



ZONING AND THE CITY

How Much Easier Can It Get?

By Carrie B. Nase

You may all be familiar with the column written by Carrie Bradshaw in the show *Sex in the City* – well, this Carrie is writing a column, too, and its about the hot new developments relating to zoning and land use occurring in Philadelphia.

For those of you who may have developed projects in both the suburbs and Philadelphia, you will agree that obtaining a variance in Philadelphia is much less cumbersome than in the suburbs. The Zoning Board of Adjustment (ZBA) has recently implemented a new procedure to make it easier to obtain a de minimis dimensional variance. The procedure will essentially remain the same; however, if an applicant is required to obtain a de minimis dimensional variance, the applicant will be permitted to submit additional information necessary for the grant of the variance in order to create a full record. The Planning Commission will review the additional information submitted to the ZBA and make a recommendation. A hearing before the ZBA will still be scheduled. However, if there is no opposition to the requested variance, the ZBA will simply read the case into the record and grant the request. The applicant will not be required to present testimony to support its case. The ZBA does have the discretion to require that testimony be presented. In addition, if a protestant appears at the hearing, the applicant will be required to put on a full hearing and present the necessary testimony. The ZBA anticipates that this procedure will reduce the number of full hearings by 30 percent. It should be noted that this procedure is not available for applicants requesting a use variance; even if the request is uncontested.

For more information regarding variances in Philadelphia, please contact Carrie Nase at 215.299.2030 or cnase@foxrothschild.com.



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