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Zoning permits: the ABC's of L&I, PCPC, and the ZBA

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Fifth of a series from the Chestnut Hill Community Association Physical Division

By Celeste Hardester

This series of articles from the CHCA Physical Division is intended to provide a simple and clear understanding of how the development approvals process works in Chestnut Hill. We have covered zoning designations in previous columns, so in this column, I thought it would be worthwhile to look at how zoning fits into the larger approvals process. Step one in receiving a building permit is an evaluation of applicable zoning regulations and obtaining a zoning permit.

A simple Google search of "Building Permits in Philadelphia" will take you to the link that provides the criteria for how the Department of Licenses and Inspection (L&I, the city agency that issues zoning, subdivision and building permits) evaluates projects, including the kind of work that needs no permit at all. Some simple projects can be granted a permit with a minimum of paperwork under the EZ Permit process. Most projects, however, will require either a zoning permit or a variance before they can be considered for a building permit. An understandable first reaction to all of this is to ask whether all these permits and bureaucracy are truly necessary. In fact, they serve three important functions: (1) to provide transparency and to make sure that all Philadelphians are apprised of what is happening in their communities, (2) to make sure that development proposals are consistent with the City's vision for its neighborhoods, and (3) to make sure that developers and other project sponsors are required to mitigate adverse community impacts. Given increasing development pressures in Chestnut Hill, issues of transparency, consistency with a bigger vision, and your rights as citizens not to have development adversely affect your properties and lifestyles are as important in Chestnut Hill as they are in faster-growing neighborhoods.

Applications for a zoning permit typically result in one of three outcomes: (1) the permit is issued by L&I because project falls completely within existing zoning regulations; (2) the project requires prior review by the Philadelphia Historical Commission because it is on the City's register, and/or the Philadelphia City Planning Commission (PCPC) because it involves lot line changes, parking lots and landscaping, street front and corner determinations, steep slope land, or is within the Wissahickon Watershed; or (3) the project does not receive a permit because it doesn't fall within current zoning regulations; and is therefore issued a "Refusal" or a "Referral for a Special Exception." For a permit to be granted by the Zoning Board of Adjustment (ZBA), the developer or project sponsor must demonstrate that they have adequately addressed all the regulatory, physical, environmental, or public service issues cited by L&I.

The ZBA is an independent board of five members housed within the Philadelphia Department of Planning and Development (which also houses the PCPC). A non-voting advisory attorney serves as the sixth member; in addition the City Planning Commission gives its recommendation for each project. The ZBA is appointed by the Mayor, and its members frequently change with a change in the Administration.

Before ruling on an Appeal, the ZBA solicits input by Registered Community Organizations (RCOs) in the affected community. In Chestnut Hill, the Chestnut Hill Community Association (CHCA) along with the Chestnut Hill Conservancy, the Friends of the

Wissahickon, and the 9th Ward of the Republican Party serve as RCOs. As required by law, every property owner within a 250-foot radius of a proposed development project must be sent a notification of the Refusal appeal and when the RCO meeting to consider the appeal is scheduled to take place. These notifications must be made at least 21 days prior to when the ZBA will hear the appeal. This is to give all affected parties enough time to respond. For more about how the RCO process works in Chestnut Hill, go to the CHCA's website at: <https://chestnuthill.org/advocacy.php> (<https://chestnuthill.org/advocacy.php>) The ZBA applies two criteria when deciding whether or not to grant a permit. The first is the developer or project sponsor has responded to the conditions that prompted the Refusal or Referral. This may involve making changes requested at the RCO meeting. Even if the developer has not made all the requested changes requested by the RCO's, the ZBA may approve the appeal if not doing so creates an unreasonable and avoidable economic hardship on the property owner. To learn more about how the ZBA tries to balance these issues with regard to particular projects, and to see a schedule of upcoming ZBA reviews, go to the ZBA website at: phila.gov/documents/zoning-board-of-adjustment-appeal-materials/ (<https://www.phila.gov/documents/zoning-board-of-adjustment-appeal-materials/>)

In addition to offering their opinions at RCO meetings in Chestnut Hill, residents can testify at ZBA hearings. People can disagree about the particulars of proposed development projects, and here in Philadelphia there is a process in place to ensure that everyone has an opportunity to be heard. It is an important component of the process; attendance can be effective in influencing outcomes.

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