



Legislation Text

File #: 130725, Version: 0

Amending Title 14 of The Philadelphia Code, entitled "Zoning and Planning," by clarifying the criteria for granting a variance, under certain terms and conditions.

THE COUNCIL OF THE CITY OF PHILADELPHIA HEREBY ORDAINS:

SECTION 1. Title 14 of The Philadelphia Code is hereby amended to read as follows:

TITLE 14. ZONING AND PLANNING

* * *

CHAPTER 14-300. ADMINISTRATION AND PROCEDURES

* * *

§ 14-303. Common Procedures and Requirements.

Procedures that are common to several types of applications for permits, approvals, or variances are provided for in this section.

* * *

(8) Zoning Variances.

* * *

(e) Criteria for Approval.

The Zoning Board shall grant a variance only if it determines that the applicant has demonstrated that the criteria of this § 14-303(8)(e) (Criteria for Approval) have been met and that any applicable criteria in §§ 14-303(8)(f) (Additional Criteria for Floodplain Variances) through 14-303(8)(h) (Additional Criteria for Height Variances Near the Airport) have been met. Otherwise, the Zoning Board shall deny the variance.

(.1) General Criteria.

The Zoning Board may grant a lesser variance than requested, and may attach such reasonable conditions and safeguards as it may deem necessary to implement this Zoning Code, including without limitation a limitation on the size or duration of the variance, consistent with § 14-303(9) (Conditions on Approvals). The Zoning Board shall, in writing, set forth each required finding for each variance that is granted, set forth each finding that is not satisfied for each variance that is denied, and to the extent that a

specific finding is not relevant to the decision, shall so state. Each finding shall be supported by substantial evidence. If the Zoning Board chooses to view the subject property as part of the hearing, the Zoning Board must provide due process. Reports of other City agencies made as a result of inquiry by the Zoning Board shall not be considered hearsay. Upon request of any party, the Zoning Board may compel the attendance of the City agency. The Zoning Board shall grant a variance only if it finds each of the following criteria are satisfied:

* * *

(b) The variance, *whether use or dimensional*, if authorized will represent the minimum variance that will afford relief and will represent the least modification possible of the *use or dimensional* regulation in issue;

* * *

Explanation:

Italics indicate new matter added.