

City of Philadelphia Zoning Board of Adjustment



Application for Appeal

CALENDAR # _____ (FOR OFFICE USE ONLY)

WHEN COMPLETED, MAIL TO:

CITY OF PHILADELPHIA
Department of Planning & Development
Zoning Board of Adjustment
One Parkway Building
1515 Arch St, 18th Floor
Philadelphia, PA 19102

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

LOCATION OF PROPERTY (LEGAL ADDRESS)

403 W. Springfield Ave., Philadelphia, PA 19118

PROPERTY OWNER'S NAME: Springside Chestnut Hill Academy

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

c/o Pritzker Law Group

1521 Locust St., Ste. 605
Philadelphia, PA 19102

PHONE #: 215-543-3688

E-MAIL: Rachael@pritzkerlg.com

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

APPLICANT: Rachael Pritzker, Esq.

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

1521 Locust St., Ste. 605
Philadelphia, PA 19102

FIRM/COMPANY:
Pritzker Law Group

PHONE #: 215-543-3688

E-MAIL: Rachael@pritzkerlg.com

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

APPEAL RELATED TO ZONING/USE REGISTRATION PERMIT APPLICATION # ZP-2024-005320

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.

Please see attached.

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.

Please see attached.

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

Please see attached.

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.

Please see attached.

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.

Please see attached.

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

Please see attached.

REASONS FOR APPEAL:

Please see attached.

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: 08 / 21 / 2024
MONTH DATE YEAR

City of Philadelphia
Zoning Board of Adjustment
Application for Appeal



Pritzker Law
G R O U P

403 W. Springfield Avenue - Variance Appeal

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 the size, shape, contours, or physical dimensions of the Property. No action on our part caused or created the special conditions or circumstances.

The Property is zoned RSD-1 and is 719,282 square feet. Despite its RSD-1 zoning classification, the property has been the home of Springside Chestnut Hill Academy for decades. The proposal in particular is for the application of an existing building to be partially demolished and rebuilt for use as Assembly and Entertainment (Performing Arts) theater, to include 4 accessory off street parking spaces, including 2 ADA parking spaces.

The proposal generated three refusals:

- 14-401(4)(a): Multiple principles uses and structures
- 14-704(2)(c): Steep slope protection; and
- 14-602-1: Uses allowed in residential districts.

Use Refusals - 14-401(4)(a) and 14-601-1

The first refusal generated by this application is under 14-401(4)(a) - Multiple Principle Structures and Multiple Principle Uses on the site. The property has been the Springside Chestnut Hill Academy for decades; it has existed as one property with multiple uses and structures in order to support the school, the students and the various uses and activities that take place on the site. Due to the base zoning of RSD-1 not being in line with the long-standing use as a school on this lot, any expansion or addition of any use or structure on the existing lot generates a refusal. These variances are the least modification of the Code possible in order to grant relief so that the school can continue to provide performing arts and theater education and activities for its students and the community. The property's base zoning as RSD-1 which is set up for a single-family home designation is out of character and out of place and causes a

hardship on the continuation of the school as it grows and updates with the times. These structures and varied uses have been longstanding and reflect the school's evolving needs over time. The proposed renovation to the theater is consistent with the historical and current use of the campus. The proposal aims to enhance an existing community asset that has been a positive presence in the neighborhood for years. Approving this project aligns with the established character of the property and supports the ongoing educational mission that has long benefited the community.

The second use refusal under 14-602-1 for Assembly and Entertainment (Performing Arts) is due to the slight expansion of an existing theater on the long-standing property. The base zoning of the property as RSD-1 prohibits any reasonable use of the property without a variance as it has been a long-standing school with a variety of educational uses that are commonly associated with a school. The request for the variance is the least modification of the Code possible to obtain the relief necessary to continue the growth and success of the school.

Steep Slope Refusal - 14-704(2)(c)

The last refusal that the project generated is under 14-704(2)(c) for steep slope protection. The steep slopes were not created by the applicant; they have been a natural feature of the site for decades, predating both the school and its theater. The steep slope disturbance associated with the proposed improvements on the subject property is limited to two areas. The first is along the northern embankment of West Springfield Avenue. Inlets located along this roadway discharge directly across the steep slopes along the roadway embankment which has resulted in erosion. The applicant proposes to pipe the discharge through the site to a point along the southern side of Valley Green Road where the discharge would be effectively conveyed by the existing roadside swale. All disturbance across this slope area would be restored and permanently stabilized thereby creating a better condition. The second is an isolated patch of steep slopes located along the southern side of Valley Green Road where the proposed egress driveway is located. The installation of the proposed driveway and associated parking is primarily required to provide accessible parking for the theater where none currently exists. At the completion of construction these areas would either be paved or within a vegetated island eliminating the steep slopes and possible concerns of erosion along the roadway embankment.

As outlined above, this renovation will not only enhance the school's educational and cultural facilities but also ensure that the project is executed in an environmentally responsible manner, aligning with both current standards and long-term sustainability goals.

The Philadelphia 2035 Comprehensive Plan for the Upper Northwest District outlines a vision for the city's development, including specific recommendations for land use and zoning to guide future growth and preservation. For the subject property, the plan specifically suggests rezoning

it to a Special Purpose - Institutional Development district. This type of zoning is intended to support institutions such as the Springside Chestnut Hill Academy and those like it. The project is consistent with the Plan's recommendations and matches the intended use.

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 variance we seek represents the least modification possible of the code provision to provide relief from the zoning code requirements. The zoning relief that the applicant requests is necessary because the subject Property's RSD-1 designation precludes development of the Property.

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

No. The variance sought will not increase congestion in public streets or in any way endanger the public. The proposed use is in accordance with the character of the neighborhood and will in no way contribute to any congestion in public streets more so than other nearby properties. The school has been established at this location since 1861.

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.

No. The variance we seek will not substantially or permanently harm our neighbors' use of their properties nor impair adequate supply of light and air to those properties. The proposed development does not require any dimensional variances; no variances have been requested with regard to height nor side or rear yard setbacks.

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 variance we seek will not substantially increase traffic congestion in public streets or place an undue burden on water, sewer, school, park or other public facilities. The proposed use will in no way contribute to any congestion in the public streets for reasons detailed above. The utilities in the area can accommodate this development, as evidenced by other nearby commercial structures.

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

No. The variance we seek will not create environmental damage, pollution, erosion, or siltation, or increase the danger of flooding. The variance we seek is in line with the neighboring properties and the property will be developed and maintained in a manner in which to protect against environmental damage, pollution, erosion or siltation and will not increase the danger of flooding.

REASONS FOR APPEAL:

Literal enforcement of the Zoning Code will impose an unnecessary hardship upon the Subject Property, applicant and owner, whereas the proposed construction will not adversely affect the public health, safety or welfare or traffic in the area. Therefore, variance relief is requested. Applicant also requests any other variances, use certificates or special use permits that are necessary. Applicant reserves the right to supplement these reasons up to and including the hearing

City of Philadelphia Project Information Form

PIF Confirmation Page

Thank you for submitting your information. A copy of this information will be sent to your e-mail address. If you entered in any of this information incorrectly, please complete and **submit a new form** with the updated information.

NOTE TO APPLICANTS: You **MUST** print out your completed Project Information Form (PIF) and submit it to the Zoning Board of Adjustment (ZBA) with your appeal paperwork. Per Section §14-303 (15)(a)(.3)(.A) of the Philadelphia Code, *"an applicant who seeks either a special exception or a variance must submit to the Board, at the time the appeal is filed, a copy of the Project Information Form for such application, if the preparation of a Project Information Form is required for such application..."*

View all projects submissions.

PRINT YOUR FORM

Applicant Information

Address of Development Project

403 W SPRINGFIELD AVE

Council District #

8

Name of Applicant

Rachael Pritzker

Zoning Application Number

2024005320

Address of Applicant

1521 Locust St.
Ste. 605
Philadelphia, PA 19102

Contact Information

Is the contact person the same as applicant?

- Yes

Name of Contact Person

Rachael Pritzker

Phone Number of Contact Person

(215) 543-3688

Email Address of Contact Person

Rachael@pritzkerlg.com

Project Information

Is your project exclusively residential?

No

Does your project result in a total of 2,500 square feet or more of floor area?

Yes

Is your zoning application exclusively for signage?

No

Key Project Statistics

Current Land Use on Parcel(s):

currently an educational facility

Proposed Land Use on Parcel(s):

assembly & entertainment

Net Change in Number of Housing Units:

n/a

Net Change in Commercial Square Footage:

n/a

Net Change in Total Floor Area:

1975

Net Change in On-Street Parking:

n/a

Number of Off-Street Parking Spaces to be Provided:

4

Approximate Projected Construction Period:

TBD

Please provide a brief summary of your proposed project:

Existing building to be partially demolished and rebuilt for use as Assembly and Entertainment (Performing Arts) theater, to include 4 accessory off street parking spaces, including 2 ADA parking spaces.

Please describe any planned changes to the landscaping and lighting on any public space within or adjacent to your project:

Existing landscaping to be removed and reestablished. Improvements to be made on storm water system along Valley Green Road.

Please describe any anticipated impacts on the transportation network (e.g. parking, sidewalks, street safety or traffic, transit) and any plans for mitigating any negative impacts:

this is an existing school and the proposal is for the renovation of the theater. no impacts on the transportation network are expected.

Approximately how many full time equivalent jobs (if any) are currently located on site?

260

Approximately how many full time equivalent workers will be employed on-site during the construction period?

TBD

Approximately how many full time equivalent jobs (if any) will be located on-site after construction is complete? Approximately how many of these jobs (if any) will be paid a wage of at least \$15/hour and will include health and/or retirement benefits?

same as before

Describe your plan, if any, to increase the supply of affordable housing:

this project is not residential

Please describe any partnerships with local community organizations that will be utilized during and/or after construction:

the school has been a longstanding fixture in the community and will remain as such

Please provide a brief summary of any plans for local hiring and job training/apprenticeships during or after construction. Also, please indicate whether you plan to submit an Economic Opportunity Plan to the Office of Economic Opportunity:

TBD

Please describe any other anticipated community impacts (positive or negative) associated with this project:

The proposed renovation to the theater is consistent with the historical and current use of the campus. The proposal aims to enhance an existing community asset that has been a positive presence in the neighborhood for years. Approving this project aligns with the established character of the property and supports the ongoing educational mission that has long benefited the community.

Sign & Submit

Agreement:

- I understand that all information submitted on this form is public information.

Printed Name of Applicant

Rachael Pritzker

Please sign with the Initials of the Applicant

RJP

Date

08/22/2024

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

Application Number: ZP-2024-005320	Zoning District(s): RSD1 <i>Click here to enter text.</i>	Date of Refusal: 8/15/2024
Address/Location: 403 W SPRINGFIELD AVE, Philadelphia, PA 19118-4104 Parcel (PWD Record) Through W. WILLOGROVE AVE to CHEROKEE ST		Page Number Page 1 of 2
Applicant Name: Rachael Pritzker DBA: Pritzker Law Group, LLC	Applicant Address: 1521 Locust Street Ste 605 Philadelphia, PA 19102 USA	Civic Design Review? N

Application for:

FOR THE REMOVAL OF AN EXISTING ONE-STORY STRUCTURE; FOR THE ERECTION OF A ONE-STORY ADDITION TO AN EXISTING PERFORMING ARTS CENTER IN AN EXISTING EDUCATIONAL FACILITIES; FOR USE AS ASSEMBLY AND ENTERTAINMENT (PERFORMING ARTS) WITH FOUR (4) ACCESSORY OFF-STREET SURFACE PARKING SPACES, INCLUDING TWO (2) ADA PARKING SPACES, WITH ALL OTHER USES AND ACTIVITIES AS PREVIOUSLY APPROVED. SIZE AND LOCATION AS SHOWN ON THE 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 Section(s):</u>	<u>Code Section Title(s):</u>	<u>Reason for Refusal:</u>
Section 14-401 (4) (a)	Multiple principle uses and structures	multiple principle uses prohibited in this residential district and any increase of principle uses requires a variance by Zoning Board of Adjustments.
Section 14-704 (2) (c)	Steep slope protection	Steep slope protection disapproved by City Planning Commission and a variance required Zoning Board of Adjustments for the steep slope protection.
Table 14-602-1	Uses allowed in residential districts	Proposed use, assembly and entertainment prohibited in this residential district.

TWO (2) USE REFUSALS
ONE (1) ZONING REFUSAL

Fee to File Appeal: \$ 300

NOTES TO THE ZBA:

PWD Stormwater final approval required prior to permit approval.



Varughese Koithottu
PLANS EXAMINER

8/15/2024
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.

See link: [Appeal a zoning decision to the Zoning Board of Adjustment \(ZBA\) | Services | City of Philadelphia](#)

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See AP # 409992, Cal # 18241, ZBA granted variance for removing existing bleachers and for the erection of 1 story addition, for the use of bleachers, press box, locker rooms, rest rooms, training rooms, takeout restaurant with hot and cold food / beverages- no seating, accessory storage for all uses on the same lot as existing school campus with existing athletic facilities, school building and accessory parking, no signs, 08/22/12.

See AP # 041206008, Cal # 05-0124, ZBA granted partial demo of the dining room and gym bldg., complete demo of science bldg., erection of a 1 story addition (dining room commons), for the erection of 3 story addition (gym bldg.) 48,6" high (600 seats), erection of a 2-story addition (science bldg.) 48"6" with accessory parking (114 spaces).

See AP # 990210072, Cal # 99-0356, ZBA granted erection of a 1 story addition for use as classrooms

Parcel Owner:

SPRINGSIDE CHESTNUT HILL

Zoning Overlay District: /EDO Eighth District Overlay District/NIS Narcotics Injection Sites Overlay District/Open Space and Natural Resources - Steep Slope Protection/Wissahickon Watershed Impervious Coverage Restriction 45%/Wissahickon Watershed Impervious Coverage Restriction 20%/Wissahickon Watershed Impervious Coverage Restriction Determination Requires Additional Analysis Contact Planning Commission at planning@phila.gov /WWO Wissahickon Watershed Overlay District
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Varughese Koithottu
PLANS EXAMINER

8/15/2024
DATE SIGNED

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