HOTEL, BUSINESS & PROFESSIONAL OFFICE AND SIT-DOWN RESTAURANT ON CELLAR; HOTEL LOBBY, BUSINESS & PROFESSIONAL OFFICE AND SITE DOWN RESTAURANT ON FIRST FLOOR; BUSINESS & PROFESSIONAL OFFICE ON SECOND FLOOR; HOTEL (VISITOR ACCOMMODATIONS) 125 ROOMS ON SECOND TO SIXTH FLOOR; BANQUET / EVENTS ROOM (ASSEMBLY & ENTERTAINMENT) ON FOURTH FLOOR; SIT-DOWN RESTAURANT WITH OCCUPANCY ON OUTDOOR ROOF DECK ON FIFTH FLOOR; HOTEL POOL AND POOL DECK ON SIXTH FLOOR. SIZE AND LOCATION AS SHOWN ON 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 SECTION		THE PROPOSED USE IS REFUSED FOR THE FOLLOWING:			
TABLE 14 – 602-3		THE PROPOSED USE, HOTEL (VISITOR ACCOMMODATIONS) IS PROHIBITED IN THIS ZONING DISTRICT			
TABLE 14 – 701-2 & 14- 701-4		THE PROPOSED ZONING IS REFUSED FOR THE FOLLOWING:			
TABLE 14 – 701-2 & 14- 701-4		OPEN AREA REQUIRED (FOR RM-1 DISTRICT)	<u>REQUIRED</u> 30%	<u>PROPOSED</u> NONE	
TABLE 14 – 701-2 & 14- 701-4		REAR YARD MINIMUM DEPTH	9FT	NONE	
TABLE 14 – 701-2 & 14- 701-4		REAR YARD MINIMUM AREA	144 SQ FT	NONE	
TABLE 14-802-3		OFF STREET PARKING SPACES	42 SPACES	NONE	
TABLE 14-802-4		PARKING FOR PERSONS WITH DISABILITIES	2 SPACE	NONE	
TABLE 14-806-1		OFF STREET LOADING SPACES	5 SPACES	2 SPACES	
TABLE 14-804-1		BICYCLE PARKING SPACE	8 SPACES	NONE	
TABLE 14 – 701-2 & 14- 701-4		MAXIMUM HEIGHT (RM-1 DISTRICT)	<u>ALLOWED</u> 38 FT	66 FT	
TABLE 14 – 701-2 & 14- 701-4		MAXIMUM HEIGHT (ICMX DISTRICT)	60 FT	71 FT	
TABLE 14 – 701-2 & 14- 701-4		FLOOR AREA RATIO (FAR)	500%	542%	
REMARKS: FIVE (5) USE REFUSALS SIX (6) ZONING REFUSALS. FEE FOR FILING AN APPEAL - \$250.00					
Cc: OWNER RIVER CITY FLATS, LP 829 N 29 TH ST PHILADELPHIA, PA 19103		 _____ PAULOSE ISSAC PLANS EXAMINATION ENGINEER Phone number 215 686 2563. email: Paulose.Issac@phila.Gov		2/19/15 _____ DATE	
NOTICE TO APPLICANT: AN APPEAL FROM THIS DECISION MUST BE MADE TO THE ZONING BOARD OF ADJUSTMENT, MUNICIPAL SERVICES BUILDING, 11 TH FLOOR, 1401 JFK BOULEVARD, PHILADELPHIA, PA 19102, WITHIN THIRTY (30) DAYS OF DATE OF REFUSAL.					

Example: 1 224-40 Frankford Ave.



- ❑ **2/25/2015** : Petition to appeal submitted
- ❑ **11 variances sought:**
 - ❑ Open space (% of total)
 - ❑ Rear yard depth and area
 - ❑ Parking Spaces (total, disabled, loading, and bicycle)
 - ❑ Height
 - ❑ Floor-Area-Ratio

Example: 1 224-40 Frankford Ave.



- ❑ **3/3/2015** : PCPC notification sent
- ❑ **2/27/2015** : Public meeting held by RCO
 - ❑ Preceded PCPC notification due to outreach by applicant to RCO. Acceptable only because applicant met notification requirements in advance
- ❑ **3/28/2015** : Meeting summary sent to ZBA by RCO

Example: 1224-40 Frankford Ave.

Our mission is to serve our families and neighbors by promoting community activities, civic involvement, education, and safety by fostering the smart growth of our unique and diverse riverfront neighborhood.



March 28th, 2015

Honorable Julia Chapman
Chair, Zoning Board of Adjustment
Municipal Services Building, Room 1130
1401 JFK Blvd
Philadelphia, PA 19102

Re: Calendar No. 24716 (1224 Frankford Ave)

Dear Chair Chapman and Board Members:

I am writing you on behalf of the Fishtown Neighbors Association supporting the project at the above address. On February 17th, 2015 the FNA hosted a well-publicized meeting for the developer to introduce plans to the community proposing the creation of a hotel with 125 rooms, restaurant, jazz bar, banquet hall, and rooftop restaurant.

The local neighbors (within 500') voted '57' yes and '9' no; the community voted '82' yes and '7' no. The total vote was '139' yes to '16' no, supporting the project.

The project was described as a 125 room boutique hotel with a restaurant, jazz bar, banquet hall, and rooftop restaurant. The program also contains a shared office space, and rooftop pool club. The loading dock for the hotel will be located on Leopard St and will only be used for loading between 9am and 4pm (see proviso). The parking for the hotel will be done through a valet on Frankford Ave and the cars will be held at 1320-48 North Front St (see proviso). The trash area for the hotel will be enclosed in the loading area.

The existing building on the site will be preserved and expanded by one bay to the East designed to match the existing façade. The existing mural on the building will be preserved and visible inside of the new hotel structure.

The neighbors were receptive and supportive of:

- The reuse of a long vacant building
- There was praise for the included valet parking and remote parking lot.
- Businesses on Frankford Ave would be impacted for the positive with the influx of people to the building's functions.
- Proposed security cameras on the site.
- New streetscape lighting to the parking area
- The pool not being used for the hotel guests

The neighbors were concerned with and opposed to:

- The proposed remote parking lot is not believed to be sufficient to hold all of the cars that come to the hotel and the restaurants inside.
- The reduction of natural light and views on Leopard and Frankford Ave
- Increase in noise on the street from the hotel and the rooftop pool.

Our mission is to serve our families and neighbors by promoting community activities, civic involvement, education, and safety by fostering the smart growth of our unique and diverse riverfront neighborhood.



Requested Provisos:

- 1) The lot at 1320-48 North Front is used for valet parking for this project and its variance is approved by the ZBA (Appeal number 24363)
- 2) Use of the loading dock on Leopard St restricted to 9am-4pm

On behalf of the neighbors of Fishtown, we would ask you to grant the requested variances. Thank you for considering our input.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Matt Karp', with a stylized flourish at the end.

Matt Karp, Chair, FNA Zoning Committee

Cc: Ronald Patterson, Applicant
Roland Kassis, Owner
Jeffery Young, Councilman Clarke's office
Michaela Allwine, NKCDC

Example: 1 224-40 Frankford Ave.



- ❑ **3/31/2015** : ZBA hearing; variances granted, with provisos