

Court of Common Pleas of Philadelphia County
Trial Division

Civil Cover Sheet

For Prothonotary Use Only (Docket Number)	
DECEMBER 2021	002077
E-Filing Number: 2112054021	

PLAINTIFF'S NAME CHESTNUT HILL COMMUNITY ASSOCIATION	DEFENDANT'S NAME TPM, LLC
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PLAINTIFF'S ADDRESS 8434 GERMANTOWN AVENUE PHILADELPHIA PA 19118	DEFENDANT'S ADDRESS 10 BETHLEHEM PIKE PHILADELPHIA PA 19118
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PLAINTIFF'S NAME CHESTNUT HILL BAPTIST CHURCH	DEFENDANT'S NAME
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PLAINTIFF'S ADDRESS 2 BETHLEHEM PIKE PHILADELPHIA PA 19118	DEFENDANT'S ADDRESS
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PLAINTIFF'S NAME JAMES BRUNO	DEFENDANT'S NAME
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PLAINTIFF'S ADDRESS 8 SUMMIT STREET PHILADELPHIA PA 19118	DEFENDANT'S ADDRESS
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TOTAL NUMBER OF PLAINTIFFS 9	TOTAL NUMBER OF DEFENDANTS 1	COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input checked="" type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
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AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input checked="" type="checkbox"/> Other: AGENCY APPEAL
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CASE TYPE AND CODE 5Z - ZONING BOARD OF ADJUSTMENT

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)	<p style="text-align: center;">FILED PRO PROTHY DEC 29 2021 S. RICE</p>	IS CASE SUBJECT TO COORDINATION ORDER? YES NO
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TO THE PROTHONOTARY:
Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: CHESTNUT HILL COMMUNITY ASSOCIATION
Papers may be served at the address set forth below. , CHESTNUT HILL BAPTIST CHURCH , JA

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY JOSHUA B. HORVITZ	ADDRESS TEN PENN CENTER 1801 MARKET STREET SUITE 1140 PHILADELPHIA PA 19103-7513
PHONE NUMBER (215) 893-8727	FAX NUMBER (215) 893-8719

SUPREME COURT IDENTIFICATION NO. 94325	E-MAIL ADDRESS jhorvitz@finemanlawfirm.com
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SIGNATURE OF FILING ATTORNEY OR PARTY JOSHUA HORVITZ	DATE SUBMITTED Wednesday, December 29, 2021, 05:17 pm
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COMPLETE LIST OF PLAINTIFFS:

1. CHESTNUT HILL COMMUNITY ASSOCIATION
8434 GERMANTOWN AVENUE
PHILADELPHIA PA 19118
2. CHESTNUT HILL BAPTIST CHURCH
2 BETHLEHEM PIKE
PHILADELPHIA PA 19118
3. JAMES BRUNO
8 SUMMIT STREET
PHILADELPHIA PA 19118
4. MAUREEN PIE-BRUNO
8 SUMMIT STREET
PHILADELPHIA PA 19118
5. DAVID MERCURIS
10-12 SUMMIT STREET
PHILADELPHIA PA 19118
6. JUDITH MERCURIS
10-12 SUMMIT STREET
PHILADELPHIA PA 19118
7. EILEEN SISLE
14 SUMMIT STREET
PHILADELPHIA PA 19118
8. KENNETH SCHOTSCH
14 SUMMIT STREET
PHILADELPHIA PA 19118
9. DEVON CARGERRY
8622 EVERGREEN PLACE
PHILADELPHIA PA 19118

FINEMAN KREKSTEIN & HARRIS, P.C.

By: S. DAVID FINEMAN, ESQUIRE

Attorney I.D. 02581

LEE APPLEBAUM, ESQUIRE

Attorney I.D. 51646

JOSHUA B. HORVITZ, ESQUIRE

Attorney I.D. 94325

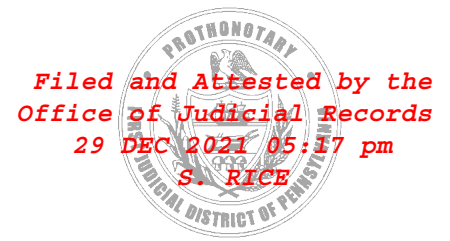
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Attorneys for Appellants

IN RE APPEAL OF CHESTNUT HILL	:	
COMMUNITY ASSOCIATION, CHESTNUT	:	PHILADELPHIA COUNTY
HILL BAPTIST CHURCH, JAMES BRUNO,	:	
MAUREEN PIE-BRUNO, DAVID	:	
MERCURIS, JUDITH MERCURIS, EILEEN	:	
SISLE, KENNETH SCHOTSCH and DEVON	:	
CARBERRY	:	
	:	
v.	:	DECEMBER TERM, 2021
	:	NO.
CITY OF PHILADELPHIA, ZONING	:	
BOARD OF ADJUSTMENT	:	
	:	

NOTICE OF APPEAL

Appellants Chestnut Hill Community Association, Chestnut Hill Baptist Church, James Bruno, Maureen Pie-Bruno, David Mercuris, Judith Mercuris, Eileen Sisle, Kenneth Schotsch, and Devon Carberry, hereby appeal from the Decision of the City of Philadelphia, Zoning Board of Adjustment (ZBA) made on November 30, 2021 on Appeal #HA-2021-002335, regarding an appeal against the issuance of zoning permit #ZP-2021-002274, which was issued for 10 Bethlehem Pike, Philadelphia, PA.

A copy of the ZBA’s decision is attached hereto as Exhibit “A”.

FINEMAN KREKSTEIN & HARRIS, P.C.

Date: December 29, 2021

By: /s/ Joshua B. Horvitz
JOSHUA B. HORVITZ, ESQUIRE
Identification No. 94325

PLEASE TAKE NOTICE all parties that entered an appearance in the proceeding before the agency may intervene as right in this appeal by filing a praecipe to intervene within (30) days of this notice.

CERTIFICATE OF SERVICE

I, Joshua B. Horvitz, counsel for Appellants, hereby certify that a copy of the foregoing Notice of Appeal was sent by first class mail to the persons and/or entities below named, on December 29, 2021:

City of Philadelphia, Zoning Board of Adjustment
c/o Tanya Sunkett, Board Administrator
1515 Arch Street, 18th Floor
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Zoning Board of Adjustment*

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Date: December 29, 2021

By: /s/ Joshua B. Horvitz
JOSHUA B. HORVITZ, ESQUIRE

EXHIBIT "A"
TO
NOTICE OF APPEAL

Notice of Decision

Zoning Board of Adjustment

SUBJECT PREMISES

10 BETHLEHEM PIKE, Philadelphia, PA 19118-2821

CALENDAR NUMBER

MI-2021-003377

DATE OF DECISION

11-30-2021

APPEAL TYPE

ZBA Appeal Against L&I

PERMIT/LICENSE/CASE NUMBER

HA-2021-002335

APPELLANT

ATTORNEY

PREMISES OWNER

TPM LLC
10 BETHLEHEM PIKE
PHILADELPHIA, PA 19118-

The Zoning Board of Adjustment, having had a hearing in the above indicated matter, has decided that the appeal is:
Refused

The decision above is subject to the following conditions:
Appeal was denied.



Appeals from this decision may be filed with the Philadelphia Court of Common Pleas within 30 days from the date of the decision stated above.

If you file an appeal, you must give notice to Boards Administration, the Office of the City Solicitor Code and Public Nuisance Litigation Unit, the Premises Owner stated above, and any other person or organization, and/or their attorney, who appeared before the Board.

Visit the Boards Administration at One Parkway Building 1515 Arch St - 18th Floor Philadelphia, PA 19102