

# Philadelphia Zoning Board of Adjustment Application for Zoning Variance



## AVOID DELAYS! Please read and follow these instructions.

Fill this form completely. Attach a copy of the Notice of Refusal and your completed Project Information Form (PIF). Find the PIF at: [forms.phila.gov/form/project-information-form/](https://forms.phila.gov/form/project-information-form/).

**Applications submitted with blank fields or without a PIF will be rejected.** If you think a section does not apply to your appeal, write "N/A."

Complete applications are public records. They will be available for public viewing and are subject to Right-To-Know public records requests.

Variations are approved at the discretion of the Board. Approval is not guaranteed.

After you file this application, ZBA administrative staff will provide instructions on how to fulfill your mandatory responsibilities. These responsibilities include notifying neighbors, explaining this appeal at a neighborhood public meeting, posting the property, and submitting exhibits.

**Failure to follow ZBA instructions will lead to delay or dismissal of your appeal.**

At the hearing, business entities (except for partnerships), trusts, religious organizations, and nonprofit organizations **must** be represented by an attorney licensed to practice in Pennsylvania.

Submit your complete application in one of three ways:

- Online through [eCLIPSE](#). This is the preferred method.
- In person. Make an appointment at [www.phila.gov/zba](http://www.phila.gov/zba).
- By postal mail addressed to: Philadelphia Zoning Board of Adjustment  
1515 Arch Street, Room 18-004  
Philadelphia, PA 19002

### Section 1. Property Information

Property Address: 616 Westview Avenue, Philadelphia 19119-3530 (Mt. Airy)

Zoning Permit Number: 

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### Section 2. Applicant Information

Name: Mark S. Danek, Esq.

Business: Obermayer Rebman Maxwell & Hippel LLP

Street Address: 1001 Conshohocken St Rd., Ste 1-210

City: W Conshohocken

State: PA

Zip: 19428

Email: mark.danek@obermayer.com

Phone: 484-344-5429

Relationship:  Property Owner

Attorney for Property Owner

Renter/Lessee

Attorney for Renter/Lessee

Design Professional

Contractor

Permit Expediter

Other: \_\_\_\_\_

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### Section 3. Property Owner, Equitable Owner, or Conservator Information

If you are **not** the legal owner, equitable owner, or conservator of the property, attach their signed written authorization to file an application and identify them here. All filings or statements submitted in support of this application are attributed to the legal owner and to any equitable owner with an interest in the application. Only the owner or their attorney can appear before the Board at the hearing.

Name: Johannes Jarka-Sellers and Lucy Bell Jarka-Sellers

Business: \_\_\_\_\_

Street Address: 616 Westview Avenue

City: Philadlephia State: Pa Zip: 19119

Email: hannesjarkasellers@gmail.com Phone: 215-375-5793

### Section 4. Accessibility

The ZBA provides interpreters and makes reasonable accommodations at no charge to the appellant. Only ZBA-provided interpreters may be used at your appeal. **Please do not bring your own interpreter.**

Interpreter:  Please provide a free language interpreter at the hearing

Language: \_\_\_\_\_

ADA Accommodation:  Please contact me to discuss ADA accommodations at the hearing.

### Section 5. Variance Criteria

This section is based on the variance criteria in § 14-303(8)(e) of the Zoning Code. Applicants **must** present evidence related to these criteria. The Zoning Board shall grant a variance only if it determines that these criteria have been met. Fill this section out completely **or** attach a letter addressing each question or prompt.

**5.1.** If you are requesting a **use variance**, describe the unique physical circumstances or conditions of the property that prevent you from complying with the Zoning Code.

Not applicable

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**5.2.** If you are requesting a **dimensional variance**, describe your hardship in terms of the economic detriment that would result if the variance were to be denied; the financial burden created by any work necessary to bring the building into strict compliance with the zoning requirements; and the characteristics of the surrounding neighborhood.

Applicant seeks a variance from 14-604.(1).(d) - Accessory Structures and Uses. Applicant seeks to convert an existing 378 sq ft garage into a private artist studio (a permitted accessory use in the RSD3 zoning district). The applicable zoning code section limits structures to only 130 sq ft. Applicant does not propose to expand the foot print of the existing. It is unclear from the Refusal whether Applicant's proposal also requires relief from the 15' height limitation. It is Applicant's position that Applicant is making permitted modification to the roof line/angle to allow for ample north light to enter the studio. However, Applicant seeks relief from the Board to the extent required. The hardship itself is a function of the property and not the code's application. In other words, the EXISTING structure is what is causing the hardship and the inability to comply. Alternatively, applicant seeks an interpretation from the Board that the applicant's garage is an existing legal non-conforming structure pursuant to 14-305(6) and that the conversion of the use from a garage to another permitted accessory use does not render the structure nonconforming and subject to a variance request.

**5.3.** Did any action on your part cause or create the hardship described in 5.1 or 5.2 above?

No. It is believed that the house and accessory structure were constructed in 1925 prior to the enactment of the Code.

**5.4.** Explain why your proposal is the smallest possible modification that would provide relief.

Applicant is not expanding the existing height or footprint of the existing structure. The modifications to the roofline are still compliant due to the slope of the property.

**5.5.** Explain why your proposal would not increase congestion in public streets or endanger the public.

The artist studio is for the use of the property owners. The studio will not be open to the public.

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**5.6.** Explain why your proposal would not substantially or permanently harm your neighbors' use of their properties or impair an adequate supply of light and air to those properties.

The proposal for a private artist studio in an existing accessory structure with no change to height or footprint will have no impact on the neighborhood.

**5.7.** Explain why your proposal will not adversely affect transportation or unduly burden water, sewer, school, park, or other public facilities.

The artist studio will not be open to the public, so there will be no increase or adverse affects to City services.

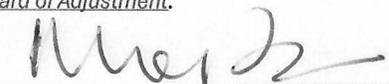
**5.8.** Explain why your proposal will not create environmental damage, pollution, erosion, or siltation, or increase the danger of flooding.

The proposal simply changes the accessory use from a garage to an artist studio - no change in height or footprint. Therefore, there will be no environmental concerns.

### Section 6. Acknowledgement Statement & Signature

*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 or permits issued as a result of my false application, and such other penalties as may be prescribed by law. I further acknowledge that:*

- I am responsible for notifying neighbors and explaining this appeal at a neighborhood public meeting. I will arrange this meeting with a community organization in accord with the Neighborhood Notice and Meeting requirements of § 14-303 (12) of the Philadelphia Code. The Department of Planning and Development will provide instructions on how to fulfil these responsibilities.*
- Approximately 30 days before my hearing date, the Zoning Board of Adjustment will send a poster advertising the hearing. I am responsible for displaying this poster according to the instructions on the poster.*
- At least five days prior to my hearing, I am responsible for submitting exhibit documents as required by Section 5.2.3 of the Regulations of the Zoning Board of Adjustment.*

Applicant's Signature:  Date: 10-13-25