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Please Reply To Philadelphia Office

May 25, 2021

**CERTIFIED MAIL, RETURN RECEIPT REQUESTED
AND FIRST CLASS MAIL**

City of Philadelphia
Zoning Board of Adjustment
1515 Arch Street, 18th Floor
Philadelphia, PA 19102

**RE: Application for Appeal of Zoning Permit # 2021-002274
Address: 10 Bethlehem Pike**

Ladies and Gentlemen:

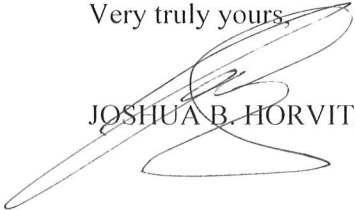
Please be advised that our office represents the Appellants/Protestants to **Zoning Permit # 2021-002274**, which was issued for the above property on April 26, 2021.

Enclosed please find an original and three copies of an Application for Appeal which we are filing for the above referenced property/Permit, and a check in the amount of \$300.00 made payable to the City of Philadelphia.

Please note that a copy of the Zoning Permit that is being appealed is attached to the Appeal Application. Further, as you may know, a Project Information Form is not required with this application since this is not a request for a variance or special exception.

Please acknowledge receipt by stamping the enclosed copy of the Application for Appeal and returning it to my messenger. Thank you for your cooperation. If you have any questions, please do not hesitate to contact me.

Very truly yours,



JOSHUA B. HORVITZ

JH: tao
Enclosures
cc: Carl Primavera, Esq. (via email)

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)

10 Bethlehem Pike, Philadelphia, PA 19118

PROPERTY OWNER'S NAME:

10 Bethlehem Pike Property Owner, LLC

PHONE #: _____

E-MAIL: _____

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

1845 Walnut Street, Suite 910
Philadelphia, PA 19103

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

APPLICANT:

S. David Fineman, Esq. and Joshua B. Horvitz, Esq.

FIRM/COMPANY:

Fineman Krekstein & Harris, P.C.

PHONE #: (215) 893-8727

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

1801 Market Street, Suite 1100
Philadelphia, PA 19103

Applicants are Attorneys for the Appellants/Protestants
named on the chart attached hereto as Exhibit "B".

E-MAIL: jhorvitz@finemanlawfirm.com

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

APPEAL RELATED TO ZONING/USE REGISTRATION PERMIT APPLICATION # ZP-2021-002274

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.

Not Applicable (because this is an appeal from the issuance of a Zoning Permit by the Department of Licenses and Inspections).

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.

Not Applicable (because this is an appeal from the issuance of a Zoning Permit by the Department of Licenses and Inspections).

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

Not Applicable (because this is an appeal from the issuance of a Zoning Permit by the Department of Licenses and Inspections).

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.

Not Applicable (because this is an appeal from the issuance of a Zoning Permit by the Department of Licenses and Inspections).

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.

Not Applicable (because this is an appeal from the issuance of a Zoning Permit by the Department of Licenses and Inspections).

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

Not Applicable (because this is an appeal from the issuance of a Zoning Permit by the Department of Licenses and Inspections).

REASONS FOR APPEAL:

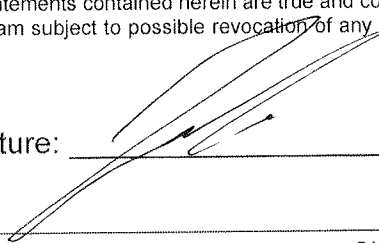
On April 26, 2021, the Department of Licenses and Inspections of the City of Philadelphia issued Zoning Permit #ZP-2021-002274 (the "Zoning Permit") for the property known as 10 Bethlehem Pike, Philadelphia, PA 19118 (the "Property"). A true and correct copy of the Zoning Permit is attached hereto and incorporated herewith as Exhibit "A". The undersigned counsel now files this appeal on behalf of the individuals and entities named on the chart titled, "List of Appellants/Protestants to Zoning Permit #ZP-2021-002274", which is attached hereto and incorporated herewith as Exhibit "B".

The Zoning Code does not permit the proposed project by-right; rather, the Applicant for #ZP-2021-002274 should have been issued a Notice of Refusal in response to the application. The specific reasons for this appeal are contained in the attached "Appellants/Protestants Addendum to Application for Appeal of Zoning Permit #ZP-2021-002274", which is attached hereto and incorporated herewith as Exhibit "C". Appellants/Protestants have recently learned of the issuance of this erroneous Permit, and therefore our investigation is still ongoing at this time. Therefore, Appellants/Protestants reserve the right to present additional reasons for this appeal up through and including the date of the last ZBA hearing on this appeal.

For all of the foregoing reasons, and for additional reasons, evidence and sworn testimony to be submitted by Appellants/Protestants in connection with this appeal, it is respectfully requested that the Zoning Board of Adjustment sustain this appeal, and revoke/rescind the issuance of Zoning Permit #ZP-2021-002274.

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 statements herein I am subject to possible revocation of any licenses issued as result of my false application, and such other penalties as may be prescribed by law.

Applicant's Signature: _____



Date: _____

5 25 2021
MONTH DATE YEAR

City of Philadelphia
Zoning Board of Adjustment
Application for Appeal

EXHIBIT A

Zoning Permit

Permit Number ZP-2021-002274

LOCATION OF WORK

10 BETHLEHEM PIKE, Philadelphia, PA 19118-2821

PERMIT FEE

\$1,929.00

DATE ISSUED

4/26/2021

ZBA CALENDAR

ZBA DECISION DATE

ZONING DISTRICTS

CMX2

PERMIT HOLDER

10 Bethlehem Pike Property Owner LLC

1845 Walnut Street Suite 910 Philadelphia, Pennsylvania 19103

APPLICANT

Sergio Coscia DBA: Coscia Moos Architecture, LLC

1616 Walnut Street Suite 101 Philadelphia, PA 19103 USA

TYPE OF WORK

New construction, addition, GFA change

APPROVED DEVELOPMENT

FOR THE ERECTION OF ONE(1) DETACHED STRUCTURE(45' HIGH) (USING 7' HEIGHT MIXED INCOME LOW HOUSING BONUS AS PER CODE SECTION 14-702(7) WITH ROOF DECK ACCESSES BY A ROOF ACCESS STRUCTURE; GREEN ROOF AND WITH BALCONIES. SIZE AND LOCATION AS SHOWN IN THE APPLICATION.

APPROVED USE(S)

Residential - Household Living - Multi-Family; Retail Sales - Food, Beverages, and Groceries

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



CONDITIONS AND LIMITATIONS:

• 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:

- **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



Post a copy of this permit in a conspicuous location along each frontage.

Permit must be posted within 5 days of issuance.

Zoning Permit

Permit Number ZP-2021-002274

ADDITIONAL LOCATION(S)

See front side for primary parcel associated with this permit

PARCEL

10 BETHLEHEM PIKE, Philadelphia, 19118-2821

ADDITIONAL USE DETAILS

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

FOR A RETAIL SALE OF FOOD, BEVERAGES AND GROCERIES FROM BASEMENT THRU FIRST FLOOR WITH MULTI-FAMILY HOUSEHOLD LIVING (THIRTY-THREE(33) DWELLING UNITS)(FIVE(5) UNITS USING GREEN ROOF BONUS (AS PER CODE SECTION 14-602(7) AND 14-602(4)(a)[8](.C); SIX(6) UNITS USING MODERATE INCOME DENSITY BONUS AND MAXIMUM TWENTY-TWO(22) UNITS ALLOWED AS PER LOT SIZE) FROM SECOND(2ND) FLOOR THROUGH FIFTH(5TH) FLOORS WITH TWELVE(12) 1A CLASS BICYCLE SPACES IN AN ACCESSIBLE ROUTE AND WITH EIGHT(8) UNDERGROUND PARKING SPACES INCLUDING WITH ONE(1) VAN ACCESSIBLE SPACE .

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.

EXHIBIT B

LIST OF APPELLANTS/PROTESTANTS, by name and address

	<u>Name</u>	<u>ADDRESS</u>
1	Chestnut Hill Community Association	8434 GERMANTOWN AVE 2ND FL
2	Nancy Anderson	1 SUMMIT ST
3	Matt Rosenberger	1 SUMMIT ST
4	David Mercuris	10-12 SUMMIT ST
5	Judith Mercuris	10-12 SUMMIT ST
6	Ellen Sisle	14 SUMMIT ST
7	Kenneth Schotsch	14 SUMMIT ST
8	Theresa Germano	17 SUMMIT ST
9	Geno Germano	17 SUMMIT ST
10	Jonathan Belmont	18 SUMMIT ST
11	Jenn Livingston	18 SUMMIT ST
12	Chestnut Hill Baptist Church*	2 BETHLEHEM PIKE
13	James Wallace	59 BETHLEHEM PIKE
14	Ho Lynn Wallace	59 BETHLEHEM PIKE
15	Maxine Dornemann	60 BETHLEHEM PIKE
16	Steven Erioty	71 BETHLEHEM PIKE
17	James Bruno*	8 SUMMIT ST
18	Maureen Pie-Bruno*	8 SUMMIT ST
19	Meryl Heim	8614 EVERGREEN PL
20	Ed Gilson	8616 EVERGREEN PL
21	Ashley Brenner	8616 EVERGREEN PL
22	Nancy Wood	8617 EVERGREEN PL
23	Gary Urtz	8617 EVERGREEN PL
24	Thomas McGinn	8618 EVERGREEN PL
25	Sandra McGinn	8618 EVERGREEN PL
26	Kathlyn Egan	8619 EVERGREEN PL
27	John Egan	8619 EVERGREEN PL
28	Linda Bucheit	8620 EVERGREEN PL
29	Jameson O'Donnell	8621 EVERGREEN PL
30	Prather Ann O'Donnell	8621 EVERGREEN PL
31	Devon Cargerry	8622 EVERGREEN PL
32	Stephen Rush	8623 EVERGREEN PL
33	Margaret McNally	8632 GERMANTOWN AVE
34	Joe Pie	8634 GERMANTOWN AVE
35	Cynthia D'Amico	90 BETHLEHEM PIKE
36	Nicholas D'Amico	90 BETHLEHEM PIKE

* denotes adjacent neighbor

EXHIBIT C

**ADDENDUM TO APPLICATION FOR APPEAL
OF ZONING PERMIT #ZP-2021-002274
FOR 10 BETHLEHEM PIKE
ZONING BOARD OF ADJUSTMENT**

Appellants/Protestants are the individuals and entities named on the chart attached hereto as Exhibit “B” to this Application for Appeal.

On April 26, 2021, Zoning Permit #ZP-2021-002274 (the “Permit”) was issued by the Department of Licenses and Inspections (“L&I”) for the property known as 10 Bethlehem Pike, Philadelphia, PA 19118-2821 (the “Property”). The Permit was improperly issued by L&I for the following reasons:

1. Introduction

The Applicant, 10 Bethlehem Pike Property Owner, LLC (the “Applicant”) filed this application for a Zoning/Use Registration Permit on March 3, 2021. The application calls for a 5-story multifamily building with numerous balconies and roof decks.

As explained in detail below, and for the additional reasons and evidence we intend to produce at the hearing before the Zoning Board of Adjustment (“ZBA”), the Zoning Code does not allow this project as a matter of right, and therefore L&I should have issued a Notice of Refusal in response to this application. By disregarding a number of the Zoning Code’s provisions, the proposed building will adversely impact Appellants/Protestants adjacent single family homes on Summit Street, as well as severely and detrimentally impact the immediate next door neighbor on Bethlehem Pike, the Historically Designated Chestnut Hill Baptist Church, whose building and cemetery at 2 Bethlehem Pike are both the oldest in Chestnut Hill, at over 150 years old. Therefore, for the reasons stated herein, the Zoning Permit was improperly issued; therefore, the ZBA must reverse the decision of L&I and revoke the Permit.

2. The proposed project does not meet the dimensional standards of the Zoning Code at Phila. Code. § 14-701(1)(c)

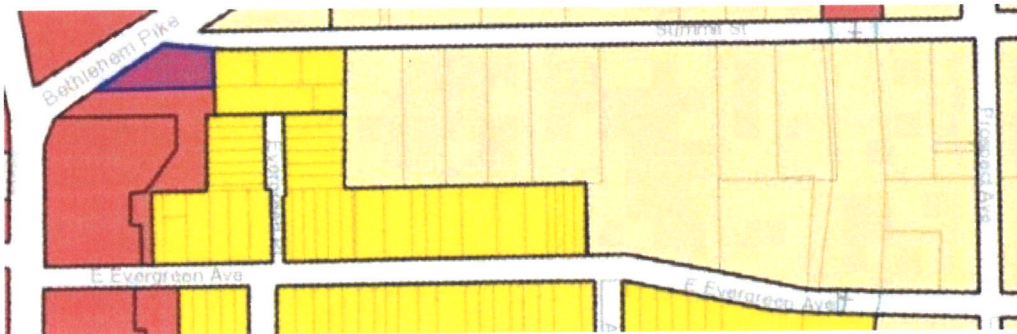
This relevant section of the Zoning Code was revised on or about March 29, 2021, shortly after this application was filed.¹ Presumably, L&I considered this application under the old version of the Code. Regardless, this application fails under both versions of the Code (old and new), as provided below.

a. The proposed project does not meet the requirements of Phila. Code § 14-701(1)(c)(pre-March 29, 2021)

¹ *Bill 210075*, “Amending Title 14 of The Philadelphia Code, entitled “Zoning and Planning,” by revising and clarifying certain provisions and making technical changes, all under certain terms and conditions,” was passed by the City Council on March 18, 2021 and signed by the Mayor on March 29, 2021, stating, “This Ordinance shall take effect immediately.”

The Block² containing the Property is bounded by Bethlehem Pike, Summit Street, Prospect Avenue, Evergreen Avenue, and Evergreen Place. The Block is depicted on the below portion of the zoning map from ATLAS (the Property is right on the corner of Bethlehem Pike and Summit Street, and is depicted in red with blue shading below):

BLOCK

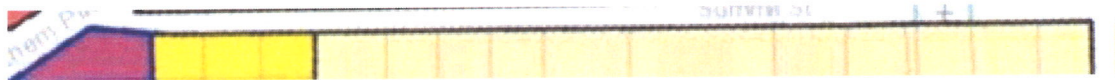


§ 14-701(1)(c)(pre-March 29, 2021) of the Philadelphia Code (“Setbacks for Zone Blocks with More than One Zone”) states as follows:

Where any block frontage³ on one side of a street is divided into two or more districts, no structure shall be erected nearer to the street line than is permitted under the regulations for the district that covers the largest percentage of the street frontage on that block face⁴; provided, however, that when residential districts are included the setback shall be the highest required of the applicable residential districts.

The block frontage along Summit Street (the “Summit Street Frontage”) is divided into three (3) districts, namely: 1) CMX-2 (depicted in red with blue shading below), 2) RSA-2 (yellow below), and 3) RSD-1 (beige below).

BLOCK FRONTAGE [SUMMIT STREET FRONTAGE]



Since the Summit Street Frontage, “is divided into two or more districts”, the Zoning Code at § 14-701(1)(c) requires that if any structure is built on the Property, “no structure shall be erected

² Phila. Code § 14-203(38)(“Block”) defines “block”, as follows: “The smallest possible area of land bounded by three or more legally open streets, or two or more legally open streets in the case of a curved street, that are confirmed on the City Plan.”

³ Phila. Code § 14-203(39)(a)(“Block Face”) defines “block face”, as follows: “In the case of a through street, the edge of a block of lots facing a publicly dedicated street and that is located between two intervening streets intersecting the street in front of the lots.”

⁴ Phila. Code § 14-203(40)(“Block Frontage”) defines “block frontage”, as follows: “The distance along any street line between the nearest streets intersecting it.”

nearer to the street line [in this case, along Summit Street] than is permitted under the regulations for the district that covers the largest percentage of the street frontage on that block face.”

RSD-1 is the district that covers the largest percentage of the street frontage on the Summit Street Frontage (as depicted in beige above, it clearly covers well over 50% of the frontage). RSD-1 permits no less than a 35 foot setback from Summit Street. *See Table 14-701-1* of the Phila. Code. Therefore, per § 14-701(1)(c)(pre-March 29, 2021), any structure the Applicant builds at the Property must have no less than a 35 foot setback from Summit Street. The proposed project calls for a zero (0) foot setback along Summit Street. Thus, the proposed project is not permitted under the Zoning Code.⁵ Therefore, this application should have been refused, and now the ZBA must overturn the decision of L&I and revoke the Permit.

b. The proposed project does not meet the requirements of Phila. Code § 14-701(1)(c)(post-March 29, 2021)

This relevant section of the Zoning Code was revised on or about March 29, 2021, shortly after this application was filed. *See fn. 1*, above. Presumably, L&I considered this application under the old version of the Code. Nevertheless, even if L&I considered this application under the amended version of the Code (post-March 29, 2021), this application still should have been refused by L&I for the following reasons.

§ 14-701(1)(c)(post-March 29, 2021) of the Philadelphia Code (“Front Yard Depths for Zone Blocks with More than One Zone”) states as follows:

Where any block frontage on one side of a street is divided into two or more districts, no structure shall be erected nearer to the street line than is permitted under the regulations for the district that covers the largest percentage of the street frontage on that block face; provided, however, that, when residential districts are included, the front yard depth shall be the highest required of the applicable residential districts.

As depicted and explained above, the Summit Street Frontage is divided into two or more districts: CMX-2, RSA-2 and RSD-1. § 14-701(1)(c)(post-March 29, 2021) provides that, “no structure shall be erected nearer to the street line than is permitted under the regulations for the district that covers the largest percentage of the street frontage on that block face”. Even under the new version of this provision, RSD-1 is still the district that covers the largest percentage of the street frontage on that block face. RSD-1 also still requires no less than a 35 foot setback from Summit Street. Therefore, even after the recent amendments, § 14-701(1)(c)(post-March 29, 2021) of the Zoning Code **requires that any structure erected on the Property be no less than 35 feet from the Summit Street line.**

⁵ Furthermore, since “residential districts are included” on the block frontage on this side of Summit Street, § 14-701(1)(c)(pre-March 29, 2021) states that, when determining the setback along a block frontage, “the setback shall be the highest required of the applicable residential districts”. Since RSD-1 permits no less than a 35 foot setback, and RSA-2 permits no less than a 15 foot setback, the 35-foot setback is the “highest required of the applicable districts.” Thus, the Zoning Code clearly requires any structure at the Property have at least a 35 foot setback from Summit Street.

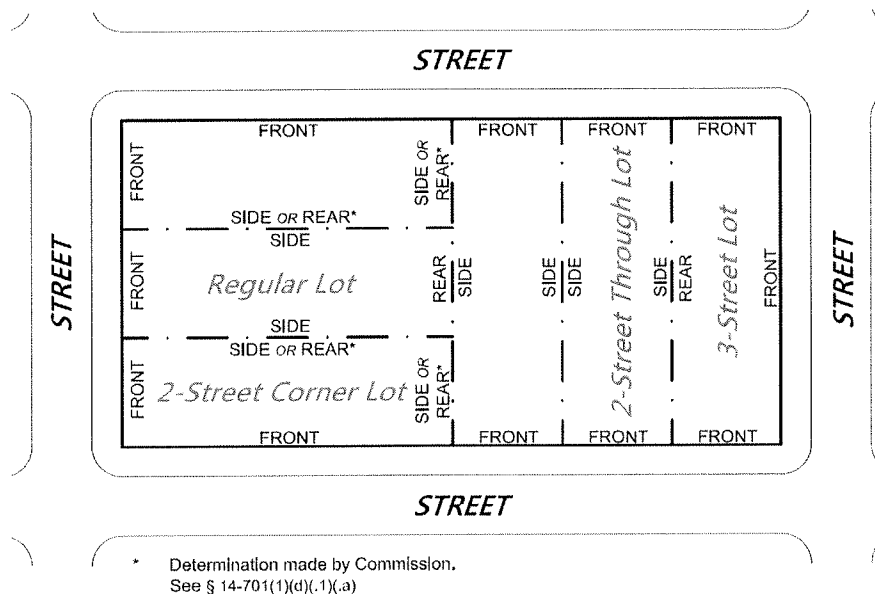
§ 14-701(1)(c)(post-March 29, 2021) of the Code was amended on or about March 29, 2021, by replacing the word “setback” with the words “front yard depth” (on the second to last line of the provision above). This portion now states: “provided, however, that, when residential districts are included, the *front yard depth* shall be the highest required of the applicable residential districts.” (emphasis added).

RSD-1 permits no less than a 35 foot front yard setback; thus, a 35-foot setback is the “highest required of the applicable residential districts. See Table 14-701-1 of the Phila. Code. Therefore, **the Property must have a 35-foot front yard depth** according to § 14-701(1)(c)(post-March 29, 2021).

The Property in this case is a corner lot fronting on two streets. § 14-701(1)(d) of the Phila. Code (“Requirements for Lots with Multiple Street Frontages.”) states:

For a lot fronting on more than one street, each street frontage shall be considered a front. The front yard requirements of the zoning district shall apply to those street frontages and the following side yard, rear yard, and primary frontage requirements shall apply.

§ 14-701(1)(d) of the Code includes the following depiction:



The Property has two street frontages: it has a frontage along Bethlehem Pike (the “Bethlehem Pike Frontage”), in addition to the Summit Street Frontage. Therefore, according to § 14-701(1)(d), since the Property is “a lot fronting on more than one street,” the Code provides that, “each street frontage shall be considered a front [yard].” § 14-701(1)(d) further provides, “The front yard requirements of the zoning district shall apply to those street frontages [...]”. Thus, both the Summit Street frontage *and* the Bethlehem Pike frontage are considered a “front yard” under the Code.⁶

6

As provided above, the front yard setback requirement for this Property is 35-feet, according to § 14-701(1)(c) (post-March 29, 2021). § 14-701(1)(d) of the Philadelphia Code requires the application to comply with any applicable “front yard requirements of the zoning district”, for any street frontage of the Property. Therefore, since there are two (2) frontages, the Property must be setback 35-feet along *both* the Bethlehem Pike Frontage, and the Summit Street Frontage.

Instead of meeting the Code’s requirements of a 35-foot setback along both frontages, the proposed project provides for a zero (0) foot setback along *both* street frontages. Under any possible interpretation of the Code, there must be a 35-foot setback along these two street frontages. The Code clearly and unequivocally does not permit an applicant to propose zero (0) feet of setback along both street frontages, which is what is proposed.

This project clearly does not comply with the Code (whether it was evaluated under the Code as written pre-March 29, 2021, or the Code as amended post-March 29, 2021). Therefore, this application should have been refused by L&I, and the ZBA must overturn the decision of L&I and revoke the Permit.

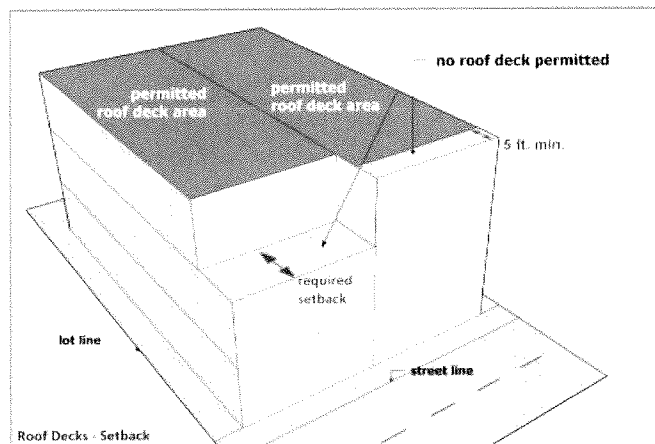
3. One or more of the Roof Decks of the proposed project do not meet the dimensional standards of the Zoning Code at Phila. Code. § 14-604(5)

§ 14-604(5) (“Roof Decks”) says, in relevant part:

(a) Setbacks.

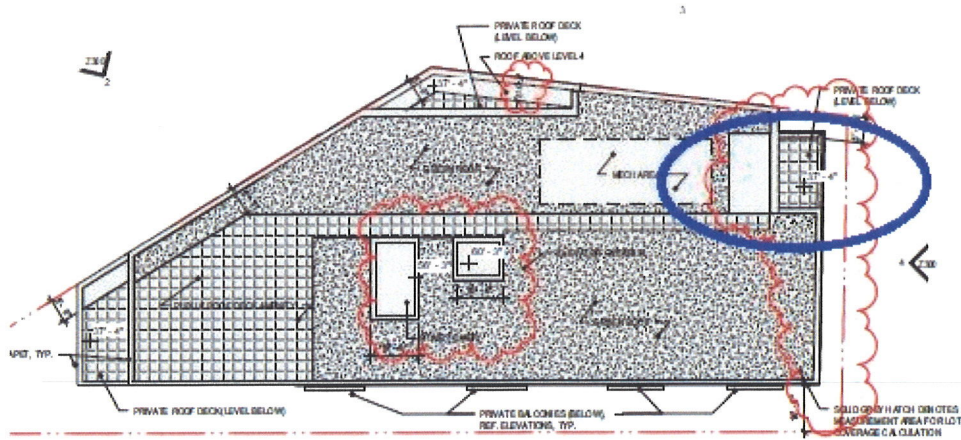
Roof decks must be set back at least five ft. from the extreme front building line (closest to the front lot line).

The Code includes a depiction of this requirement, directly below this provision:



The proposed Roof Deck on the eastern side of the property would be set back from the front building line zero (0) feet. The Zoning Code at § 14-604(5)(a) requires that any Roof Deck be set back *at least five (5) ft.* from the front building line. A screenshot of the relevant portion

of the Applicant's Zoning Plans is copied below (with a blue oval added to identify the improper Roof Deck):



This eastern-most proposed Roof Deck clearly does not comply with the set back requirements of § 14-604(5)(a). Further, it is unclear if the other proposed roof deck along the street frontage is in compliance with this provision. Therefore, this Zoning Permit was improperly issued by L&I and must be revoked.

4. An Outdoor Lighting Plan was required and must be submitted in order for the proposed project to meet the standards of the Zoning Code at Phila. Code. § 14-707

§ 14-707 (“Outdoor Lighting”) of the Zoning Code states:

Zoning permit applications must, if subject to the provisions of this § 14-707 (Outdoor Lighting), *include a lighting plan* prepared by a licensed architect or a licensed professional civil engineer that demonstrates compliance with the standards of this § 14-707 (Outdoor Lighting). (emphasis added).

This project *is* subject to the provisions of § 14-707, requiring a lighting plan.⁷ Nevertheless, for some reason the Plans submitted with this application (consisting of 3 pages:

⁷ § 14-707(2)(“Applicability”) provides:

The outdoor lighting standards of this section apply to all exterior site and parking lot lighting installed on private lots after the effective date of this Zoning Code except:

- (a) Lighting for accessory and non-accessory signs.
- (b) Outdoor lighting for a single-family or two-family use.
- (c) Outdoor lighting used exclusively for public recreational activities, sporting events at stadiums and ball fields, concerts, plays, or other outdoor events that are open to the public.
- (d) Outdoor lighting used for emergency equipment and work conducted in the interest of law enforcement or for public health, safety, or welfare.
- (e) Outdoor lighting used for a temporary event lasting less than 14 days.
- (f) Seasonal outdoor lighting used less than 60 days per calendar year.
- (g) Outdoor parking lot lighting in Special Purpose (SP) zoning districts.

Z100, Z200, and Z300) apparently did not include any outdoor lighting plan whatsoever. Therefore, the Zoning Permit must be revoked, since the Plans did not meet the requirements of § 14-707 of the Zoning Code.

5. Conclusion

We do not yet have all of the information necessary and relevant to this matter in order to complete our investigation. As our investigation is still ongoing, Appellants/Protestants reserve the right to present additional arguments in support of this appeal at any time up through and including the time of the hearing(s) on this appeal.

As explained in detail above, and for the additional reasons and evidence we intend to produce at the hearing before the Zoning Board of Adjustment (“ZBA”), the Zoning Code does not allow this project as a matter of right, and therefore L&I should have issued a Notice of Refusal in response to this application. By disregarding a number of the Zoning Code’s provisions, the proposed building will adversely impact Appellants/Protestants adjacent single family homes on Summit Street, as well as severely and detrimentally impact the immediate next door neighbor on Bethlehem Pike the Historically Designated Chestnut Hill Baptist Church, whose building and cemetery at 2 Bethlehem Pike are both the oldest in Chestnut Hill, at over 150 years old. Therefore, for all of the above reasons, the ZBA must sustain Appellants’ appeal and overturn the issuance of the Permit by L&I.

Respectfully submitted,



S. DAVID FINEMAN, Esquire
JOSHUA B. HORVITZ, Esquire
RYAN M. FURLONG, Esquire
Fineman Krekstein & Harris P.C.
1801 Market Street, Suite 1100
Philadelphia, Pa 19103

*Attorneys for
Appellants/Protestants*

The Property does not meet any of the above exceptions (a)-(g). Therefore, the lighting plan requirements of § 14-707, “apply to all exterior site and parking lot lighting installed” of this proposed project, according to § 14-707(2).