



CITY OF PHILADELPHIA
DEPARTMENT OF PLANNING & DEVELOPMENT
ZONING BOARD OF ADJUSTMENT
 One Parkway Building
 1515 Arch St
 18th Floor Room 18-006
 Philadelphia, Pennsylvania 19102

**Instructions for Appeals to the
Zoning Board of Adjustment (ZBA)**

Please visit www.phila.gov/li for information on permit processes.

The Zoning Board of Adjustment (ZBA) is a panel that hears appeals of rejected zoning permit applications and Zoning Code violations. They have the authority to overturn a decision issued by the Department of Licenses and Inspections (L&I). The ZBA, in its decision making, is independent from L&I.

WHAT APPEALS ARE REVIEWED BY THE ZONING BOARD OF ADJUSTMENT?

The ZBA hears appeals of decisions based on Title 14 of the Philadelphia Code, known as the Zoning Code.

1. If a use or proposed plans do not meet the requirements of the Zoning Code, a Notice of Refusal of Permit will be issued by L&I. In these cases you are filing an appeal and are seeking a variance or an exception to the requirements of the Zoning Code.
2. In some situations, proposed plans and/or uses meet the minimum requirements of the Zoning Code, but require special review and approval from the ZBA. L&I will issue a Referral to the Zoning Board of Adjustment. In these cases you are filing an appeal and are seeking a certificate or approval of the proposed plans and/or uses.
3. If a person is aggrieved by a decision, based on Title 14 of the Philadelphia Code, rendered by L&I, you may file an appeal against the actions of L&I to seek to have the decision of L&I overturned.

WHEN CAN I FILE AN APPEAL?

You can file an appeal immediately after L&I renders their decision. However, please note that your right to appeal expires thirty (30) days from the date of issue of the decision. All appeal requests received after this time will be returned.

HOW DO I FILE THE APPEAL?

STEP 1 – Complete the ZBA "Petition of Appeal" Form
 Provide all the information requested. Include complete addresses and accurate telephone numbers. Indicate where contact person(s) can be reached during normal business hours. Clearly print or type the information. Press down hard so that the details will appear on all copies of the "Petition." Do not detach any copies

STEP 2 – Enclose the Required Filing Fee
 Enclose a check or money order made payable to the "City of Philadelphia" in the amount shown on your refusal or referral.

STEP 3 – Obtain a Certificate of Tax Compliance from the Revenue Department
 Visit <https://secure.phila.gov/revenue/TaxCompliance> to complete the on line form and print the certificate.

STEP 4 – Mail or bring the completed "Petition of Appeal" form with the required tax certification and filing fee and one (1) signed copy of the Notice of Refusal or Referral to the ZBA or a copy of the decision rendered by L&I to the following location:

ZONING BOARD OF ADJUSTMENT	
One Parkway Building	
1515 Arch St	
18th Floor Room 18-006	
Philadelphia, Pennsylvania 19102	
Telephone Number:	215-686-2429
Fax Number:	215-686-2565

WHAT DO I DO AFTER I RECEIVE THE COPY OF THE "PETITION OF APPEAL" AND POSTERS?

1. You will receive a copy of your "petition of appeal". The "petition of appeal" will have a number assigned (calendar number), the location of the hearing (1515 Arch Street 18th Floor, Room 18-002) and the date and time of the hearing.
2. Ensure all documents contain the correct information. Call the Boards Administration Unit at 215-686-2429 or 215-686-2430 to report errors. Ensure that you have the correct number of posters needed to fulfill the posting requirements. If your property fronts on one or more than one street you will be required to display a poster on each street frontage your property faces. Immediately come to the Boards Administration Unit between the hours of 8:30 AM to 4:00 PM for replacement of any poster that is torn, removed or altered which will incur a fee of \$65.
3. The ZBA encourages a strong community voice in the decision making process and it is highly recommended that you seek support for your proposal by taking the following steps prior to your hearing:
 - a. Contact and seek the advice and support of your local City Councilperson.
 - b. Meet with any organized community groups and your neighbors well before your hearing date and gather letters or petitions of support

DO I NEED TO BE REPRESENTED BY AN ATTORNEY?

1. Any corporation having an interest in any matter shall appear in person, represented by an attorney-at-law authorized to practice law within the Commonwealth of Pennsylvania. This includes religious and non-profit organizations.

***** PLEASE READ THE INSTRUCTIONS ON THE OTHER SIDE *****

2. Any party or community organization may appear before the Board in person, or by an attorney-at-law authorized to practice within the Commonwealth of Pennsylvania.

3. Any partnership having an interest in any matter may appear before the Board by one of its partners by providing written authorization from the General Partner and/or Managing Partner to represent the partnership at the hearing, or by an attorney authorized to practice within the Commonwealth of Pennsylvania.

WHAT DO I DO WITH THE ORANGE POSTERS

It is important to follow all posting requirements. If posters are not displayed properly your hearing may be postponed or dismissed.

1. **Do** display one orange Zoning Notice Poster on each street frontage of the property with which the appeal is concerned, for at least 12 consecutive days immediately before the hearing date. The posters must also remain up on the property on the day of the hearing but removed promptly after the day of the hearing.
2. **Do** display the posters on the property with which the appeal is concerned and as close to the sidewalk as possible. Use a stake in the ground if necessary. Posters should be in plain view, at eye level so that people walking will be able to read the poster without coming onto the property. Ensure that posters are not hidden by bushes, fences, tree limbs, roll down gates or other obstructions. Do not attach posters to trees, utility poles, roll up gates or doors that are used.
3. **Do** take three (3) photos of the posters. These photos **MUST** be time and date stamped. These photos must be presented to the Board the day of your hearing. Failure to do this may result in the dismissal of your case.

WHAT DOCUMENTS ARE REQUIRED ON DAY OF HEARING BEFORE THE ZBA?

1. Proof of your legal interest in the property with which the appeal is concerned. Bring one of the following to the hearing:

- A **DEED** which has been recorded and stamped by the City Recorder of Deeds; or
- A current **LEASE**; or
- An **AGREEMENT OF SALE**, if you are in the process of purchasing the property; or
- An **AGREEMENT OF SALE**, if the property was purchased within the last six months; or
- A **RECEIPT** from the Sheriff, if the property was purchased at Sheriff's sale within the last year.

2. Written authorization from all other owners whose names appear on any deeds, leases, agreements of sale, or settlement sheets. This includes husbands, wives, children or parents.

3. Photographs: Printed photographs of the property with which the appeal is concerned are required to be presented to the ZBA in order to enable the Board to view the property and understand your proposal.

- a. Photographs must be clear, not less than four inches by six inches (4" x 6") dated, bear the address of the property with which the appeal is concerned, the calendar number of the case; the name and address of the photographer; the date of the photograph and a brief description of the photograph.
- b. Do not mount the photographs on a display board, as they must be kept on file.
- c. Do not submit photographs taken with a Polaroid camera.
- d. Photographs must show the following:
 - Each orange Zoning Notice Poster posted on each street frontage of the property with which the appeal is concerned.
 - Exterior of the entire property to include the front, side and rear of the structures, all stories of the structures on the property and along each street frontage for the complete width.
 - Interior of the property, whenever appropriate.
 - Adjoining properties on the block.

Note: The Board encourages you to make your property as attractive as possible prior to picture taking. The removal of any debris, graffiti, excessive signage, weeds and other eyesores, together with effective property maintenance, sends a positive message to the community and is indicative of responsible ownership.

4. Plan: To help explain your proposal, the Board recommends that you present professional quality, accurately drawn, scaled and fully dimensioned site plans and floor plans.

WHAT DO I DO IF I HAVE SPECIAL NEEDS DUE TO A DISABILITY?

If you are scheduled to participate in a ZBA hearing and have special needs due to a disability as defined by the Americans with Disabilities, please call 215-686-2429 as early in the process as possible, but no later than fourteen (14) days prior to the hearing. The City will take the necessary steps to facilitate your participation.

WHAT DO I DO IF I AM LIMITED ENGLISH PROFICIENT?

Free interpreter services are available to assist you during the hearing process. If you elect to use the free interpreter service during the hearing, please notify the L&I representative at the hearing before your case is called.

WHAT ARE THE POSSIBLE OUTCOMES OF A HEARING?

1. The ZBA rules in your favor and grants a variance and/or certificate. In this case, you will receive a "Notice of Decision" granting a variance and/or certificate. You must bring this notice to the Department of Licenses and Inspections Zoning Unit and obtain the permit you were seeking. Release note, you must obtain the permit within one (1) year of the date of the Notice from the ZBA. After this time, the variance and/or certificate will be void.
2. The ZBA denies your request for a variance and/or certificate. In this case, you will receive a "Notice of Decision" refusing a variance and/or certificate. You have the option to appeal this decision to the Court of Common Pleas. The appeal against the decision of the ZBA, must be filed within thirty (30) days of the date of the Notice of Decision.