

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, 18<sup>th</sup> Floor  
Philadelphia, PA 19102

APPLICANT MUST COMPLETE ALL INFORMATION BELOW. PRINT CLEARLY AND PROVIDE FULL DETAILS

LOCATION OF PROPERTY (LEGAL ADDRESS)

109 Hilltop Road, Philadelphia, PA 19118

PROPERTY OWNER'S NAME: Hilltop Chestnut LLC

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

c/o Pritzker Law Group

PHONE #: 215-543-3688

1521 Locust St., Ste. 605  
Philadelphia, PA 19102

E-MAIL: Rachael@pritzkerlg.com

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

APPLICANT: Rachael Pritzker, Esq.

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

1521 Locust St., Ste. 605  
Philadelphia, PA 19102

FIRM/COMPANY: Pritzker Law Group

PHONE #: 215-543-3688

E-MAIL: Rachael@pritzkerlg.com

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

APPEAL RELATED TO ZONING/USE REGISTRATION PERMIT APPLICATION # ZP-2024-010394

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.

Please see attached.

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.

Please see attached.

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

Please see attached.

Will the variance you seek substantially or permanently harm your neighbors' use of their properties or impair anadequate supply of light and air to those properties? Explain.

Please see attached.

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.

Please see attached.

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

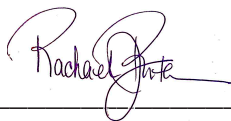
Please see attached.

REASONS FOR APPEAL:

Please see attached.

I hereby certify that the statements contained herein are true and correct to the best of my knowledge and belief. I understandthat if I knowingly make any false statements herein I am subject to possible revocation of any licenses issued as result of myfalse application, and such other penalties as may be prescribed by law.

Applicant's Signature: \_\_\_\_\_



Date: \_\_\_\_\_

05 29 2025  
MONTH DATE YEAR

City of Philadelphia  
Zoning Board of Adjustment  
**Application for Appeal**



Pritzker Law  
G R O U P

### **109 Hilltop Road - Variance Appeal**

**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.**

*Yes.* Compliance with the requirements of the zoning code causes an unnecessary hardship due to the size, shape, contours, or physical dimensions of the property. No action on the applicant's part caused or created the special conditions or circumstances.

This application proposes the new construction of a detached single family home with one (1) accessory, interior parking space. The proposal generated two (2) refusals:

- Per zoning code section 14-701-1: The maximum occupied area shall be 50% whereas the project proposes 55.7%.
- Per zoning code section 14-701-1: The minimum front yard depth shall be 8 feet whereas the project proposes 1 feet.

Literal enforcement of the zoning code creates an unnecessary hardship for the property. The currently vacant lot is significantly smaller than most properties on this block, measuring only 30 feet wide by 75 feet deep, or approximately 2,250 square feet in total, according to the Office of Property Assessment and Atlas.Phila.gov. In contrast, neighboring lots are substantially larger, for example: the corner lot at 101 Hilltop Road measuring approximately 7,966 square feet, 111 Hilltop Road measuring approximately 4,500 square feet, 121 Hilltop Road measuring at approximately 6,000 square feet, and 127 Hilltop Road measuring at 5,110 square feet. The constrained depth (approximately 75 feet deep, according to Atlas.Phila.gov) and overall limited size of the subject lot make it physically impractical to accommodate both the required 8-foot front yard setback and the off-street parking requirement without significantly compromising the interior layout of the proposed home or violating other zoning standards, such as rear yard requirements. If the proposed garage is pushed back into the building, it would significantly hinder access past the front entry stairs, making it difficult to reach the rear portion of the first floor. The relief requested presents the minimum modification required to meet the spirit of the code and grant relief.

The applicant is attempting to develop the property in a way that is consistent with its RSA-3 zoning designation, which requires a single-family dwelling to contain one off-street parking space. Due to the narrowness and limited depth of the lot, providing off-street parking anywhere other than the front—such as in the rear or side of the home—is not feasible.\* A front-loaded garage is the only practical way to meet this requirement, but doing so inevitably reduces the front yard depth below the 8 feet required by code. Furthermore, the proposed design is in keeping with the character of the surrounding neighborhood. The immediately adjacent property at 111 Hilltop Road includes a front-facing garage, and the property at 101 Hilltop Road also has a garage, though it is accessed from Shawnee Street due to the lot's larger size (as mentioned above) and corner location. These examples demonstrate that garages—particularly front-loaded ones—are not out of place in this area and that the requested variance would not adversely affect the public interest or alter the essential character of the block.

With regard to occupied area, the *di minimus* increase is directly tied to the limited lot size and the need to accommodate a reasonably sized single-family home with required off-street parking. Given that the lot measures only 2,250 square feet, strict adherence to the 50% maximum would limit the building footprint to approximately 1,125 square feet, which is not feasible for a modern, livable home that also incorporates a garage. The slight increase in occupied area allows the applicant to meet the basic needs of a single-family dwelling while maintaining usable interior space and essential functions such as the garage. The proposed 55.7% coverage is *di minimus* and consistent with the built environment in the surrounding area, and granting this relief would not negatively impact the character of the neighborhood.

**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.**

*Yes.* The variance we seek represents the least modification possible of the code provision to reasonably develop the undersized lot, enabling construction of a code-compliant single-family home with required off-street parking while preserving neighborhood character. These minimal deviations provide essential relief from zoning constraints imposed by the lot's unique size and shape.

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

*No.* The variance sought will not increase congestion in public streets or in any way endanger the public. The project includes an off-street parking space and maintains safe building setbacks. The design aligns with existing neighborhood patterns and does not introduce any new hazards or obstructions to public access or visibility.

**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.**

*No.* The variance we seek will not substantially or permanently harm our neighbors' use of their properties nor impair adequate supply of light and air to those properties as the proposal respects side and rear yard requirements and is consistent in scale with surrounding structures. The minimal front yard reduction and modest increase in occupied area do not create any adverse impacts on adjacent homes.

**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.**

*No.* The variance we seek will not substantially increase traffic congestion in public streets or place an undue burden on water, sewer, school, park or other public facilities. The owner of the property would not be expected to make use of any school systems.

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

*No.* The variance we seek will not create environmental damage, pollution, erosion, or siltation, or increase the danger of flooding. The variance we seek is in line with the neighboring properties and the property will be developed and maintained in a manner in which to protect against environmental damage, pollution, erosion or siltation and will not increase the danger of flooding.

#### **REASONS FOR APPEAL:**

Literal enforcement of the Zoning Code will impose an unnecessary hardship upon the Subject Property, applicant and owner, whereas the proposed construction will not adversely affect the public health, safety or welfare or traffic in the area. Therefore, variance relief is requested. Applicant also requests any other variances, use certificates or special use permits that are necessary. Applicant reserves the right to supplement these reasons up to and including the hearing.

# City of Philadelphia Project Information Form

## PIF Confirmation Page

Thank you for submitting your information. A copy of this information will be sent to your e-mail address. If you entered in any of this information incorrectly, please complete and **submit a new form** with the updated information.

NOTE TO APPLICANTS: You **MUST** print out your completed Project Information Form (PIF) and submit it to the Zoning Board of Adjustment (ZBA) with your appeal paperwork. Per Section §14-303 (15)(a)(.3)(.A) of the Philadelphia Code, *"an applicant who seeks either a special exception or a variance must submit to the Board, at the time the appeal is filed, a copy of the Project Information Form for such application, if the preparation of a Project Information Form is required for such application..."*

**View all projects** submissions.

**PRINT YOUR FORM**

## **Applicant Information**

### **Address of Development Project**

109 HILLTOP RD

### **Council District #**

8

### **Name of Applicant**

Rachael Pritzker

### **Zoning Application Number**

2024010394

### **Address of Applicant**

1521 Locust Street  
Suite 605  
Philadelphia, PA 19102

## **Contact Information**

### **Is the contact person the same as applicant?**

- Yes

### **Name of Contact Person**

Rachael Pritzker

### **Phone Number of Contact Person**

(215) 543-3688

### **Email Address of Contact Person**

Rachael@pritzkerlg.com

## **Project Information**

### **Is your project exclusively residential?**

Yes

**Does your project contain three or fewer units?**

Yes

## **Sign & Submit**

### **Agreement:**

- I understand that all information submitted on this form is public information.

### **Printed Name of Applicant**

Rachael Pritzker

### **Please sign with the Initials of the Applicant**

RJP

### **Date**

05/29/2025

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**Notice of:**      ☒ **Refusal**      ☐ **Referral**

<b>Application Number:</b> ZP-2024-010394	<b>Zoning District(s):</b> RSA3	<b>Date of Refusal:</b> <b>5/5/2025</b>
<b>Address/Location:</b> 109 HILLTOP RD, Philadelphia, PA 19118-3737 Parcel (PWD Record)		<b>Page Number</b> Page 1 of 1
<b>Applicant Name:</b> Avery Weisfeld	<b>Applicant Address:</b> 2021 Kimball Street Philadelphia, PA 19146 USA	<b>Civic Design Review?</b> N

**Application for:**

FOR THE ERECTION OF A DETACHED STRUCTURE TO INCLUDE ONE (1) ACCESSORY INTERIOR PARKING SPACE. FOR THE USE AS SINGLE-FAMILY HOUSEHOLD LIVING. SIZE AND LOCATION AS SHOWN IN PLANS.

**The permit for the above location cannot be issued because the proposal does not comply with the following provisions of the Philadelphia Zoning Code. (Codes can be accessed at [www.phila.gov](http://www.phila.gov).)**

<u>Code Section(s):</u>	<u>Code Section Title(s):</u>	<u>Reason for Refusal:</u>
Table 14-701-1	Dimensional Standards for Lower Density Residential Districts	The maximum occupied area shall be 50%, whereas 55.7% is being proposed.
Table 14-701-1	Dimensional Standards for Lower Density Residential Districts	The minimum front yard depth shall be 8'-0", whereas only 1'-0" is being proposed.

TWO (2) ZONING REFUSALS

**Fee to File Appeal:** \$ 300

NOTES TO THE ZBA:

N/A

Parcel Owner:

HILLTOP CHESTNUT LLC

**Zoning Overlay District:**  
/NIS Narcotics Injection Sites Overlay District/EDO Eighth District Overlay District/Open Space and Natural Resources - Steep Slope Protection/WWO Wissahickon Watershed Overlay District



JONATHAN VU  
PLANS EXAMINER

5/5/2025  
DATE SIGNED

**Notice to Applicant:** An appeal from this decision may be made to the Zoning Board of Adjustment, One Parkway Building, 1515 Arch St., 18<sup>th</sup> Fl., Phila., PA 19102 within thirty (30) days of date of Refusal / Referral. Please see appeal instructions for more information.