

APPLICATION FOR ZONING / USE REGISTRATION PERMIT



CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES AND INSPECTIONS
MUNICIPAL SERVICES BUILDING - CONCOURSE
1401 JOHN F. KENNEDY BOULEVARD
PHILADELPHIA, PA 19102
For more information visit us at www.phila.gov

(For office use only)

APPLICATION #

ZONING CLASSIFICATION

PREVIOUS APPLICATION NO.

(Applicant completes all information below. Print clearly and provide full details)

LOCATION OF PROPERTY (LEGAL ADDRESS)

PROPERTY OWNER'S NAME

PROPERTY OWNER'S ADDRESS:

PHONE #

FAX #

LICENSE #

E-MAIL:

APPLICANT:

ADDRESS:

FIRM/COMPANY:

PHONE #

FAX #

LICENSE #

E-MAIL:

RELATIONSHIP TO OWNER: TENANT/LESSEE ATTORNEY DESIGN PROFESSIONAL CONTRACTOR EXPEDITOR

TABULATION OF USES

FLOOR/SPACE #	CURRENT USE OF BUILDING/SPACE	Last Previous Use	Date Last Used
	GARAGE		

FLOOR/SPACE #	PROPOSED USE OF BUILDING/SPACE
	Ice Cream & Candy Sales

STORIES AND HEIGHTS FROM GROUND TO ROOF

HEIGHT IN FEET	EXISTING BUILDING			PROPOSED ADDITION / ALTERATION / NEW CONSTRUCTION		
	FRONT	SIDE	REAR	FRONT	SIDE	REAR
IN STORIES						

BRIEF DESCRIPTION OF WORK/CHANGE:

FOR TAKE-OUT & EAT-IN
Ice Cream restaurant

sign as permitted in C-1
commercial

CONTINUED ON ADDITIONAL SHEET (ATTACHED)

ACCELERATED REVIEW

CHECK/RECEIPT/M.O NO.

IS THIS APPLICATION IN RESPONSE TO A VIOLATION? ☐ NO ☐ YES

VIOLATION #:

All provisions of the Zoning code and other City ordinances will be complied with, whether specified herein or not. Plans approved by the Department form a part of this application. I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I further certify that I am authorized by the owner to make the foregoing application, and that, before I accept my permit for which this application is made, the owner shall be made aware of all conditions of the permit. I understand that if I knowingly make any false statement herein I am subject to such penalties as may be prescribed by law or ordinance.

APPLICANT'S SIGNATURE:

DATE:

USE PERMIT		CITY OF PHILADELPHIA DEPARTMENT OF LICENSES & INSPECTIONS 1401 JOHN F KENNEDY BLVD PHILADELPHIA, PA 19102-1667		PERMIT NUMBER 329953	
SUBJECT TO REVOCATION IF FULL INFORMATION IS MISREPRESENTED OR NOT PROVIDED				FEE \$125.00	DATE 05/17/11
LOCATION OF WORK: 00932 E PASSYUNK AVE PHILADELPHIA, PA 19147-2941				ZONING CLASSIFICATION R-10	
OWNER LAROSA PETER LAROSA GILDA 618 CARPENTER ST PHILADELPHIA PA, 19147		APPLICANT DVA SERVICES 1861 JANNEY TER LANGHORNE, PA 19047-0000		PLAN EXAMINER BRADFORD KRAUSE	
				ZONING BOARD OF ADJUSTMENT DECISION CALENDAR # 14858 DATE 05/11/11	
THIS PERMIT DOES NOT AUTHORIZE ANY CONSTRUCTION UNTIL RELATED CONSTRUCTION PERMITS ARE ISSUED					
<p>UNDER REGULATIONS OF THE PHILADELPHIA ZONING ORDINANCE FOR</p> <p>Use Registration</p> <p>FOR A TAKE-OUT RESTAURANT WITH SEATING (ICE CREAM PARLOR) AND ACCESSORY STORAGE WITHIN AN EXISTING STRUCTURE. NO SIGNS THIS PERMIT.</p>					
<p>SUBJECT TO THE FOLLOWING PROVISOS AS ESTABLISHED BY THE ZONING BOARD OF ADJUSTMENT:</p> <p>Proviso -letter dated 5/11/11 signed by Shwn D. Ward, Esquire and no take out window; one (1) flatwall externally illuminated sign (2' x 8')</p>					
ANY PERSON AGGREIVED BY THE ISSUANCE OF THIS PERMIT MAY APPEAL TO THE ZONING BOARD OF ADJUSTMENT (ZBA). FOR INSTRUCTIONS ON FILING AN APPEAL, PLEASE CONTACT THE ZBA AT 215-686-2429 OR 215-686-2430.					
<p>IT SHALL BE THE OWNER'S RESPONSIBILITY TO SECURE THE APPROVAL OF THE PHILADELPHIA HISTORICAL COMMISSION PRIOR TO ANY ALTERATION TO A HISTORIC PROPERTY. TO CHECK THE HISTORIC STATUS OF A PROPERTY, CALL THE PHILADELPHIA HISTORICAL COMMISSION AT 215-686-7660.</p> <p>FOR ESTABLISHMENTS THAT PREPARE AND SERVE FOOD: APPLICANTS MUST OBTAIN ALL NECESSARY APPROVALS FROM THE HEALTH DEPARTMENT. SEPARATE PLAN REVIEWS AND FEES MAY BE REQUIRED. CONTACT THE PHILADELPHIA DEPARTMENT OF PUBLIC HEALTH - ENVIRONMENTAL HEALTH SERVICES / OFFICE OF FOOD PROTECTION: 321 UNIVERSITY AVE. - 2ND Floor, PHILADELPHIA, PA 19104 TELEPHONE NUMBER: (215) 685-7495</p> <p>LIMITATIONS:</p> <p>IN CASES WHERE NO CONSTRUCTION OR INTERIOR ALTERATIONS ARE INVOLVED, THIS PERMIT BECOMES INVALID SHOULD THIS USE NOT START WITHIN THREE (3) MONTHS FROM THE DATE OF ISSUANCE.</p> <p>IN CASE WHERE CONSTRUCTION OR INTERIOR ALTERATIONS ARE INVOLVED, A BUILDING PERMIT MUST BE OBTAINED WITHIN ONE (1) YEAR FROM THE DATE OF ISSUANCE OF THIS ZONING PERMIT OR NO LATER THAN TWO YEARS FROM THE ZONING BOARD OF ADJUSTMENT DECISION DATE.</p> <p>THIS PERMIT DOES NOT CONSTITUTE APPROVAL FROM ANY STATE OR FEDERAL AGENCY, IF REQUIRED.</p> <p>THIS PERMIT IS NOT A CERTIFICATE OF OCCUPANCY OR A LICENSE.</p> <p>ALL PROVISIONS OF THE CODE AND OTHER CITY ORDINANCES MUST BE COMPLIED WITH, WHETHER SPECIFIED HEREIN OR NOT.</p> <p>POST A TRUE COPY OF THIS PERMIT IN A CONSPICUOUS LOCATION ON THE PREMISES</p> <p>POST WITH THE ASSOCIATED BUILDING PERMIT DURING THE CONSTRUCTION ACTIVITY.</p> <p>WHEN NO CONSTRUCTION IS PROPOSED, POST FOR THE FIRST THIRTY (30) DAYS OF OCCUPANCY.</p>					



Law Offices of

SHAWN D. WARD

STERNER'S MILL
SUITE 331
331 E. STREET ROAD
TREVOSE, PENNSYLVANIA 19053
SWARDESQ@COMCAST.NET

TEL: 215-355-3350

FAX: 215-355-7735


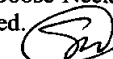
May 11, 2011

ZONING BOARD OF ADJUSTMENT
Municipal Services Building
Concourse Level
Philadelphia, PA 19102-2097

Re:	PROVISO LETTER
Cal. No.:	14858
Address:	932 E. Passyunk Ave.
Hrg. Date:	5/11/2011; 4:00 p.m.
Applicant:	Gilda Larosa

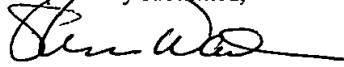
Dear Mr. Chairman:

As per the Board's policy, I submit the following conditions to which the applicant has no objections, and agrees to be fully bound by, as indicated by the Applicant's acknowledgement below, in the event the Board grants the requested relief:

1. **Days & Hours of Operation:** Days and Hours of Operation shall be limited to Sunday through Saturday from 9:00 a.m. to 12:00 Midnight.
2. **Open Flame Cooking:** The cooking of hot foods requiring a hood, exhaust and/or fire suppression system shall be prohibited.
3. **Commercial Trash Removal:** Applicant shall provide daily commercial trash removal; all trash to be stored in a secured area and kept clean and neat.
4. **Signage:** Signs shall be limited as permitted in C-1 Commercial Districts and shall consist on one (1) flat-wall sign externally illuminated by Goose-Neck lighting as shown in attached Exhibit A-11; No flashing signs shall be permitted. 
5. **NO PARKING SIGNS SHALL BE POSTED** 

Accordingly, in light of the applicant's agreement to comply with the above conditions, there will be no adverse impact to the health, safety and general welfare of the community; I would respectfully request that the application be granted. Should you have any questions, please call me at the office number above.

Respectfully submitted,


SHAWN WARD

Applicant's Acknowledgement

I/We, **Gilda Larosa**, Applicant in the above-referenced zoning appeal having been present at the above-referenced hearing before the Philadelphia Zoning Board of Adjustment, do hereby certify that I/we are duly authorized to make the statements contained herein; and, that the provisions and representations contained herein are true and correct to the best of my/our knowledge, information and belief and that we agree to conditions contained herein.



GILDA LAROSA

Date: 5-11-11

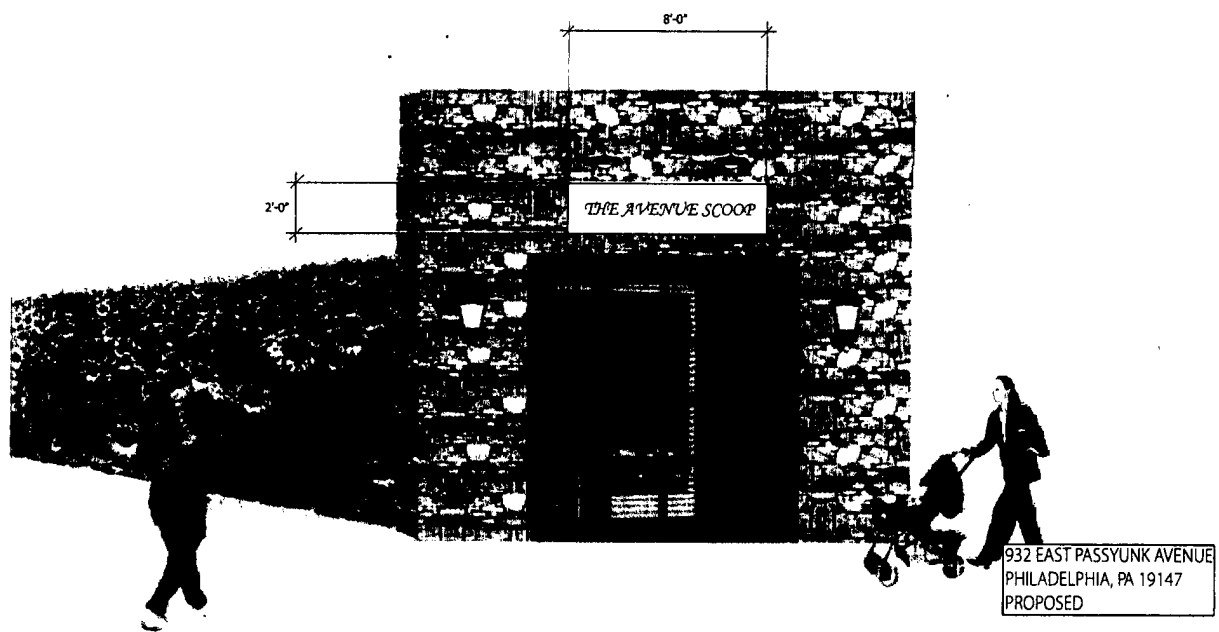


Exhibit: A-11
App. No.: 14858
Address: 932 E. Passyunk Ave.
Name: Gilda Larosa

Brad Kravse

NOTICE OF DECISION

City of Philadelphia

ZONING BOARD OF ADJUSTMENT
1401 J. F. K. Blvd. - 11th Floor
Philadelphia, PA 19102-2097

APPLICATION #: 329953

DATE OF DECISION: 05/11/11

CAL #: 14858

ATTORNEY: SHAWN WARD, ESQUIRE
331 E. STREET ROAD
TREVOSE PA 19053

APPLICANT: DOMINIC ASPITE
DVA SERVICES
1861 JANNEY TER.
LANGHORNE PA 19047

OWNER: PETER LAROSA
932 E. PASSYUNK AVENUE
PHILADELPHIA PA

PREMISES: 932 E PASSYUNK AVE

T H I S I S N O T A P E R M I T

The Zoning Board of Adjustment, having held a public hearing in the above numbered appeal, after proper public notice thereof, has decided that the request for (a) USE VARIANCE(S) is:

GRANTED WITH PROVISOS

ALL VARIANCES / CERTIFICATES / SPECIAL USE PERMITS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:


1. A PERMIT MUST BE OBTAINED FROM THE DEPARTMENT OF LICENSES AND INSPECTIONS, PUBLIC SERVICE CONCOURSE, 1401 J. F. K. BLVD., WITHIN ONE CALENDAR YEAR FROM THE DATE OF THIS DECISION.
2. ALL CONSTRUCTION MUST BE IN ACCORDANCE WITH PLANS APPROVED BY THE ZONING BOARD OF ADJUSTMENT.
3. A NEW APPLICATION AND NEW PUBLIC HEARING WILL BE REQUIRED FOR FAILURE TO COMPLY WITH THE FOREGOING CONDITIONS.
4. FURTHER CONDITIONS:

Proviso -letter dated 5/11/11 signed by Shwn D. Ward, Esquire and no take out window

By Order of the ZONING BOARD OF ADJUSTMENT
CAROL B. TINARI, Sec.

NOTE: All appeals from this decision are to be taken to the Court of Common Pleas of Philadelphia County within 30 days from the date of this decision.

PETITION OF APPEAL <small>CITY OF PHILADELPHIA • ZONING BOARD OF ADJUSTMENT MUNICIPAL SERVICES BUILDING • 11TH FLOOR 1401 JOHN F. KENNEDY BOULEVARD • PHILADELPHIA, PA 19102-1687</small>		<small>PROPERTY ADDRESS</small> 932 E. Passyunk Ave.	
<small>PRINT OR TYPE CLEARLY — DO NOT WRITE IN SHADED AREA</small>		<small>DATE</small> May 11, 2011	<small>CALENDAR NUMBER</small> 148580
<small>PUBLIC HEARING AT 1545 ARCH STREET 4TH FLOOR</small>		<small>TIME</small> 4:00 PM	<small>APPEAL FEE</small> \$250.
<input type="checkbox"/> 9:30 A.M. <input type="checkbox"/> 5:00 P.M. <input checked="" type="checkbox"/> OTHER			
<small>PROPERTY ADDRESS</small> 932 E. Passyunk Ave.			
OWNER	<small>NAME</small> Peter La Rosa		<small>TELEPHONE NUMBER — (9:00 A.M. — 5:00 P.M.)</small>
	<small>ADDRESS</small> 932 E. Passyunk Ave		
PERSON FILING APPEAL	<small>NAME</small> Dominic Asgute		<small>TELEPHONE NUMBER — (9:00 A.M. — 5:00 P.M.)</small> 215-869-1696
	<small>ADDRESS</small> 1861 Janney Avenue Langhorne Pa. 19047		<small>ZIP CODE</small>
<small>CHECK APPROPRIATE BOX: <input type="checkbox"/> OWNER <input type="checkbox"/> LEASEE <input type="checkbox"/> AGENT <input type="checkbox"/> OTHER</small>			
<small>IF OTHER, STATE INTEREST:</small>			
<small>A CORPORATION MUST BE REPRESENTED BY AN ATTORNEY LICENSED TO PRACTICE IN THE COMMONWEALTH OF PENNSYLVANIA.</small>			
<small>ATTORNEY (IF ANY — NAME)</small>			<small>TELEPHONE NUMBER — (9:00 A.M. — 5:00 P.M.)</small>
<small>ADDRESS</small>			
<small>A ZONING APPLICATION WAS FILED WITH L&I FOR THE FOLLOWING REASONS:</small> To permit a Take-out Restaurant (ice cream Parlor) with seating & accessory storage within an existing structure and, one sign as permitted in C-1 commercial			
<small>AS A RESULT, LICENSES AND INSPECTIONS ISSUED: (Check One) <input checked="" type="checkbox"/> REFUSAL <input type="checkbox"/> REFERRAL <input type="checkbox"/> PERMIT</small>			
<small>I/WE ARE APPEALING THE ACTION OF L&I FOR THE FOLLOWING REASONS:</small> a) Use requested is not harmful to the general welfare of the community b) use is consistent with others in the community c) use is expected to be mostly walk-up business			
<small>I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understand that if I knowingly make any false statement herein I am subject to such penalties as may be prescribed by law or ordinance.</small>			
<small>SIGNATURE OF APPLICANT</small>			

NOTICE OF: <input checked="" type="checkbox"/> REFUSAL <input type="checkbox"/> REFERRAL <input type="checkbox"/> SPECIAL USE PERMIT	CITY OF PHILADELPHIA DEPARTMENT OF LICENSES & INSPECTIONS Municipal Services Building, Concourse Level 1401 John F. Kennedy Boulevard Philadelphia, PA 19102	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">DATE OF REFUSAL 3/24/11</td> <td style="width: 50%;">APPLICATION # 329953</td> </tr> <tr> <td colspan="2">ZONING DISTRICT(S) R-10 RESIDENTIAL</td> </tr> </table>	DATE OF REFUSAL 3/24/11	APPLICATION # 329953	ZONING DISTRICT(S) R-10 RESIDENTIAL	
DATE OF REFUSAL 3/24/11	APPLICATION # 329953					
ZONING DISTRICT(S) R-10 RESIDENTIAL						
ADDRESS/LOCATION: 932 E PASSYUNK AVE. (THRU TO 7 TH ST.)						
APPLICANT: DOMINIC ASPITE (AGENT FOR OWNER)		ADDRESS: 1861 JANNEY DR., LANGHORNE, PA 19045				
APPLICATION FOR: A TAKEOUT RESTAURANT WITH SEATING (ICE CREAM PARLOR) AND ACCESSORY STORAGE WITHIN AN EXISTING STRUCTURE AND FOR THE ONE (1) ACCESSORY SIGN AS PERMITTED IN C1 COMMERCIAL.						
PERMIT FOR THE ABOVE LOCATION CANNOT BE ISSUED BECAUSE IT IS NOT IN COMPLIANCE WITH THE FOLLOWING PROVISIONS OF THE PHILADELPHIA CODE. (CODES CAN BE ACCESSED ON LINE AT WWW.PHILA.GOV)						
<u>CODE REFERENCE</u> 14-205	<u>PROPOSED</u> THE PROPOSED USE, TAKEOUT RESTAURANT WITH SEATING AND A SIGN AS PERMITTED IN C1 COMMERCIAL, IS NOT PERMITTED IN THIS ZONING DISTRICT.					
ONE (1) USE REFUSAL FEE TO FILE APPEAL: \$250.00 SEE APP. #046480, CAL. #90-0063; ZBA GRANTED A CARPENTRY/WOODWORKING SHOP. 3/1/1990						
Cc: PETER LA ROSA 618 CARPENTER ST. PHILADELPHIA, PA	 BRAD KRAUSE PLANS EXAMINER	3/24/11 DATE				
NOTICE TO APPLICANT: AN APPEAL FROM THIS DECISION MUST BE MADE TO THE ZONING BOARD OF ADJUSTMENT, MUNICIPAL SERVICES BUILDING, 11 TH FLOOR, 1401 JFK BOULEVARD, PHILADELPHIA, PA 19102, WITHIN THIRTY (30) DAYS OF DATE OF REFUSAL.						

14858