

Notice of: ☒ **Refusal** ☐ **Referral**

Application Number: ZP-2020-005542	Zoning District(s): CMX2, CMX2	Date of Refusal: 12/2/2020
Address/Location: 4408 LANCASTER AVE, Philadelphia, PA 19104-1306 Parcel (PWD Record)		Page Number Page 1 of 1
Applicant Name: Cheryl Gaston, Esq. DBA: Spruce Law Group, LLC	Applicant Address: 1622 SPRUCE STREET PHILADELPHIA, PA 19103 USA	

Application for:

FOR THE ESTABLISHMENT OF UNITY OF USE TO CREATE ONE (1) LOT FOR ZONING PURPOSES WITH RESTRICTIVE COVENANTS, AGREEMENTS AND EASEMENTS TO BE RECORDED BY DEED TO BIND TWO (2) PARCELS (4408 LANCASTER AVE AND 4410 LANCASTER AVE) TO PRESERVE THE UNITY OF USE AND THE LEGALITY OF THE ENTIRE PROJECT THAT STEMS FROM SINGLE ZONING LOT TREATMENT. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY, PROOF OF RECORDATION OF EASEMENTS, AGREEMENTS AND RESTRICTIVE COVENANTS MUST BE SUPPLIED

FOR A NEW CONSTRUCTION OF AN ATTACHED BUILDING WITH A ROOF DECK AND A ROOF ACCESS STRUCTURE (SIZE AND LOCATION AS SHOWN ON PLANS/APPLICATION) FOR USE AS VACANT COMMERCIAL USE ON THE 1ST FLOOR AND MULTI-FAMILY HOUSEHOLD LIVING (9 UNITS) ON THE 2ND - 5TH FLOOR

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>
TABLE 14-602-2 NOTE [2]	Uses Allowed in Commercial Districts	4799 SF is required for 9 Dwelling Units in CMX-2. Whereas the lot area for existing lots is 2619 SF
TABLE 14-701-3	Dimensional Standards for Commercial Districts	Whereas the proposed structure does not comply with the height requirements of the CMX-2 zoning district.
TABLE 14-701-3	Dimensional Standards for Commercial Districts	Whereas the proposed structure does not comply with the occupied area requirements of the CMX-2 zoning district.
TABLE 14-701-3	Dimensional Standards for Commercial Districts	Whereas the proposed structure does not comply with the rear yard depth requirements of the CMX-2 zoning district.

ONE (1) USE REFUSAL
THREE (3) ZONING REFUSALS

Fee to File Appeal: \$ 300

NOTES TO THE ZBA:

Enter notes here...

Parcel Owner:

MINUS LEONARD M



HAOYING YE
PLANS EXAMINER

12/2/2020
DATE SIGNED

Zoning Permit

Permit Number ZP-2020-005542

LOCATION OF WORK 4408 LANCASTER AVE, Philadelphia, PA 19104-1306 4408 Lancaster Avenue OPA #885058660 4410 Lancaster Avenue OPA #885058740 Owner:	PERMIT FEE \$1,257.00	DATE ISSUED 5/25/2021
	ZBA CALENDAR MI-2020-003391	ZBA DECISION DATE 5/25/2021
	ZONING DISTRICTS CMX2, CMX2	

PERMIT HOLDER Mahari 4432 Real Estate LLC	633 N. 64th Street Philadelphia, Pennsylvania 19151
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APPLICANT Cheryl Gaston, Esq. DBA: Spruce Law Group, LLC	1622 SPRUCE STREET PHILADELPHIA, PA 19103 USA
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TYPE OF WORK Combined Lot Line Relocation and New Development

APPROVED DEVELOPMENT FOR A NEW CONSTRUCTION OF AN ATTACHED BUILDING WITH A ROOF DECK AND A ROOF ACCESS STRUCTURE (SIZE AND LOCATION AS SHOWN ON PLANS/APPLICATION) FOR USE AS VACANT COMMERCIAL USE ON THE 1ST FLOOR AND MULTI-FAMILY HOUSEHOLD LIVING (9 UNITS) ON THE 2ND - 5TH FLOOR

APPROVED USE(S) Residential - Household Living - Multi-Family; Unity of Use; Vacant

THIS PERMIT IS SUBJECT TO THE FOLLOWING PROVISIO(S) AS ESTABLISHED BY THE ZONING BOARD OF ADJUSTMENT (ZBA)

 CONDITIONS AND LIMITATIONS: <ul style="list-style-type: none"> Permits, including Zoning Permits not involving development, shall expire if the authorized work or Use is not commenced within, or if work is suspended or abandoned for period of, six (6) months from the date of issuance with the following exceptions: <ul style="list-style-type: none"> 30-days or 10-days for Permits related to Unsafe or Imminently Dangerous properties respectively. 3-years from issuance or date of decision by ZBA for Zoning Permits involving development. 60-days for Plumbing, Electrical or Fire Suppression Rough-In Approvals. Any Permit issued for construction or demolition is valid for no more than five (5) years. All provisions of the Philadelphia Code must be complied with, whether specified herein or not. This permit does NOT constitute approval of any Violation of such Code.
 <p>The issuance of this CO/permit does not affirm that the subject property is federally compliant with the Americans with Disabilities Act. Owner remains responsible for ensuring property complies with all local, state and federal requirements. Permit must be posted within 5 days of issuance.</p>

Zoning Permit

Permit Number ZP-2020-005542

ADDITIONAL LOCATION(S)

See front side for primary parcel associated with this permit

PARCEL

4408 LANCASTER AVE Philadelphia, PA 19104-1306

4410 LANCASTER AVE Philadelphia, PA 19104-1306

ADDITIONAL USE DETAILS

See front side for specific use(s) associated with this permit

FOR THE ESTABLISHMENT OF UNITY OF USE TO CREATE ONE (1) LOT FOR ZONING PURPOSES WITH RESTRICTIVE COVENANTS, AGREEMENTS AND EASEMENTS TO BE RECORDED BY DEED TO BIND TWO (2) PARCELS (4408 LANCASTER AVE AND 4410 LANCASTER AVE) TO PRESERVE THE UNITY OF USE AND THE LEGALITY OF THE ENTIRE PROJECT THAT STEMS FROM SINGLE ZONING LOT TREATMENT. PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY, PROOF OF RECORDATION OF EASEMENTS, AGREEMENTS AND RESTRICTIVE COVENANTS MUST BE SUPPLIED

This permit is subject to the following specific conditions.

CONDITIONS

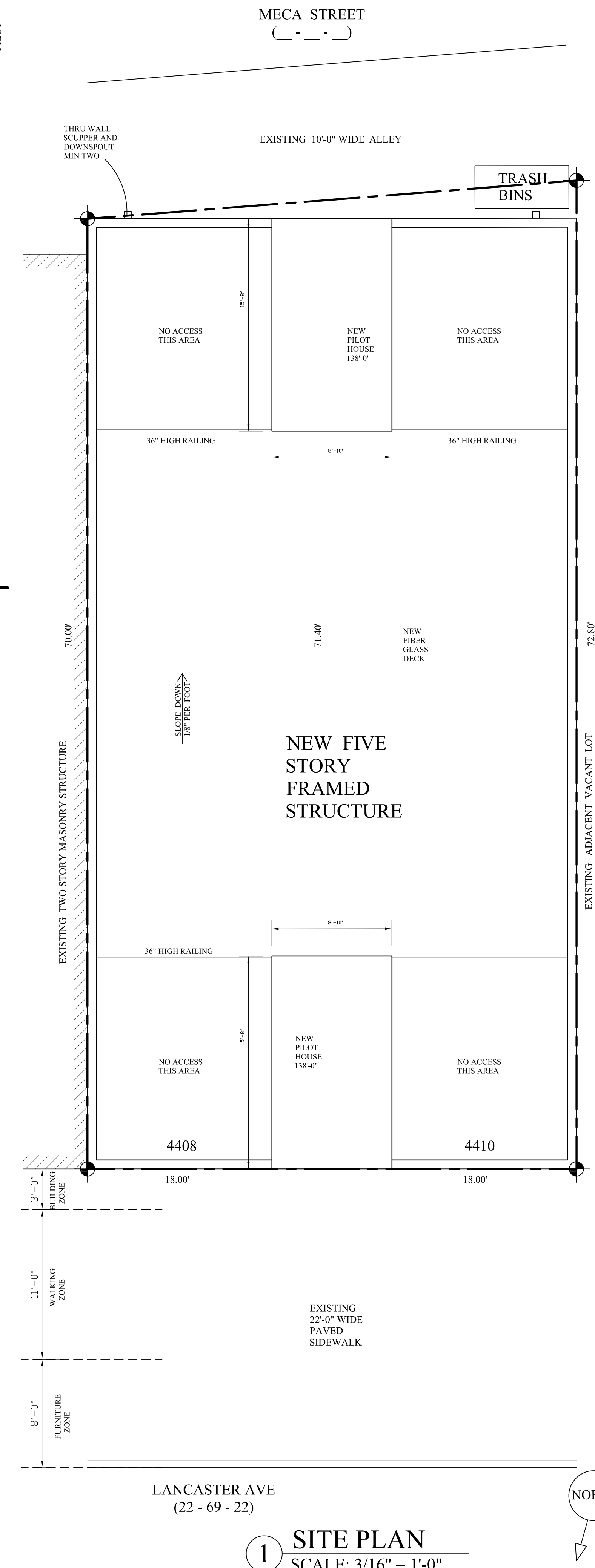
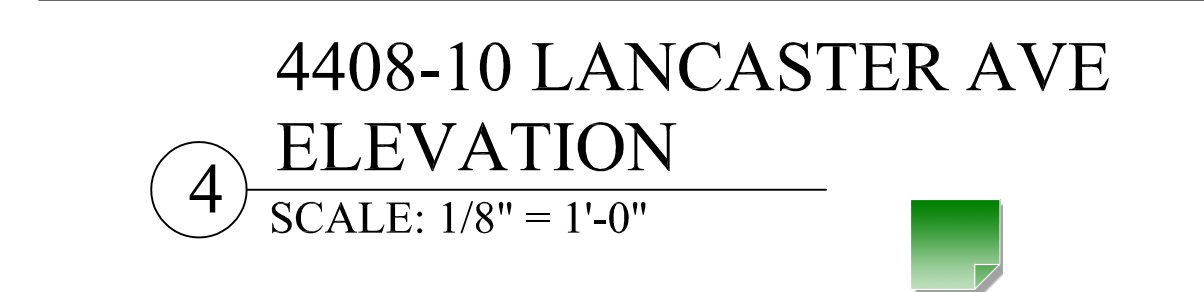
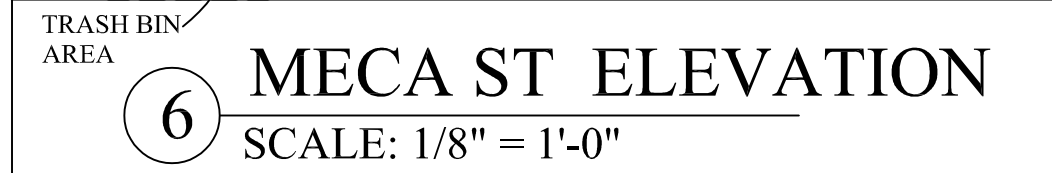
This Zoning Permit (ZP) shall expire if construction or operation pursuant to the permit or approval has not begun within three years after the date the permit or approval was granted.

Changes of use shall be valid for a period of six months unless an application for a Certificate of Occupancy is submitted for that use within such period.

See § 14-303 of the Philadelphia Zoning Code for more information.



Tax Exemption(Abatement): Information and applications for Real Estate Tax Abatement for new construction and improvements available from the Office of Property Assessment www.phila.gov/opa, 215-686-4334, 601 Walnut St., 300W, Phila, PA 19106. Applications for new construction and commercial improvements due within 60 days of permit issuance. Residential rehab and builder/developer applications due by Dec 31 of year of permit issuance.



DISTRICT - CMX-2 (COMMERCIAL MIXED USE)			
	REQUIRED / ALLOWED	EXISTING	PROPOSED
MIN. DISTRICT AREA (SQ FT)	N/A	1,268 + 1,351 = 2,619 SF (LOT)	SAME
MIN. STREET FRONTAGE AS TAKEN FROM THE FRONT LOT LINE (FT)	N/A	18 + 18 = 36 FT	SAME
MIN LOT AREA (SQ FT)	N/A	2,619 SF (LOT)	SAME
MIN OPEN AREA (% OF LOT)	INTERMEDIATE: 25%	$\frac{0 \text{ SF (BLDG)}}{2,619 \text{ SF (LOT)}} -1 = 100\%$	$\frac{2,520 \text{ SF (BLDG)}}{2,619 \text{ SF (LOT)}} -1 = 3.7\%$
MIN. FRONT YARD DEPTH (FT)	N/A	VACANT LOT	0 FEET
MIN SIDE YARD WIDTH EACH (FT)	5'-0" IF USED	VACANT LOT	0'-0" NOT USED
REAR YARD DEPTH (FT)	GREATER OF 9'-0" OR 10% OF LOT DEPTH	VACANT LOT	0'-0"
MAX. HEIGHT (FT)	38'-0"	VACANT LOT	56'-9"
MIN CORNICE HEIGHT (FT)	N/A	VACANT LOT	57'-10"
MAX FLOOR AREA (% OF LOT AREA)	N/A	$\frac{0 \text{ SF (GFA)}}{2,619 \text{ SF (LOT)}} = 0.0 \text{ FAR}$	$\frac{12,600 \text{ SF (GFA)}}{2,619 \text{ SF (LOT)}} = 4.8 \text{ FAR}$

NOTE:


A ZONING VARIANCE REQUIRED FOR HEIGHT, REAR YARD, PILOT HOUSE
A USE VARIANCE FOR NUMBER OF UNITS

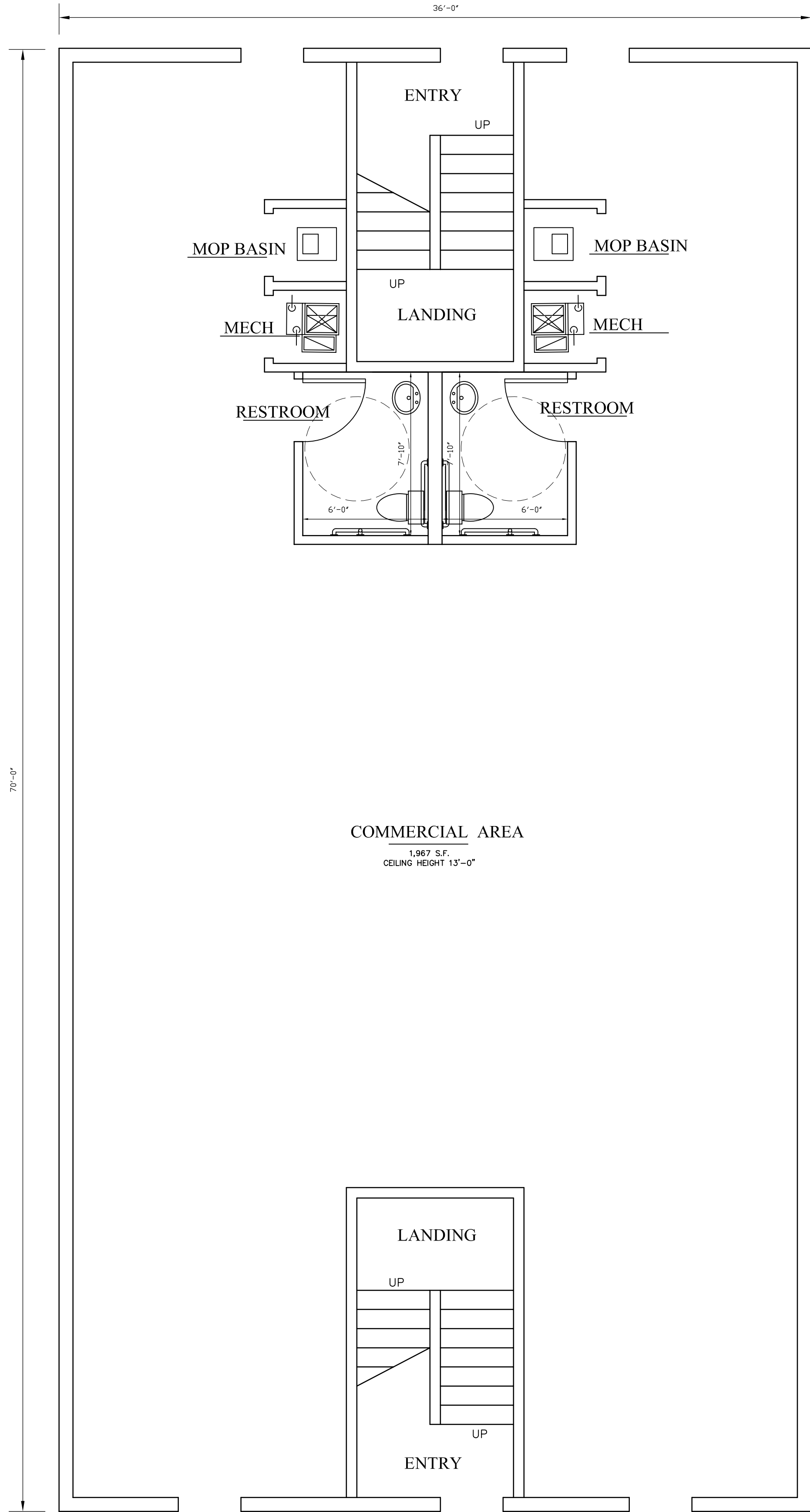
A rectangular stamp with a double-line border. The text inside reads: **APPROVED**
FOR ZONING ONLY
06/10/21
WHEN YOUR PLANS CONTAIN ANY OMISSION,
ERROR OR DEVIATION FROM THESE APPROVED
PLANS IT WILL REQUIRE THE APPROVAL OF THE
DEPARTMENT OF LICENSES & INSPECTIONS.
Applied Electronically by L&I User:

PROFESSIONAL SEALS:		NO.	REVISION DESCRIPTION	DATE
		PROFESSIONAL SEALS:		

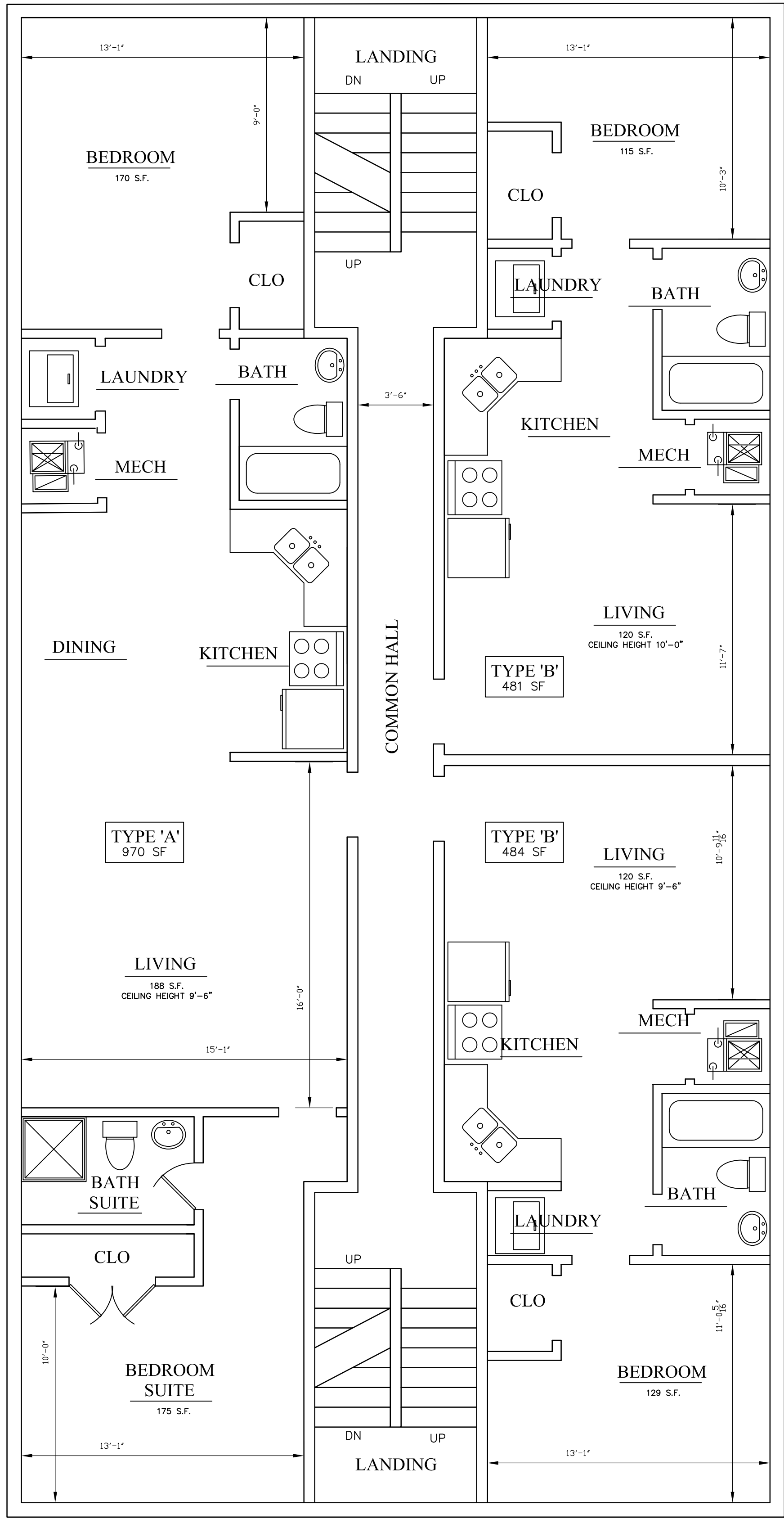
Project Description:	Architect of Record:
NEW FIVE STORY MIXED USE FRAMED STRUCTURE WITH COMMERCIAL FIRST FLOOR, SECOND THROUGH FIFTH FLOOR, AND FIFTH FLOORS WITH UNITY OF USE.	KENNETH JOHNSON
(USE VARIANCE REQUIRED FOR NUMBER OF LIVING UNITS)	Architectural Firm:
	ARCHITECTURE, URBAN DESIGN, AND POLICY, L.L.C.
	Contact Information:
	K. JOHNSON@ARCHPOLICY.COM P. 212.253.3436 WWW.ARCHPOLICY.COM
Sheet Description:	Principal Designer:
ZONING DATA, SITE PLAN, AREA MAP, EXISTING SITE PHOTO, PROPOSED ELEVATIONS	KENNETH JOHNSON

Project Address	4408-4410 LANCASTER AVE PHILADELPHIA, PA. 19104	
PROPERTY OWNER:	MAHARI 4432 REAL ESTATE LLC	CLIENT: MAHARI BAILEY

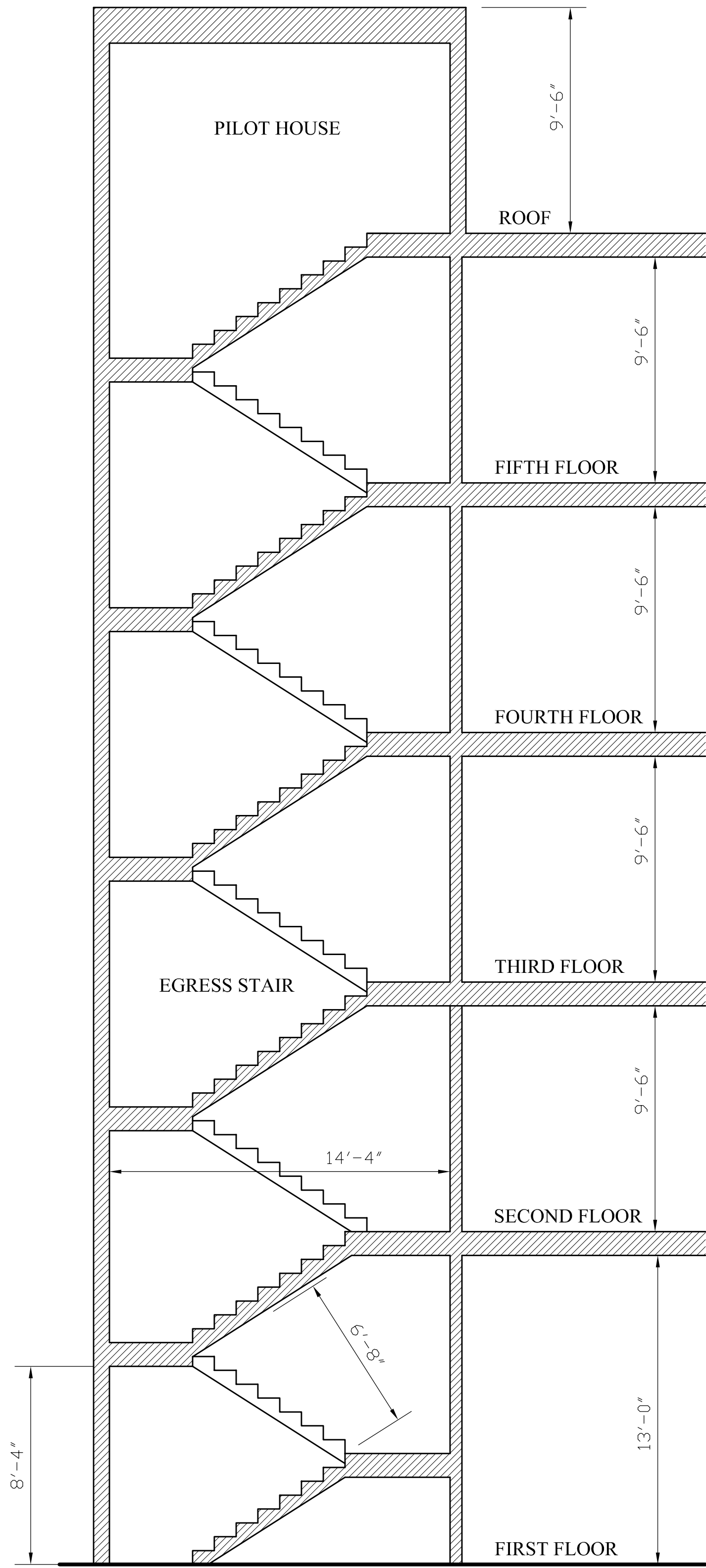
Sheet	Project No.	20200094408
		
Date	05/30/2020	SHEET 1 OF 3



1 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 SECOND AND THIRD FLOOR PLAN
SCALE: 1/4" = 1'-0"



3 STAIR SECTION
SCALE: 1/4" = 1'-0"



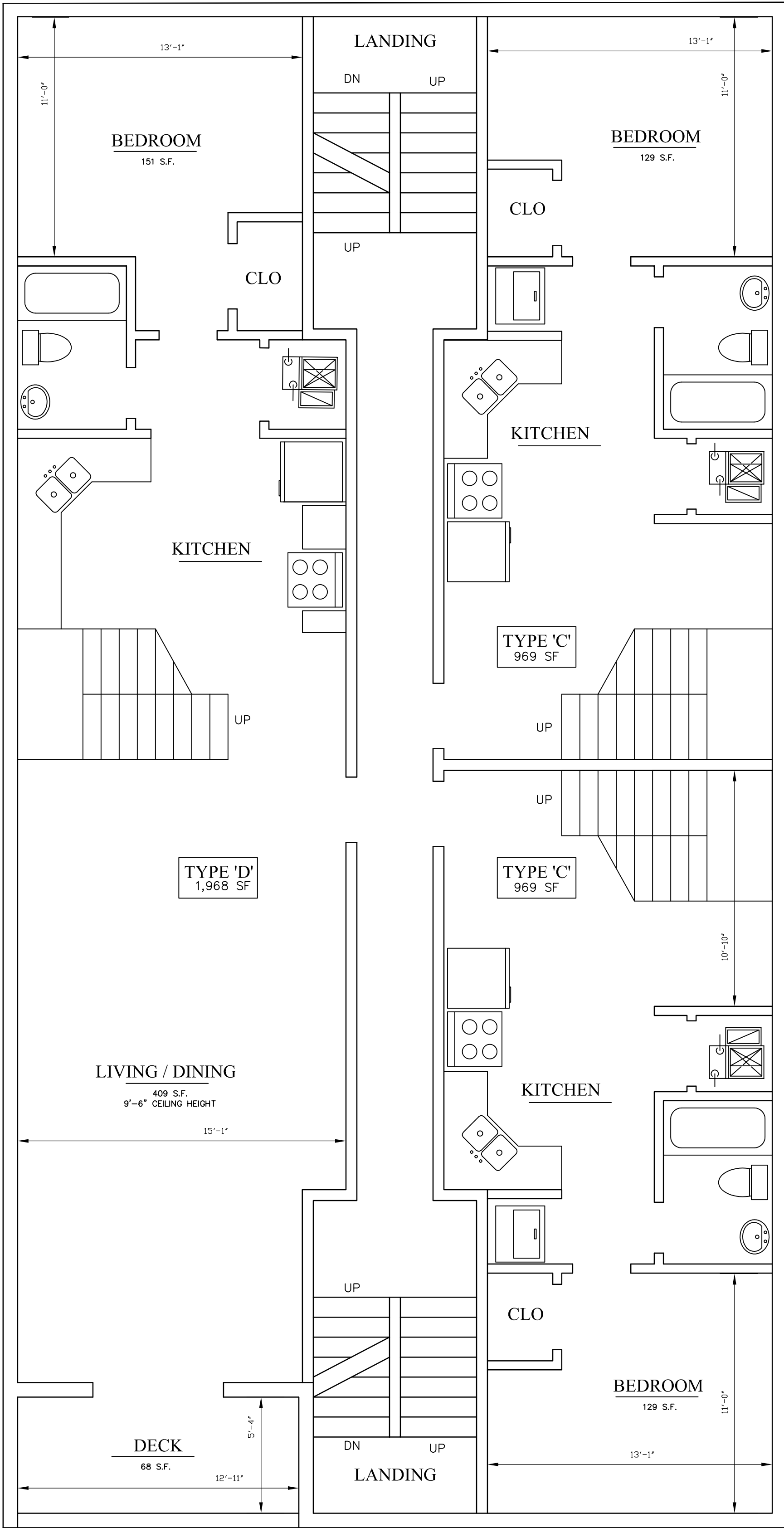
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REVISION DESCRIPTION		DATE
NO.		
PROFESSIONAL SEALS:		

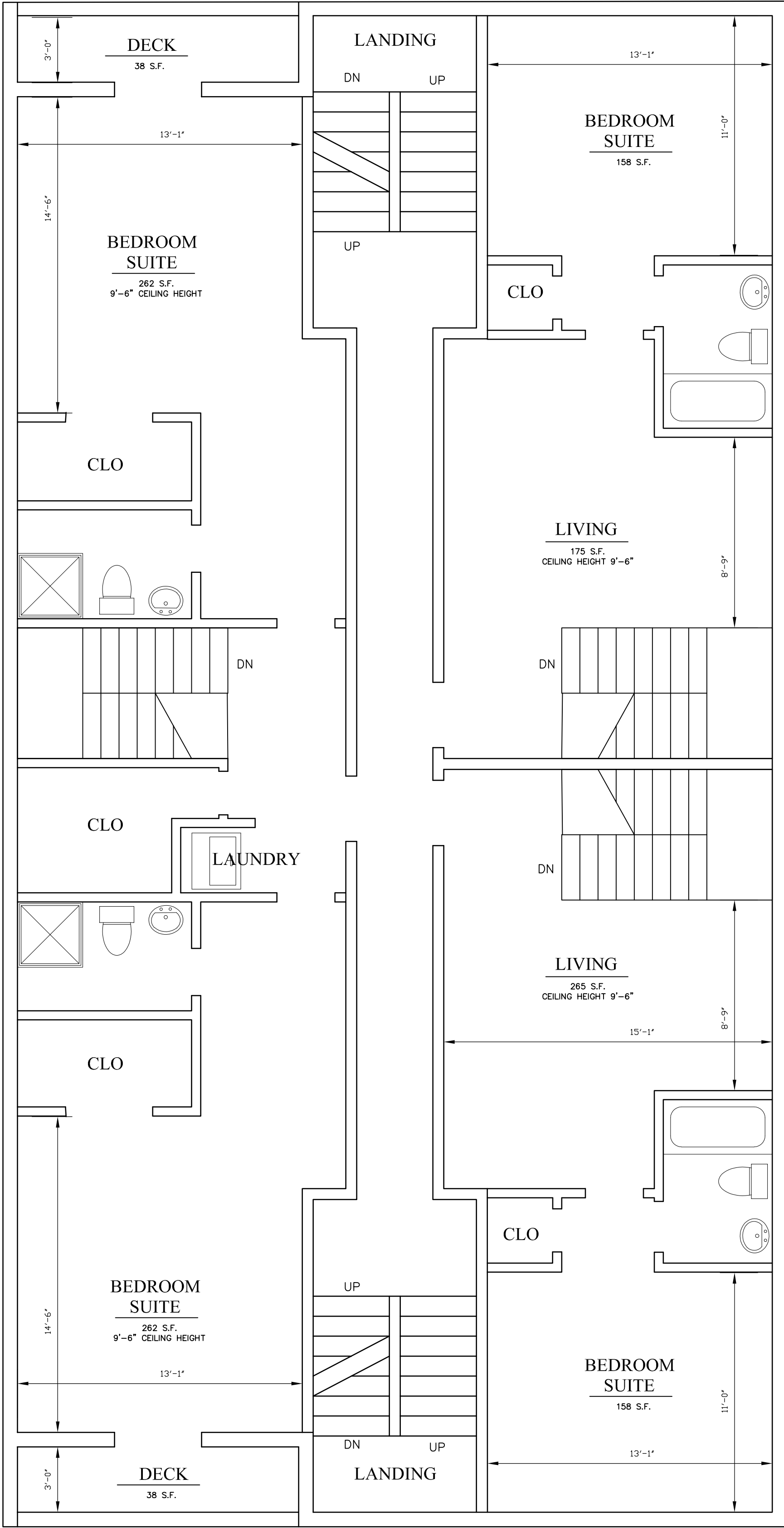
Project Description: NEW FIVE STORY MIXED USE FRAMED STRUCTURE WITH COMMERCIAL FIRST FLOOR AND RESIDENTIAL AT SECOND, THIRD, FOURTH, AND FIFTH FLOORS WITH UNITY OF USE. (USE VARIANCE REQUIRED FOR NUMBER OF LIVING UNITS)	Architect of Record:	KENNETH JOHNSON
	Architectural Firm:	ARCHITECTURE, URBAN DESIGN, AND POLICY, L.L.C.
	Contact Information:	E: KJOHNSON@ARCHPOLICY.COM P: 267.252.6128 F: 1.425.930.9688 WWW.ARCHPOLICY.COM
	Principal Designer:	KENNETH JOHNSON
Sheet Description: PROPOSED FLOOR PLANS		

Project Address: 4408-4410 LANCASTER AVE PHILADELPHIA, PA. 19104	PROPERTY OWNER: MAHARI 4432 REAL ESTATE LLC	CLIENT: MAHARI BAILEY
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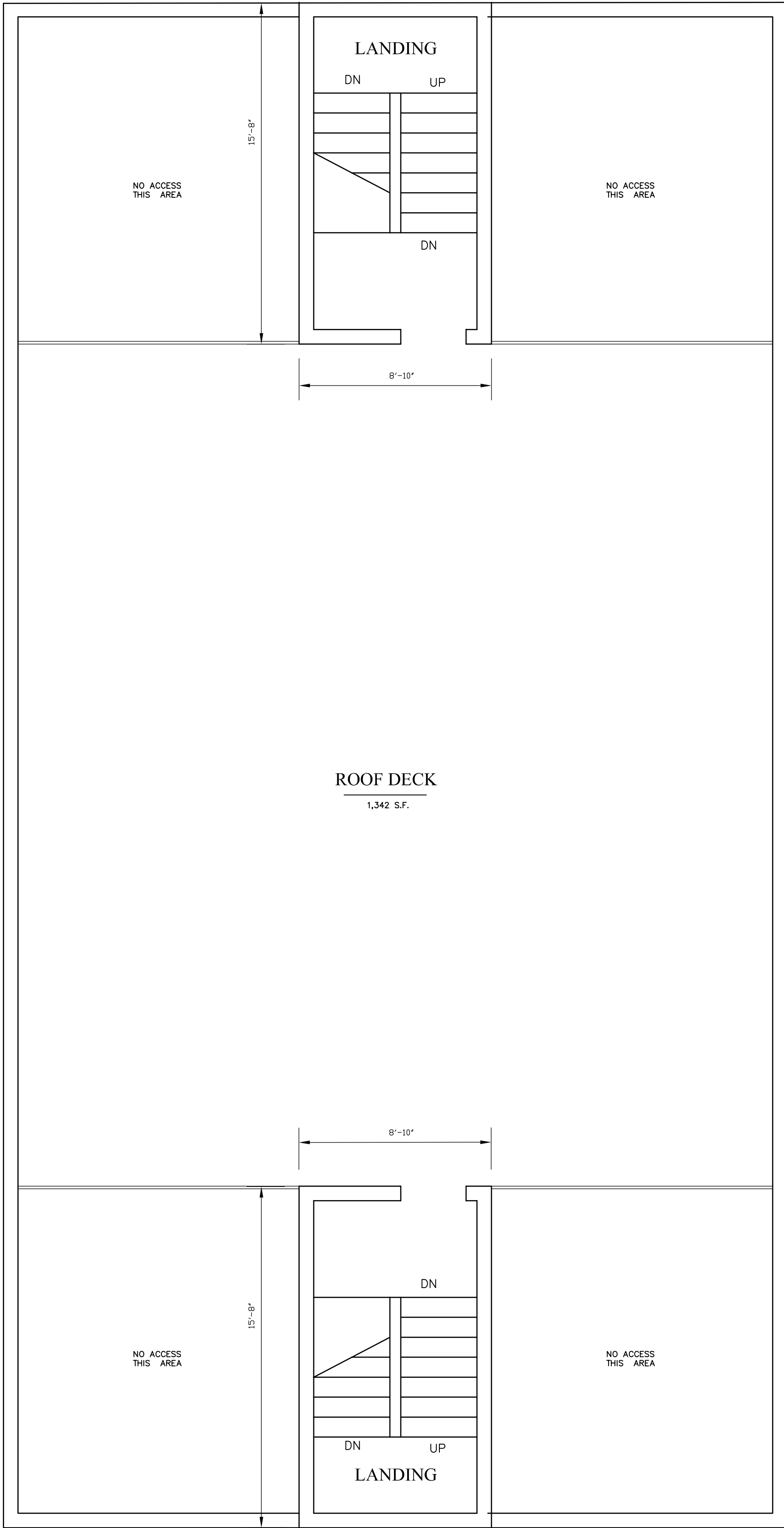
Sheet	Project No.	20200094408
A1.4		
Date	05/30/2020	SHEET 2 OF 3



1 FOURTH FLOOR PLAN
SCALE: 1/4" = 1'-0"



2 FIFTH FLOOR PLAN
SCALE: 1/4" = 1'-0"



3 ROOF PLAN
SCALE: 1/4" = 1'-0"

APPROVED
FOR ZONING ONLY
06/10/21
WHEN YOUR PLANS CONTAIN ANY OMISSION,
ERROR OR INCONSISTENCY FROM THESE APPROVED
STAMPS, YOU WILL BE RESPONSIBLE FOR THE
DEPARTMENT OF LICENSING & INSPECTIONS.
Applied Electronically by L&I User:



TRASH
COMPACTOR



TRASH
STORAGE

NO.	REVISION DESCRIPTION	DATE
PROFESSIONAL SEALS:		PROFESSIONAL SEALS:

Project Description: NEW FIVE STORY MIXED USE FRAMED STRUCTURE WITH COMMERCIAL FIRST FLOOR AND RESIDENTIAL AT SECOND, THIRD, FOURTH, AND FIFTH FLOORS WITH UNITY OF USE. (USE VARIANCE REQUIRED FOR NUMBER OF LIVING UNITS)	Architect of Record: KENNETH JOHNSON	Principal Designer: KENNETH JOHNSON
	Architectural Firm: ARCHITECTURE, URBAN DESIGN, AND POLICY, L.L.C.	
	Contact Information: E: KJOHNSON@ARCHPOLICY.COM P: 267.252.6128 F: 1.425.930.9688 WWW.ARCHPOLICY.COM	
	Sheet Description: PROPOSED FLOOR PLANS	

Project Address: 4408-4410 LANCASTER AVE PHILADELPHIA, PA. 19104	CLIENT: MAHARI BAILEY	
	PROPERTY OWNER: MAHARI 4432 REAL ESTATE LLC	

Sheet	Project No.	20200094408
A2.4		
Date	05/30/2020	SHEET 3 OF 3