

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, 18th Floor
Philadelphia, PA 19102

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

LOCATION OF PROPERTY (LEGAL ADDRESS) 900 Wisers Mill Road, Philadelphia, PA 19128 (PWD Parcel); Project will be located along Valley Green Road within the Wissahickon Valley Park

PROPERTY OWNER'S NAME: Fairmount- Park Commission, Wissahickon Valley

PHONE #:

E-MAIL: Berkowitz@FOW.org; Aparna.Palantino@phila.gov

PROPERTY OWNER'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)
1515 Arch Street, 10th Floor, Philadelphia, PA 19102

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

APPLICANT: Friends of the Wissahickon c/o Matthew N. McClure, Esq. and Meredith Trego, Esq.

FIRM/COMPANY: Ballard Spahr LLP

PHONE #: 215-864-8229

APPLICANT'S ADDRESS (INCLUDE CITY, STATE, AND ZIP)
1735 Market Street, Floor 51, Philadelphia, PA 19103

E-MAIL: TregoM@ballardspahr.com; McClure@ballardspahr.com

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

APPEAL RELATED TO ZONING/USE REGISTRATION PERMIT APPLICATION # ZP-2023-006562

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.

Compliance with the Zoning Code would cause an unnecessary hardship. The applicant seeks to restore a 240 foot length of the Valley Green Run streambank in order to create a more stable, flood-tolerant stream channel, reduce sedimentation to Valley Green Run, which is a tributary of the Wissahickon Creek, and restore a public gateway to one of the most visited areas of the Wissahickon Valley Park.

As part of the project, the applicant will also undertake construction of a 200 foot long elevated pedestrian walkway, which will help to reduce the risk for future erosion of the streambank by providing an alternative path for park users and helping to keep hikers from walking along the streambank. The bridge will be constructed to not bear any weight on the streambank, thus allowing for optimal resiliency and long-term sustainability along the streambank.

In order to undertake this stream restoration project on City-owned parkland, the applicant will need to disturb an area of land along the bank of the stream where existing slopes exceed 25%. Accordingly, in order to stabilize the streambank and ultimately reduce erosion of the steep slopes, the applicant must undertake some limited disturbance of the existing steep slopes.

To this end, the proposal will meet the specific criteria for steep slope variances, i.e., the requested variance will not result in

- (i) an increase in stormwater runoff (and will in fact decrease runoff);
- (ii) the shifting of earth to adjacent existing buildings and structures down slope or immediately upslope (there are no adjacent buildings in the area); or
- (iii) an increase in the likelihood of the loss of property (the proposed intervention will actually increase the stabilization of the property, and there are no abutting properties impacted by the project).

No action by the applicant caused or created the existing steep slope conditions.

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 represents the least modification of the code provision to provide relief from the zoning code requirements. The proposed design of the elevated pedestrian walkway includes the minimal amount of steep slope disturbance to allow for the construction of the bridge, which, along with the streambank restoration work, will ultimately improve the condition of and stabilize the existing steep slopes along the streambank.

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

No, the requested variance will not increase congestion in public streets nor endanger the public in any way. The applicant proposes to restore and stabilize a 240 foot section of the Valley Green Run streambank and construct an elevated pedestrian walkway along the stream. This project will improve the experience of the park's trail users and ultimately create a more stable streambank.

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 will not substantially or permanently harm the neighbors' use of their property or impair the adequate supply of light and air to their properties. The proposed streambank restoration and elevated pedestrian walkway will be located along the Valley Green Run, which is a tributary of the Wissahickon Creek inside the City's Wissahickon Valley Park. The improvements will take place entirely within the Wissahickon Valley Park, more than roughly 300 feet from any other non-park property.

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 will not substantially increase traffic congestion in public streets or place an undue burden on water, sewer, school, park, or other public facilities. As described above, the project will stabilize a 240 foot section of the Valley Green Run streambank and create a new elevated pedestrian walkway over the streambank in an effort to further protect the streambank from erosion and improve park users' experience in the Wissahickon Valley Park.

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

No, the variance will not create environmental damage, pollution, erosion, or siltation, or increase the danger of flooding. In fact, the applicant's project will ultimately improve the existing slopes and help to prevent future erosion of the project area. To this end, the proposal will meet the specific criteria for steep slope variances, i.e., the requested variance will not result in (i) an increase in stormwater runoff (and will in fact decrease runoff); (ii) the shifting of earth to adjacent existing buildings and structures down slope or immediately upslope (there are no adjacent buildings in the area); or (iii) an increase in the likelihood of the loss of property (the proposed intervention will actually increase the stabilization of the property, and there are no abutting properties impacted by the project).

REASONS FOR APPEAL:

As described above, the granting of the requested variance will be in harmony with the spirit and purpose of the Zoning Code and the Comprehensive Plan, while failure to grant the relief will result in unnecessary hardship. The variance represents a reasonable adjustment from the governing regulations to allow for the stabilization of a 240 foot section of the Valley Green Run streambank and construction of an elevated pedestrian walkway, which will help prevent future erosion of the steep slopes. The variance will not endanger the public health, safety, or welfare. Rather, the proposed project will benefit the community by stabilizing the streambank, reducing sedimentation to the Valley Green Run tributary, and providing a new elevated 200 foot walkway for park users. The applicant reserves the right to supplement the reasons for appeal at the time of the hearing.

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

Applicant's Signature: /s/Meredith Trego

Date: 08/13/2023

MONTH DATE

YEAR

City of Philadelphia
Zoning Board of Adjustment
Application for Appeal



City of Philadelphia Zoning Board of Adjustment

Project Information Form

Applicants must also complete a **Project Information Form (PIF)**.

[This form can be found at: https://forms.phila.gov/form/project-information-form/.](https://forms.phila.gov/form/project-information-form/)

[You **MUST** print out your completed Project Information Form \(PIF\) and submit it to the Zoning Board of Adjustment \(ZBA\) with your appeal paperwork.](#)

[NOTE: THE ZBA WILL NOT ACCEPT YOUR APPEAL PAPERWORK WITHOUT A COMPLETED PROJECT INFORMATION FORM.](#)

[This requirement can be found in 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..."](#)

Please see attached.