

BELLA VISTA

NEIGHBORS ASSOCIATION

BVNA Zoning Protocols

Overview. The [City of Philadelphia Zoning Board of Adjustment](#) (“ZBA”) decides whether to allow variances from the [Philadelphia Zoning Code](#). Variances generally fall into two categories: (1) “use,” which deals with allowable uses of a property; and (2) “dimensional” related to the size, bulk, and physical criteria of a property. The ZBA and the [City of Philadelphia Planning Commission](#) have established a protocol where developers/property owner seeking a variance (the “Applicant”) must notify and meet with the nearby neighbors, and has authorized Registered Community Organizations (“RCOs”) to facilitate these meetings and make written recommendations to the ZBA. The BVNA is an RCO supporting the Bella Vista neighborhood, and its Zoning Committee handles meetings related to zoning cases.

Prior to BVNA Involvement. Applicants apply to the [City of Philadelphia Department of Licenses and Inspections](#) (“L&I”) for permitting. If an application is code-compliant, it is allowed “as of right,” and permits are issued. Applications that are disallowed are issued a Refusal, detailing violations, in which case Applicant may withdraw the application, resubmit a different plan, or appeal the Refusal seeking variance relief from the ZBA. Applicants seeking variance relief must seek RCO input. The ZBA and the Planning Commission have detailed notice requirements to neighbors and RCOs that can be found on their websites.

Preparing for the BVNA Meeting. Applicant contacts BVNA (zoning@bellavistaneighbors.org) and provides the following information at least two weeks prior to the meeting:

1. Appeal to the ZBA, along with the ZBA hearing calendar number, date, and time;
2. Refusal from L&I;
3. Site and building plans for the property showing existing conditions and proposed changes;
4. Deed or proof of ownership of or lease agreement for the property;
5. Site photos including the front facade and adjacent structures, as well as all other applicable views to what is being proposed that can demonstrate the impact on neighbors;
6. Aerial views (i.e. from Google Earth or similar) and/or vicinity plan, showing relationship to neighboring structures and properties; and
7. A statement that complies with all notice requirements of the Planning Commission.

After submission materials, the BVNA will inform Applicant of inclusion on the agenda. It may be helpful to contact neighbors in preparation for the meeting. Applicants who pre-discuss their plans with neighbors tend to spend more time up front and come better prepared to interact with and understand the neighborhood’s perspective.

At the Meeting. Applicant should come promptly and bring at least five presentation packets for the BVNA, with some additional copies for neighbors. The Applicant will present the proposed plan, give reasons why a variance should be granted, and respond to the questions and concerns presented. The Zoning Committee will read the Refusal, seek neighborhood input, questions, comments, positions, reasoning, etc. The goals of the Committee will be twofold: (1) attempting to reach a consensus opinion as to whether or not to oppose the variance; and (2) providing information about the zoning issues involved, rights affected, and potential consequences of the Application. Concerns of immediate neighbors and those impacted will be given significant weight. Applicant should come with an authorized party (usually the property owner) who is empowered to agree to modifications to plans that address concerns raised, which can be helpful in building consensus. Neighbors opposed to the request will be encouraged to attend the ZBA meeting to be heard there.

Meeting Outcome. If a clear consensus in favor of the variances cannot be reached, the BVNA will oppose the variance request. If a consensus in favor is reached, the BVNA will not oppose the variance request. Occasionally, the BVNA will recommend that Applicant seek a continuance of the ZBA hearing, if there is the possibility of arriving at consensus through additional discussion, usually through a subcommittee of neighbors and the Applicant. The result will be memorialized in a letter from the BVNA to the ZBA, which will be sent approximately two days prior to the ZBA hearing and copied to the Applicant, all RCOs affected, the Councilman for the district, and the Planning Commission.