



Elliot Lindgren – Getty Images

Zoning Appeal Manual



City of Philadelphia
Zoning Board of Adjustment

Table of Contents

Welcome _____	1
Before You Apply _____	2
Types of Appeals _____	4
How To File _____	6
Before the Hearing _____	9
At the Hearing _____	16
After the Hearing _____	22
Glossary _____	25

Welcome

This manual describes the process of appealing a zoning decision to the Zoning Board of Adjustment, also called the ZBA or “Board.” This is a guide for applicants, but anyone interested in zoning matters may find it useful.

About the Zoning Board of Adjustment

The ZBA is a *quasi-judicial* panel that hears appeals of denied zoning permit applications. This means that the ZBA hearing is like a court hearing – people make their case to the Board, and the Board issues a decision based on the facts of the case and relevant laws and regulations. The ZBA can overturn a decision made by the Department of Licenses and Inspections (L&I). The ZBA is not part of L&I. It has its own staff, leadership, and regulations.

The ZBA is supported by a small team of dedicated professionals in the Philadelphia Department of Planning and Development. The Philadelphia Law Department provides legal representation to the Board.

Contacting Us

You can reach the staff of the Zoning Board of Adjustment by phone, email, or in person.

By Phone: Call (215) 686-2429 or (215) 686-2430. Our phone hours are 8 A.M. to 4 P.M. on weekdays, except for City holidays.

By Email: Contact RCOZBA@phila.gov for questions about applications or scheduling. We respond to most inquiries within one business day.

Contact RCO.Notification@phila.gov for help with organizing required neighborhood public meetings.

Contact BoardCounsel@phila.gov for legal matters.

In Person: Visit us at 1515 Arch Street, Room 18-004. Our walk-in hours are 10 A.M. to 2 P.M. on Monday, Tuesday, and Thursday. To schedule a visit, use our [online appointment system](#). Once you’ve entered your contact information, choose “File Appeal Application with the ZBA.”

Before You Apply

This section describes a few of the ZBA's unique processes and requirements. Appealing to the ZBA begins a multi-step process. Be prepared before you begin! Terms shown in bold are defined in the Glossary.

Burden of Proof

The Zoning Board of Adjustment holds adjudicatory hearings. This means, like a court of law, the Board is interested in collecting evidence that helps them make a good decision. At your hearing, you will be required to present evidence to support your proposal. As an **appellant**, your job is to show that your proposal meets specific criteria for approval. These criteria are included in the Philadelphia Zoning Code at § [14-303 \(7\) \(e\)](#) and § [14-303 \(8\) \(e\)](#).

It is very important that you understand these criteria before beginning an appeal. The [application forms](#) will guide you. Answer each question carefully and thoroughly. If the Board finds that you have not addressed these criteria, your appeal may be denied. An attorney can help you understand these criteria.

Accessibility

There is no charge for accessibility services. The ZBA is committed to equal access to its hearings. If you are scheduled to participate in a ZBA hearing and you would like language interpretation services at your hearing, or have special needs due to a disability (as defined by the Americans with Disabilities Act), simply check the appropriate box on your application form.

To make accessibility requests after filing, call us at 215-686-2429 or email RCOZBA@phila.gov. We recommend that you contact us at least two days prior to the hearing to avoid delays.

To protect the integrity of the hearings, only ZBA-appointed interpreters may be used in your appeal. Please do not bring your own interpreter.

Qualifying to Appear Before the Board

Most zoning appeals are related to a specific property. To represent a property during an appeal, you must demonstrate that you are one of the following:

- The legal owner of the property in question, as shown on the deed.
- A person or entity with equitable interest in the subject property, such as a renter with a signed lease.
- A person or entity appointed as Conservator for the subject property pursuant to the Pennsylvania Abandoned and Blighted Property Conservatorship Act (Act 135 of 2008).

You may not send a contractor, architect, expeditor, friend, or family member to represent you before the Board.

Legal Representation

Some **appellants** must be represented by an attorney when they appear before the Zoning Board of Adjustment. Whether an appellant requires an attorney depends on who is represented:

- An *individual* may appear before the ZBA *pro se* (on their own) or be represented by an attorney authorized to practice in Pennsylvania.
- *Corporations*, including nonprofit corporations and LLCs, must be represented by an attorney authorized to practice in Pennsylvania.
- A *partnership* may appear before the ZBA by one of its partners with written authorization from the general or managing partner or by an attorney authorized to practice in Pennsylvania.

The [Philadelphia Bar Association](#) and [Philadelphia VIP](#) can help you find an attorney.

If, after applying to the ZBA, you hire an attorney or switch to a different attorney, your new attorney will need to notify the Board. They must send an *attorney appearance letter* to RCOZBA@phila.gov. Copies must be provided to the **appellant** and any attorney who previously represented the **appellant** on the appeal.

Neighborhood Public Meetings

If you apply for a variance or special exception, you will be required to attend one public meeting in the neighborhood where your appeal property is located. Details on neighborhood public meetings are included in the “Before the Hearing” section, starting on page 9.

Types of Appeals

The Zoning Board of Adjustment hears three types of appeals: variances, special exceptions, and appeals against the Department of Licenses and Inspections (L&I).

Variances

If you are appealing a *Notice of Refusal*, use form ZBA-01, [Application for Zoning Variance](#).

A variance allows you to get a zoning permit for something that is not normally allowed by the Philadelphia Zoning Code.

If you appeal, you will need to show the Board evidence of one or more unique physical conditions at the property that make it impossible to comply with the Zoning Code. You will also need to show that your proposal is the smallest necessary variance and that the proposal will not have undue impacts on nearby properties or the environment.

There are two types of variances: Use Variance and Dimensional Variances.

- *Use variances* allow you to use property in a way that isn't normally allowed, such as for commercial, residential, or industrial purposes.
- *Dimensional variances* allow you to build a building or other structure higher or closer to the edges of your property than would normally be allowed.

Special Exceptions

If you are appealing a *Notice of Referral*, use form ZBA-02, [Application for Special Exception](#).

A special exception allows you to get a zoning permit for a use that is not normally allowed by the Philadelphia Zoning Code. You can only get a special exception if the proposed use will not cause impacts beyond what would normally be expected for that use.

If you apply for a special exception, you will need to show the Board that your proposal will not have an unusual impact.

Appeals Against L&I

If you are appealing the issuance of a permit or another decision by L&I, use form ZBA-03, [Application for Appeal Against L&I](#).

An appeal against L&I is a challenge against any final order, requirement, decision, or determination made by L&I pursuant to the Zoning Code. If you file an appeal against L&I, you will need to state how you are impacted. You will need to show, specifically, how L&I's decision is inconsistent with the requirements of the Zoning Code.

How To File

Timing

Applications must be filed within 30 days from the date of the action that is being appealed.

Appealable actions include:

- Issuance of a Notice of Refusal or Referral.
- Issuance of a permit.
- Any final decision by the Department of Licenses and Inspections, including zoning violations.

Incomplete or late applications will be rejected. For mailed appeals, the postmark date is the date of application.

Filing Online with eCLIPSE

The fastest and most secure way to file an application for a variance or special exception is online through [eCLIPSE](#). eCLIPSE is the City's digital permit document management program. To apply, upload a copy of your Notice of Refusal or Referral, a complete [Project Information Form](#), and a complete [application form](#). Then, submit an electronic payment.

For guidance, [view our video about submitting an appeal online](#).

Filing a Paper Application

If you cannot file online or you are filing an Appeal Against L&I, you can file by mail or in person at the ZBA office. Complete and print the Notice of Refusal or Referral, the [Project Information Form](#), and the [application form](#). Make a check or money order out to the City of Philadelphia for the appropriate [filing fee](#). Then, send the required materials by mail or deliver them in person. Appointments are recommended for filing an appeal in person. Use our [online appointment system](#) to schedule your visit. Once you've entered your contact information, choose "File Appeal Application with the ZBA."

Fees

The ZBA charges fees for filing and other services. The filing fee depends on property type. It will be listed on your Notice of Refusal or Referral issued by L&I.

As of August 1, 2026, the fee schedule is as follows:

- Existing one-or-two-family dwellings\$125
- Affordable housing projects.....\$125
- All other properties\$811
- Accelerated hearing.....\$995 per property (maximum \$2,985)
- Administrative review.....\$265
- Reposting of notice\$177
- Leave to amend\$151

Scheduling Your Hearing

After the ZBA receives a complete application, your appeal can be scheduled for a hearing. As of March 2026, the wait time for a regular hearing is about 180 days. If you choose to pay an accelerated hearing fee, the wait time for an accelerated hearing is about 140 days.

Remember: There are hundreds of cases just like yours. About 600 to 650 appeals are typically in the hearing queue, which affects wait time. Factors that affect the ZBA's case load include:

- Zoning Code rules about what can and cannot be built.
- Overall development activity in Philadelphia.
- L&I enforcement activity.

Continuances

It is very important that you complete all steps in the following section, “Before the Hearing.” If you fail to complete these steps, your hearing will be continued (rescheduled) to a new hearing date, usually four to six months later. Due to heavy case loads, the ZBA is unable to offer shorter continuance dates.

Avoid the most common causes of continuances:

- Failure by the appellant to upload required exhibits (see page 14).
- Failure by the appellant to appear at the hearing.
- Failure by the appellant to post the property correctly (see page 13).
- Failure by the Registered Community Organization (RCO) to hold a timely neighborhood public meeting.

Before the Hearing

After an application has been accepted as complete, your case will be assigned a unique Meeting Information number, called your “MI” number. Use your MI number when communicating about your appeal.

Variance and special exception applicants must complete five steps before the hearing.

Applicants filing an appeal against L&I can skip steps 1-4.

Step 1: Contact the RCO

A few days after your application is accepted, the ZBA will contact you by email to identify the **coordinating Registered Community Organization (RCO)** and other parties who have a role in the appeal process. Within 20 days of receiving this email, you must contact the **coordinating RCO** to set a date, time, and location for a neighborhood public meeting about your appeal. The ZBA recommends communicating by email. This creates a written record to prove that you completed Step 1.

As soon as possible, contact the coordinating RCO to set a meeting date.

Coordinating RCOs must make a good-faith effort to hold a neighborhood public meeting within 45 days of the ZBA accepting the appeal application, also called the **filing date**. The Zoning Board of Adjustment defines a “good-faith effort” to include the following actions:

- Responding to email communication about the meeting within 48 hours.
- Offering potential meeting dates that are within 45 days of the filing date.
- Clearly describing any pre-meeting expectations, like requirements to share specific documents in advance of the meeting.

If you believe that the coordinating RCO is failing to make a good-faith effort to hold a neighborhood public meeting, contact the Board office.

About RCOs

RCO stands for *Registered Community Organization*. There are more than 250 RCOs in the City of Philadelphia. The coordinating RCO's role is to host a neighborhood public meeting about your appeal. RCOs receive notification about zoning appeals within their service area. If an appeal property is within the service area of more than one RCO, the **district councilmember** for the area selects a single coordinating RCO.

Step 2: Provide Initial Notice

The ZBA staff will send appellants an email that identifies the coordinating RCO. The email also identifies other affected parties. The appellant must send initial notice of their application to these affected parties within 20 days of receiving the email. Use these [templates](#) to create a notification letter specific to your appeal.

- If you have agreed on a neighborhood public meeting date, time, and location with the coordinating RCO, use “template 1.”
- If you have not agreed on a neighborhood public meeting date, time, and location with the coordinating RCO, use “template 2.” In this case, you will need to send notifications again once the neighborhood public meeting has been arranged.

Make every effort to complete Step 1 before sending initial notice.

Once you've created an **initial notice** letter using the template, send the letter to:

- All **affected RCOs**.
- The **district councilmember**.
- All **affected properties**.
- The Philadelphia City Planning Commission.
- The ZBA.
- Department of Commerce (Only if the appeal property is in an Industrial or Industrial Mixed-Use Zoning District)

Except for affected properties, contact information for the parties listed above will be provided to you by email. Fulfill your obligation to notify those parties by simply replying-all to the email.

Be sure to attach your notification letter.

To provide **initial notice** to **affected properties**:

- Get a list of affected properties at the City’s [RCO Notification website](#) (see details in the box below).
- Send the notification letter and a copy of the Notice of Refusal or Referral to each affected property by U.S. Mail.
- Obtain a cancelled [Certificate of Mailing](#) from USPS. This is your proof of service.
- Submit a copy of the notification letter and Certificate of Mailing through the [ZBA Appeals Calendar](#). Doing so proves that you’ve completed Step 2.

Using the RCO Notification Website

The Philadelphia Department of Planning and Development maintains a web-based system for finding **affected RCOs** and affected properties for any address in the city. Get started by going to www.phila.gov/rconotification.

Start by typing the appeal address in the search bar at the top of the screen. The search bar looks like this:

Search for an address, OPA account, or DOR number



The map will zoom in to the appeal address. On the left side of the screen, you will see two lists. The top list shows **affected RCOs**, and the bottom list shows **affected properties**.

To download a table of **affected RCOs**, click “EXPORT RCOS.”

To download a table of affected properties, click “EXPORT PROPERTIES.”

When you click either button, a file ending in .csv will download to your computer. You can open this file with Microsoft Excel or similar spreadsheet software.

Review the address list carefully. Addresses on this list may be different from those used by the U.S. Postal Service. You must make sure the addresses are correct and that notice gets delivered. If there are differences between the addresses on the list and the ones used by the U.S. Postal Service, contact the ZBA’s RCO Notification Team to request a new list. Reach us at RCO.Notification@phila.gov or 215-686-2429.

Step 3: Attend the RCO Meeting

You must attend one public meeting hosted by an RCO. At the neighborhood public meeting, you will have the opportunity to present your proposal. Interested neighbors will have the opportunity to comment on the proposal. The RCO is responsible for submitting a summary of the meeting to the ZBA. This summary will prove that you completed Step 3.

An RCO may make requests beyond what is required by the Zoning Code. You are not legally bound to comply with extra requests, but doing so may improve your proposal or lead to better relationships with the community. It is up to you whether to honor these requests.

Examples of extra requests include:

- Pre-meeting presentations or closed-door meetings before or after the required RCO meeting.
- Additional notification of neighbors or others, beyond those required by the Zoning Code.
- More than one public meeting.
- Submission of additional documents that are not required by L&I or the ZBA.

If the coordinating RCO does not make a good-faith effort to host a neighborhood public meeting, you may still appear before the Board at your scheduled hearing. The ZBA will hear and vote on appeals without an RCO meeting, provided that:

- You provided **initial notice** of the ZBA hearing.
- You attempted to contact the **coordinating RCO**.
- 45 days have elapsed since the **filing date**.
- You completed the posting and exhibit submission requirements of steps 4 and 5.

Step 4: Post the Property

About 30 days before your hearing, you'll receive an electronic (PDF) copy of a poster. The poster provides notice to the public about your appeal. Posters must be displayed for at least 21 consecutive days before your scheduled hearing. Keep them posted until the advertised hearing date is over.

To display the poster properly:

- Determine how many posters you need. If your property fronts on more than one street, print one poster for each street it faces.
- Print the poster(s) on 11x17 paper.
- Print a copy of the Notice of Refusal or Referral.
- At least 21 days before your scheduled hearing, hang your poster and the Notice of Refusal or Referral on each street frontage of the property. Display the posters as close to the sidewalk as possible. Use a stake in the ground if necessary. Posters should be in plain view, at eye level, so that people walking by will be able to read the poster without coming onto the property. Ensure that posters are not hidden by bushes, fences, tree limbs, roll down gates or other obstructions. Do not attach posters to trees, utility poles, roll up gates or doors that are used. Consider using a plastic sleeve to protect the poster from the weather.
- Take time-stamped photos of each poster. These photos prove that you completed Step 4.

If your hearing is rescheduled or continued, the ZBA will send posters with the new hearing date. Follow the same steps to post these new posters. If your continued hearing date is sooner than 21 days in the future, hang the new posters as soon as you receive them.

Step 5: Submit Exhibits

Exhibits are photos, plans, and other documents that help the Board understand your appeal.

For variances and special exceptions, your exhibit package must include:

- A copy of your notice of refusal or referral.
- A copy of your application to the ZBA, including the complete Project Information Form.
- Proof of your ownership interest in the property, such as a deed ([get deeds on the City's website](#)) or a signed lease. If you are not the sole owner or lessee, submit a notarized letter of authorization that establishes your ownership interest.
- Proof of property tax compliance ([get tax clearances at the Philadelphia Tax Center website](#)).
- Dated photographs of your appeal notice posters posted at the property.
- Photographs of the inside and outside of the property.
- Zoning permit drawings, if your project includes physical changes to the property.
- Proof of **initial notice**, such as a USPS Certificate of Mailing.
- Proof, such as copies of sent emails, that you made a reasonable effort to schedule and attend an RCO meeting.
- A list of witnesses who you intend to call for testimony, if any.

For appeals against L&I, notify the ZBA Executive Director (ZBAExecutiveDirector@phila.gov) of any witnesses you wish to subpoena at least seven days before your hearing. The Board will review your request. Subpoenas are issued at the Board's sole discretion.

Your exhibit package must include:

- Evidence that L&I's decision is inconsistent with the requirements of the Zoning Code.
- Any other documents or exhibits that you intend to show the Board.

All exhibits must be submitted at least fourteen days before your hearing.

If you can't submit your exhibits five days in advance of your hearing, please contact us to explain. If we don't hear from you for two consecutive hearings, your appeal may be dismissed.

Submit documents through the [ZBA Appeals Calendar](#). Search for your case by address or Zoning Permit number. Then, click “Submit documents for hearing.” Fill out the form to identify yourself, upload your documents, and click “Save and Close.” You will receive a confirmation email shortly after uploading. If there are any problems with your files, the ZBA legal team will contact you to resolve them.

- Please combine your exhibits into a **single PDF document** using Adobe Acrobat™ or a free online tool such [Smallpdf](#).
- The maximum file size for each document is 30 MB.

Withdrawing an Appeal

If at any point prior to your hearing you wish to withdraw your appeal application, you or your attorney must submit a signed letter requesting withdrawal to RCOZBA@phila.gov and BoardCounsel@phila.gov. In the letter, please state your relationship to the appeal and identify the application by MI number, address, hearing date. Withdrawn matters are not subject to the “two-year rule” (see page 24).

Making Changes to a Project

You may want to make changes to your proposal before your hearing. The ZBA staff can help you with this. There are three ways to make such changes. The right path depends on the kinds of proposed changes you want to make and will be determined by the ZBA staff according to the guidelines available at the [ZBA website](#).

Send questions about amendments or refusal/referral items under appeal to BoardCounsel@phila.gov.

At the Hearing

The public hearing is your opportunity to present your case to the Zoning Board of Adjustment. The Board will hear your case, ask questions, and allow members of the public to testify.

How to Attend

Zoning Board of Adjustment hearings are held at 1515 Arch Street on the 18th floor in Room 18-002. Hearings are also livestreamed on the Zoom platform. You can also join a ZBA hearing remotely with a computer, tablet, or smartphone. You will receive a link by email on the morning of your scheduled hearing.

If you attend in person, you must bring a laptop or similar device that can connect to Wi-Fi. You will use this device to make your presentation to the Board. Please do not bring paper exhibits or physical displays.

Determining Who Will Appear Before the Board

Some appellants must be represented by an attorney licensed to practice in Pennsylvania. Review the “Legal Representation” section on page 3. If you need to be represented by an attorney, the attorney will present your case on your behalf and then ask you to adopt their testimony.

You may hire an attorney to present your case. If you are not required to have an attorney, you may present the case *pro se* (on your own).

Only the legal or equitable owner or their attorney may present a case to the Board. See the section about qualifying to appear on page 3 to learn about ownership.

A ZBA-appointed language interpreter is available for all appellants. This service is free. Contact the ZBA office at least two days before your hearing to arrange for an interpreter. Only pre-approved interpreters can provide language interpretation at the hearing. This is to protect the integrity of the hearing. The ZBA does not allow non-ZBA interpreters, such as family members, friends, or expeditors. To request a language interpreter, call 215-686-2429 or email RCOZBA@phila.gov at least two days before your hearing.

Order of Business

The Board’s agenda will typically proceed as follows:

1. Old business. This includes cases that were held from previous sessions.
2. Matters that are expected to be continued or dismissed.
3. New hearings.

Each matter heard by the Board will proceed according to the following order:

1. The appellant or their attorney will present their case.
2. The Board will ask the applicant questions.
3. The Board will accept public testimony. Anyone may attend and comment on a matter before the Board.
4. The Board will give the Board’s attorney an opportunity to ask questions or comment on the matter.
5. The Board will ask for a recommendation from the City Planning Commission.
6. The Board will vote on the matter.

Organizing Your Presentation

Organization is the key to a smooth hearing. This is especially true about files on your computer. Organize your documents so you can easily find and display them on your screen. If you are less experienced with organizing and displaying computer files, a friend, family member, or professional may show your presentation. However, only you will be allowed to speak during your presentation. You may also consider hiring an attorney, who *will* be able to testify on your behalf.

Your presentation should include only those exhibits which were submitted ahead of the hearing. If you present new information, like new photos, drawings, or documents, it can delay the Board's decision. Arrange your exhibits to align with your main points. The ZBA recommends following the presentation order shown on the table on page 19. The examples in the table are intended to illustrate the topics and the level of detail that the Board wants to hear. They are not meant to be used to explain your specific appeal.

<i>Topic</i>	<i>Examples or Requirements</i>
1. What are you proposing to do and why?	<p>"I would like to build an addition to my house so that I can add a third bedroom for my family."</p> <p>"I would like to legalize a deck that I built without permits."</p>
2. Why is the Board's approval required? (Show your Notice of Refusal / Referral)	<p>"The size of the addition is bigger than what is allowed."</p> <p>"My building is in a zoning district that only allows single family homes."</p> <p>"Restaurants need a special exception here."</p>
3. What happened at your RCO Meeting?	<p>"We presented the project at a community meeting on June 20th."</p> <p>"We changed the layout in response to community comments."</p>
4. Photos	<p>Interior photos of each affected room (<i>required</i>)</p> <p>Exterior photos of each side of the building, any affected yard, and the buildings to the left and right of the property (<i>required</i>)</p> <p>Time-stamped photos of the posted zoning appeal notice (<i>required</i>)</p>
5. Supporting plans (<i>If proposing to build or legalize a building or addition</i>)	<p>Floor plans</p> <p>Site plans</p> <p>Elevation drawings</p>

To best present your case, follow these tips:

- The purpose of your presentation is to show the board that your case meets the criteria for approval. Do not include extraneous information.
- Be prepared to explain any opposition you encountered at your neighborhood public meeting. Describe the nature of the opposition and how you responded.
- Select photos that help explain why you need a variance or special exception. For example, if you are applying for a variance to build a deck, take pictures of the area where the deck will be.
- Be sure to include exterior photos that show how your building fits in next to other buildings on the block.
- If your appeal includes an addition or new construction, you will need to include plans. At a minimum, you need to show the drawings that you submitted to L&I with your zoning permit application.

Using Zoom Webinar at Your Hearing

Zoning Board of Adjustment hearings are broadcast using Zoom Webinar. Even if you come in person, you will still use Zoom to share your documents in the hearing. It's important to have a basic understanding of how the ZBA uses Zoom to conduct its hearings.


You'll receive a Zoom link by email before your hearing. If you can't find your link, or if you get disconnected, you can always register and receive a new link at <https://bit.ly/philazba>.

You can use a computer, tablet, or smartphone. The ZBA recommends using a computer—it's easier to share documents that way. **Please do not join the meeting while driving a motor vehicle.**

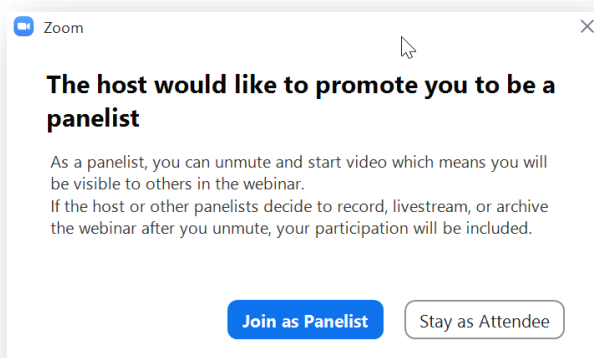
If you're participating remotely, these tips will help you avoid common problems with technology:

- Log in early to test your equipment.
- Use a computer rather than a phone or tablet.
- Use headphones to reduce background noise.
- Do not use more than one device in the same room. This will lead to audio feedback.
- Sit in a quiet, well-lit space.
- Check that the documents you want to share are open and ready to be displayed.

Once the webinar starts, you will automatically be muted and unable to share your screen.

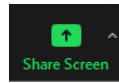
Listen carefully for your **MI Number** and address. When your matter is called, click the "Raise Hand" button to signal your presence. The button looks like this: 

Raising your hand shows the ZBA staff that you're ready to make your appearance. Staff will send you a request to become a panelist. The request looks like this:

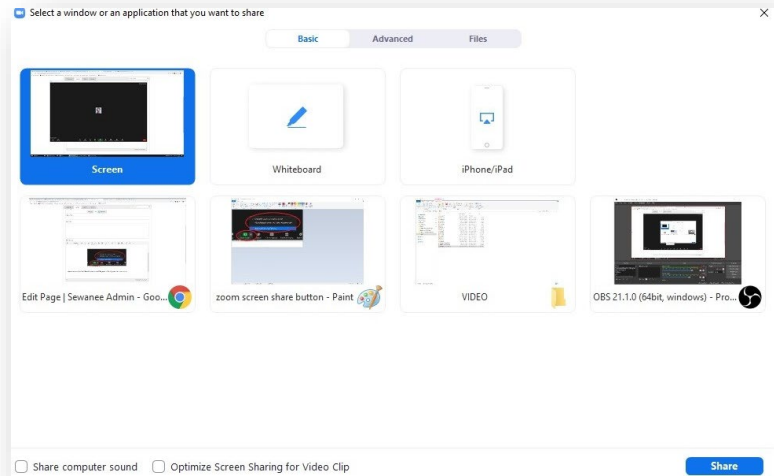


Click "Join as Panelist." You'll then be able to turn on your camera and microphone, which you should do by clicking the icons in the lower part of the Zoom screen.

The Board Chair will swear you in. This means that the Chair will ask you to swear or affirm to tell the truth. After you are sworn in, it's time to start your presentation. click the green “Share Screen” button. The button looks like this:



A window will open that allows you to select the content you want to share. Here you have two choices. You can either share your entire screen or share a specific app window, like Adobe Acrobat. If you have exhibits open in many different apps or programs, you may find it easier to share your whole screen.



The content selection window looks like the image on this page.

Answering Questions

During your hearing, Board members may ask you questions such as:

- Why is this the minimum necessary variance?
- How will trash be stored and collected?
- How will parking and deliveries be handled?
- Where are the entrances and exits to the building?
- Do living spaces have light and air?

Carefully review your property and project plans in advance so you will be fully prepared to address these types of questions. If you do not feel comfortable addressing questions like this, you should consider hiring an attorney to handle your presentation.

If you have a project that includes construction, consider bringing with you to the hearing someone who can answer design or construction questions, like an engineer or architect. Remember, a designer cannot testify on your behalf, but they can answer questions from the Board pertaining to your design drawings, if called upon.

After the Hearing

Your hearing will conclude with one of several possible dispositions, or outcomes.

Granted

A *decision to grant* is a final disposition. A decision to grant a variance or special exception allows the Department of Licenses and Inspections to issue the subject zoning permit. A decision to grant an appeal against L&I means the Department of Licenses and Inspections erred in a final decision or when issuing a permit.

A decision to grant a variance or special exception may include *provisos*, also called conditions. Provisos limit the scope of the application to be more specific than what is on the application. For example, a proviso might limit the use of a new building to three dwelling units when the original application was for four dwelling units. Note: Provisos that affect the physical dimensions of a proposed building may require proviso plans. Please see “Making Changes to a Project” on page 15 for more information on provisos.

Denied

A decision to *deny* is a final disposition. A decision to deny a variance or special exception will result in denial of the zoning permit. A decision to deny an appeal against L&I means that the Board affirmed the action of the Department of Licenses that was under appeal.

Dismissed

A decision to *dismiss* is a final disposition. The Board dismisses cases when the applicant fails to respond to emails sent from the ZBA staff or fails to appear at a scheduled hearing.

Continued

If your matter is not ready for the Board's consideration, it will be *continued*, and a new hearing will be scheduled. You will receive new posters, which you must post at the property. You will also need to upload new exhibits.

If you know that your continued matter will not be ready for consideration in the next four to six months, you can ask the Board to continue the case "Attorney (or Applicant) Moving Party." This means that the case will not be rescheduled until you or your attorney notifies the Board staff that you would like a new date. If we don't hear from you within 90 days, your matter will be automatically rescheduled.

If your matter has already been continued once, the Board may mark your continuance "Must Be Heard." This means that your matter must be ready to be heard at the next scheduled hearing. If it's not, the Board will dismiss the case.

Resumed

The Board may decide to pause your hearing and *resume* it another day. This can happen if the case includes an unusually large amount of testimony, or if the Board believes that their understanding of the case would benefit from additional testimony that will not be available until a later date. The Board will announce the date and time of the resumption hearing. The date of the resumption hearing depends on the length of hearing time the case requires and the time available on the ZBA hearing calendar. This varies from case to case.

Held

The Board may decide to *hold* its vote. A hold can allow the appellant to update exhibits. It can also allow the Board to discuss the matter in executive session. The Board will announce the date they will vote, which is usually one or two weeks after the hearing.

Notices of Decision

If the Board votes to grant, deny, or dismiss your matter, you will receive a *Notice of Decision*, or NOD. An NOD is a formal record of the Board's decision on your matter. The ZBA typically issues NODs within 21 days of the Board's vote, although this timeline may be extended to resolve problems such as missing proviso plans.

The Two-Year Rule

If your matter is denied or dismissed, you must wait two years before making a substantially similar zoning permit application for the same property. This is called the “two-year rule.”

Requests for Reconsideration

Interested persons may request reconsideration of a ZBA decision. Requests for reconsideration must be based on special circumstances that were not known, and could not reasonably have been known, by the requestor at the time of the hearing. Requests must be submitted within 10 days of the date from which the ZBA emails the Notice of Decision (NOD) to the **appellant** and all interested persons.

To request reconsideration and rehearing:

- Request a list of interested persons. Send your request by email to RCOZBA@phila.gov.
- Wait for the NOD. The NOD is typically issued 2-3 weeks after the Board’s final decision.
- Fill out the [Request for Reconsideration Form](#) completely. Forms with blank fields will be rejected.
- Serve a copy of the complete form and the Notice of Decision to all interested persons. The form and NOD should be served by email unless only a mailing address is provided, in which case it must be mailed by USPS.
- Submit your complete form by email RCOZBA@phila.gov and BoardCounsel@phila.gov or in person.

Timely requests will be considered by the Board. If the Board grants reconsideration and rehearing, the requester and all interested persons will be notified of the reconsideration hearing date.

Appeals to the Court of Common Pleas

A decision of the Zoning Board may be appealed by any party to the Pennsylvania Court of Common Pleas. Appeals must be filed within 30 days of the date from which the ZBA emails the Notice of Decision (NOD) to the appellant and all interested persons. The person or entity taking the appeal must serve notice of the appeal on all interested persons.

Glossary

Affected Property

Properties that the appellant must notify about their application. These include:

- Every property any portion of which is within 250 ft. of any portion of the applicant's property.
- Every property on the same block face as the primary frontage of the applicant's property or on the opposite block face from the primary frontage of the applicant's property. This means properties that have an address which shares a common hundred of numbers with the subject property, according to the Office of Property Assessment's property information.

Anyone can generate a list of affected properties at www.phila.gov/rconotification.

Affected RCO

A Registered Community Organization whose boundaries include the subject property.

Appearance

Attendance at a hearing on a particular matter. Attendees can enter an appearance online, in person, or by calling the ZBA appearance line at (267) 270-5548. Persons who enter an appearance become **interested persons** and are thereby entitled to receive notifications about decisions, continuances, and other updates associated with the matter.

Appellant

An individual or entity entitled to consideration by the Zoning Board for a special exception, variance, or appeal against L&I. Appellants for variances and special exceptions must demonstrate legal or equitable ownership (see “Qualifying to Appear” on page 3). Appellants against L&I must demonstrate that a permit or decision affects them. Only Appellants or their attorneys are allowed to bring a matter before the Board.

Applicant

An individual or entity that files an application for a special exception, variance, or appeal against L&I on behalf of an **appellant**. Applicants may or may not qualify as **appellants**.

Coordinating RCO

A Registered Community Organization that was selected by the **district councilmember** to host a neighborhood public meeting to discuss a zoning appeal. The Coordinating RCO is required to consult with all **affected RCOs** when setting the date of the public meeting.

District Councilmember

A member of City Council elected to represent one of Philadelphia's ten councilmanic districts.

Filing Date

The day that ZBA staff accepted a complete application.

Initial Notice

The process described in Zoning Code § [14-303\(12\)](#) by which Zoning Board applicants must notify certain parties about their pending appeal.

Interested Person

The **appellant** and any person or entity who entered an **appearance**.

MI Number

Meeting Information Number. A unique number that identifies your case to the Board. It is frequently called your "MI number."

