

SOUTHEASTERN PENNSYLVANIA

By Eric S. Goldberg, Esq., Stark & Stark

Breaking down the process: Filing for zoning before the Philadelphia Zoning Board of Adjustment

While every municipality in the Philadelphia suburbs has its own rules and idiosyncrasies regarding an application before its zoning hearing board, most municipalities follow the same general set of procedural rules. The rules that govern zoning in the suburbs are drastically different than those controlling an application before the



Eric S. Goldberg

Philadelphia Zoning Board of Adjustment ("ZBA"), and the following are the procedures to follow when presenting a case before the ZBA.

Philadelphia has a unique procedure for applying for zoning. In the suburbs, you typically submit an application seeking the required zoning relief, but in Philadelphia you must first apply for a permit. This even includes situations where you know that the use is not permitted and that your application will be denied. You have 30 days from the date that the permit is denied to file an

appeal with the ZBA.

After your appeal is filed, you will be notified as to the identity of the Registered Community Organization ("RCO"), a community organization representing the interests of the local neighborhood. There are multiple RCO's throughout Philadelphia, each one controlling a particular geographic area.

When applying for zoning in the suburbs, the Applicant typically does not need to mail notices to the neighbors. In Philadelphia, you may have to send out multiple notices.

Once the RCO has been identified, you will contact the RCO to arrange for an informal meeting to discuss your application with them and members of the community.

Presuming the RCO does not object to your application, and hopefully submits a letter supporting your application, the next step is to obtain the support of the local Councilperson. You will typically work with a representative from the Councilperson's office to obtain their endorsement, or alternatively, an acknowledgement that the Councilperson does not object

to the application. At the zoning hearing, the ZBA will want to know if you have met with the RCO and Councilperson and you would introduce any letters from the RCO and/or Councilperson.

Make sure that you post the property with the notice that you receive from the ZBA at least 3 weeks before the hearing. The notice must remain on the property until the hearing, and you should take date timed photos of the notice showing that it was timely posted and has remained continuously posted until the date of the hearing.

At the zoning hearing, even with the support of the RCO/Councilperson, you must satisfy the various proofs needed for your particular application. You should present evidence, as in any type of hearing, and the Board and protestors can also ask questions of your witnesses.

Merely having the support of the RCO/Councilperson may not be sufficient, as the applicant still must satisfy the applicable legal standards. Additionally, even if the ZBA supports the application, you should be wary of protestors potentially appealing the matter. Thus, it is imperative that the record demonstrate that the applicant has satisfied all of the requisite proofs.

Given all of the intricacies involved in this matter, you and your attorney should sit down to address any anticipated issues before you even file the initial permit application.

Eric S. Goldberg is a Shareholder at Stark & Stark and member of its Real Estate, Business & Transactional, and Franchise & Distribution Groups. ■

Warfel Construction Co. receives award from ABC

DEVON, PA — Warfel Construction Company announced that its work on the Audi Devon New Flagship Terminal in Devon, has earned the company a National Excellence in Construction Pyramid Award from Associated Builders and Contractors (ABC) in the A1: Commercial \$2 - \$10 million. Representatives from the company received the award during ABC's 26th annual Excellence in Construction Awards celebration in Ft. Lauderdale, FL. ■

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