

**EMAN Zoning Committee  
Variance Request Review:**

**Application Number:** ZP-2021-009509 & ZP-2021-009505

**223 & 225 E Springer St.**

**Existing**  
**2 Vacant Lots**  
**15.42' by 50'**  
**15.33' by 50'**  
**16-ft wide, No Outlet Street**

**Proposed**  
**2 Attached Single Family ,**  
**4-story Homes**



This EMAN Zoning Committee variance review has been prepared for consideration by the Applicant, Near Neighbors and the E Mt Airy community. This review identifies potential issues related to the variance request in accordance with the ZBA criteria for accepting or denying a zoning variance request.

**L&I Notice of Refusal**, L&I issued a notice of refusal for the proposed 223 and 225 E Springer St. zoning permit applications by Craig Deutsch DBA: Harman Deutsch Corp (Applicant) on 9/22/21. The image below shows L&I’s 4 zoning non-compliances:

1. Attached structures prohibited in an RSA3 district
2. Minimum front yard depth of 8-ft is required, no front yard provided.
3. Maximum occupied area is 50%, proposed occupied area is 74.8%
4. Minimum rear yard depth is 15-ft, proposed rear yard is 9-ft 6-in.

Application for:  
 For the erection of a four story attached structure (not to exceed 38') that includes a full basement, interior parking garage, and a roof deck with roof access structure. Size and location per plan.  
 For the use as Single Family Household Living.

**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 14-602-1.A	Building Types Allowed in Residential Districts	Attached structures are prohibited in the RSA-3 zoning district.
Table 14-701-1	Front Yard Depth	A minimum front yard depth of 8 feet is required in the RSA-3 zoning district.  Whereas no front yard is proposed.
Table 14-701-1	Maximum Occupied Area	The maximum occupied area for a lot in the RSA-3 zoning district is 50%.  Whereas the proposed occupied area is 74.8%.
Table 14-701-1	Rear Yard Depth	A minimum rear yard depth of 15 feet is required in the RSA-3 zoning district.  Whereas the proposed rear yard depth is 9'6".

FOUR (4) ZONING REFUSAL / REFERRAL

The Applicant submitted a ZBA Application for Appeal on 9/28/21. The image below shows the Applicant’s Reasons for Appeal from that Application.

1) Attached structures are prohibited in the RSA-3 zoning district; 2) A minimum front yard depth of 8 feet is required in the RSA-3 zoning district - Whereas no front yard is proposed; 3) The maximum occupied area for a lot in the RSA-3 zoning district is 50% - Whereas the proposed occupied area is 74.8%; and 4) A minimum rear yard depth of 15 feet is required in the district. Whereas the proposed rear yard depth is 9'6".

The variances sought is not detrimental to the public welfare, the adjacent properties or the surrounding neighborhood; and will enable the reasonable use of the property which with the general neighborhood and will not substantially nor permanently impair the neighborhood or impair the appropriate use and development of the adjacent properties.

The Applicant’s 2<sup>nd</sup> sentence is repeated for legibility: “The variances sought is[sic] not detrimental to the public welfare, the adjacent properties or the surrounding neighborhood and will enable the reasonable use of the property which [sic] with the general neighborhood and will not substantially nor permanently impair the neighborhood or impair the appropriate use and development of the adjacent properties.”

**Zoning Committee Comment No. 1:**

The Applicant proposes to increase the housing/ population density of a developed block by building 2 attached houses on a block with no outlet and a narrow 16ft pavement which requires residents to back in or out of the block. The proposed buildings are 38ft, considerably taller than the abutting properties. The proposed houses do not include a front setback while the abutting properties have 5.5ft and 8ft setbacks. The proposed houses do not have a 3<sup>rd</sup> floor additional 8ft setback which is required for attached houses under the RSA5 base zoning district dimensional requirements.

**Property Dimensions:** These properties are approximately 50-ft by 15.3-ft each, equivalent to 768 sf each. They are zoned RSA3.

Property Dimensions			
Property	Width Ft	Depth Ft	Area SF
223 E Springer St.	15.42'	50.0'	771.0
225 E Springer St.	15.33'	50.0'	766.5
Consolidated 223 – 225 E Springer St. property	30.75'	50.0'	1,537.5

The 2 properties are less than the required dimensions for RSA3 lots, so they are considered **existing nonconforming** lots.

The adjacent image shows an aerial view of the properties from Philadelphia’s Pictometry web site.



The following table provides the key dimensions for the 2 abutting properties.

Abutting Properties: E Springer St.		
	221	227
Lot Dimensions	19.77' by 50.0'	15.42' by 50.0'
Lot Area	988.5 sf	771 sf
Building Height	24'	25'
Front Setback <sup>1</sup>	Enclosed Porch 5.5ft	Porch 6.3ft

**Discrepancies in Applicant’s SP.00 Context Plan Drawing**

The Zoning Committee has compared the Applicant’s SP.00 Context Plan drawing provided in the RCO Briefing package to Philadelphia’s 2020 aerial photographs<sup>2</sup> and the Water

<sup>1</sup> Front façade measured from property front line using City of Philadelphia’s online Pictometry Application

<sup>2</sup> Pennsylvania Spatial Data Access, Philadelphia Aerial Photography 2020, tile 26875E, 270934N

Department’s Stormwater parcel maps. The Committee has prepared Exhibits 1 and 2 to show the City’s aerial view drawing and the Applicant’s Site Context drawing. The red dots reflect the same locations in both drawings.

The Committee found several discrepancies between the City’s 2020 aerial drawing and the Applicant’s Site Context Plan:

Discrepancies in SP.00 Context Plan	
Number	Discrepancy
1	226 E Springer St. semi-detached house not shown
2	Garage noted as belonging to 219 Hortter St. is the property of 236 E Springer St. No structures exist on the 219 E Hortter St lot.
3	Buildings in the 236 E Springer property are not property positioned in the Applicant’s Site Context drawing.

These building location discrepancies are also shown on Applicant’s drawings SP.01, Z.00 and Z.01 drawings.

**Zoning Committee Comment No. 2:**

The Applicant is asked to correct Drawing SP.00 Context Plan, SP.01 Site Plan, Z.00 and Z.01 to reflect actual building locations along the 200 block of E Springer St and provide a stamped drawing by a registered engineer/ surveyor to confirm that these drawings are dimensionally accurate. The Applicant is asked to update the vehicle turning radii shown in drawings SP.01, Z.00 and Z.01 to ensure that they reflect the actual building locations.

**Easements Abutting 221 E Springer St and Proposed Alley**

The City Atlas shows an 18.62ft wide easement adjacent to the west side of the 221 E Springer St property extending northwest from E Springer St for a total distance of 46.66ft (see Exhibit 3).

The Applicant’s SP.00, SP.01, SD1.0, Z.0 and Z.1 drawings show a 3ft alley behind 223, 225 and 227-229 E Springer St properties and a 3ft alley parallel to the west property line of 221 E Springer St. These allies are not shown in the City Atlas.

**Zoning Committee Comment No. 3:**

The City Atlas does not show the 3ft wide “Alley” easements behind the 221, 223, 225, 227-229 E Springer St parcels depicted by the Applicant. Are these 3ft “Alley” easements existing or proposed? The Applicant is asked to provide additional information on these easements and the relationship between the existing 18.62ft easement along the west side of 221 E Springer property and the 3ft “Alley” shown in the Applicant’s drawings.

**Massing Study** The Zoning Committee has prepared a preliminary Sketchup<sup>3</sup> massing study to assess the potential impact of the Applicant’s proposed 2 3-story homes and a second project at 223-225 E Springer St. for 2 new 4-story homes. This diagram shows the preliminary massing sketch.



**Zoning Committee Comment No. 4:**

The Zoning Committee is concerned that the proposed 3-story height of the 2 attached homes will overwhelm the nearby homes.

The Zoning Committee requests that the Applicant provide a Sketchup compatible massing study model so that the Committee can examine the impact of the proposed buildings on the surrounding homes on E Springer St.

**RSA3 Dimensional Requirements:** The RSA3 district requirements and proposed dimensions are listed below.

RSA3 Dimensional Requirements			
Table 14-701-1.			
Dimension	Required	Proposed*	Compliant
Min. Lot Width	25'	15.42' 15.33'	No
Min. Lot Area	2,250 sq. ft.	771.0 sf 766.5 sf	No
Min. Open Area	50%	25.2%	No
Min. Front Setback	8'	0'	No
Min. Side Yard Width	8' 0'***	0'	Yes
Min. Rear Yard Depth	15'	9'- 6 " 9'- 6"	No
Max. Height	38'	NTE 38'	Yes

\*223 E Springer, 225 E Springer St.  
 \*\* 0 ft for internal attached buildings.

<sup>3</sup> Software that provides 3D drawings.

The RSA3 requirements do not allow the Applicant to build the 2 proposed attached housing units. The RSA5<sup>4</sup> base district code would allow attached houses and would require a 5.5ft setback for the 1<sup>st</sup> floor and an additional 8ft setback for the 3<sup>rd</sup> floor.

**Zoning Committee Comment No. 5:**

Since the Applicant is proposing RSA5 type attached houses in an RSA3 base district, the Applicant is asked to provide the rationale for not including at least a 5.5ft setback with and a 3<sup>rd</sup> floor additional 8ft setback to match the abutting properties.

If the Applicant were to consolidate the 2 parcels, the resulting single lot would still not meet the RSA3 dimensional requirements.

**Zoning Committee Comment No. 6:**

The Applicant is asked to provide information on what by-right options they have considered, whether they have considered consolidating the lots and building one house, and the rationale for selecting the proposed 2-unit single-family project design which requires several dimensional variances.

**RSA6 Base District Dimensional Requirements**

The Applicant is proposing that both new buildings have a 38ft height, considerably taller than the abutting houses. Since the existing lots are considerably smaller than the RSA3 minimum lot width and area, and attached houses are not permitted in an RSA3 base district, it may be appropriate to apply the RSA6 base district dimensional criteria for these existing non-conforming lots to see how the proposal meets those dimensional requirements. The RSA6 dimensional criteria are listed below:

<b>RSA6 Dimensional Requirements</b>			
Table 14-701-1.			
<b>Dimension</b>	<b>Required</b>	<b>Proposed</b>	<b>Compliant</b>
Min. Lot Width	14'	15.42' 15.33'	Yes
Min. Lot Area	700sf	771.0 sf 766.5 sf	Yes
Min. Open Area	20%	25.2%	Yes
Min. Front Setback	[4][5] 5.5ft	0'	No
Min. Side Yard Width	0	0'	Yes
Min. Rear Yard Depth	7	9'- 6 " 9'- 6"	Yes
Max. Height	25[10]	NTE 38'	No

<sup>4</sup> RSA5 districts allow attached houses. Front setbacks for RSA5 houses require setbacks to match abutting property buildings. Using RSA5 requirements, Applicant would need to setback buildings 5.5ft. for 1<sup>st</sup> floor and an additional 8ft for 3<sup>rd</sup> floor.

The Applicant’s proposed houses would meet the RSA6 minimum lot width, minimum lot area, minimum open area and minimum rear yard dimensional requirements but would not meet the minimum front setback, and maximum height requirements.

**Zoning Committee Comment No. 7:**

The Zoning Committee requests that the Applicant consider using the RSA6 dimensional requirements in their variance request. The Applicant could meet the RSA6 requirements for smaller lots by providing a front setback for 1<sup>st</sup> floor and limiting building height to 2 stories, comparable to other buildings on the block face.

**Street Widths<sup>5</sup> and Traffic Direction:** Street rights-of-way in the adjacent project area vary from a low of 30-ft for E Springer St. to 50-ft for Musgrave and Hortter Sts. E Springer St’s pavement width is just 16-ft. The Streets Department has classified the 200 block of E Springer St as “No Outlet” Street.

Adjacent Streets: Dimensions, Traffic Direction, Allowable Parking					
Street	Right- of-Way ft	Pavement Width - ft	Curb to Prop Line – ft	Traffic Direction	Parking Sides
E Springer St.	30	16	7	1-Way <i>Voluntary</i>	1-side. Odd <i>Voluntary</i>
Phil-Ellena St	40	24	8	2-way	2-side
Musgrave St.	50	30	10	2-way	2-side
Crownson St.	40	24	8	2-way	2-side
Hortter St.	50	30	10	2-way	2-side

The Streets Department classifies the 200 block E Springer St. as a no-outlet street. Residents consider it a 1-way street with parking restricted to the odd side of the block. Since there is inadequate turn around space, residents either back into the 200 block from Crowson St or back out of E Springer St to Crowson St.

The narrow 16ft width of the 200 block of E Springer St presents challenges to the Streets Department’s trash collection crews and the Fire Department’s emergency response crews as well as package delivery services.

**Vehicle Turning Radius for Proposed Garages:** The Applicant is proposing to provide 1-car parking garages in each of the 2 proposed buildings. Since the curb-to-curb pavement is only 16-ft, it is important to confirm that there is sufficient vehicle turning radius for vehicles to safely enter and exit the proposed garages. The Applicant’s submitted drawings show vehicle turning radius in 5 diagrams:

<sup>5</sup> Street Department Legal Street Cards

- **Drawings Z.0 and Z.1** Diagrams 7 show the American Association of State Highway and Transportation Officials (AASHTO) Turning Diagram for Passenger Vehicles.
- **Drawing Z.0, Diagram 7** shows the turning diagram for 223 E Springer St.
- **Drawing Z.1, Diagram 7** shows turning diagram for 225 E Springer St.
- **Drawing SP-01** shows turning diagrams for both buildings.

These individual drawing diagrams do not provide specific information on the actual turning radius dimensions used by the Applicant to calculate the turning paths.

- AASHTO 2011 Passenger Vehicle standard, as shown in Z.0 and Z.1 Diagram 7, requires a 25.4-ft Outside SWEPT path.
- Applicant's drawings do not show actual the Outside SWEPT path radius used in the path diagram.
- Drawing SP.01 shows no conflict between the even side of E Springer St. and the Outside SWEPT path.
- Drawing Z.0, Diagram 1 shows conflict between the even side curb and vehicle Outside SWEPT path for 223 E Springer building.
- Drawing Z.1, Diagram 1 shows no conflict between the outside SWEPT path and the even side curb.
- Drawing SP.01 shows extremely tight clearance between garage door opening and vehicle outside SWEPT path.

**Zoning Committee Comment No. 8:**

The Zoning Committee is concerned about the proposed SWEPT turning paths for the proposed garages at 223 and 225 E Springer St.

- a. What outside SWEPT path radius was used in drawing outside SWEPT turning path diagrams shown in SP.01, Z.0 and Z.1?
- b. What are the minimum odd side of street curb to outside of vehicle clearances for 223 and 225 E Springer St. using AASHTO 25.4ft Outside SWEPT path radius?
- c. What are minimum garage door clearances for standard P vehicles each proposed garage?

**Zoning Committee Comment No. 9:**

The Zoning Committee requests that the applicant provide an AutoCAD compatible digital file for drawings SP.01, Z.0 and Z.1 so that the Committee can determine the actual turning radii used in the turning path analysis.



**Zoning Committee Comment No. 10:**

The Philadelphia Streets Department’s Traffic Engineering Standards states that “*Streets Department Right-of-Way Unit will stamp all approved curb cuts prior to zoning approval, in accordance with the Zoning Code.*”<sup>6</sup>

The Zoning Committee requests that the Applicant provide confirmation that the Streets Department has stamped the proposed curb cuts.

**Building Height:** The proposed buildings would include 4 stories and a roof deck for a total height of 38 ft.

Applicant’s drawing SP.02 shows site line for a pedestrian looking at the proposed building from the even side of E Springer St. No explanatory text or view angle labeling is provided.

**Zoning Committee Comment No. 11 :**

The proposed 2 buildings will be considerably taller than the abutting buildings. The Committee requests that the Applicant provide the current view angles for the 2 abutting buildings and the proposed view angle for the new buildings.

**Zoning Committee Comment No. 12 :**

The Applicant could reduce the overwhelming visual impact of the proposed 38-ft buildings by providing a 5.5ft front setbacks and an additional setback for the 3<sup>rd</sup> and 4<sup>th</sup> floors. Has the Applicant considered these options to ensure that the new buildings match abutting houses?

**Zoning Committee Comment No. 13:**

As noted previously, the Applicant could consolidate the 2 existing lots into a 30-ft by 50-ft lot. This size lot would allow the Applicant to build a 30-foot wide house with 2-floors and still provide a single house with the same livable area as for proposed for one the original the 2 buildings. Has the Applicant considered this option?

**Unnecessary Hardship:** The Applicant’s response on their ZBA Application for Appeal does not identify any specific size, shape, contours, or physical dimensions of the property that cause an unnecessary hardship.

**Zoning Committee Comment No. 14:**

The Zoning Committee requests that the Applicant explain the specific unnecessary hardship(s) presented by the existing sites.

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<sup>6</sup> Philadelphia Streets Department. Traffic Engineering Standards, Rev. 2018, page 47 of 64.

**Least Modification Possible:** The Applicant’s response on their ZBA Application for Appeal, does not justify or explain how the proposed 2-attached buildings constitute the least possible modification.

The Applicant code could consolidate the 2 parcels and build a single family house with fewer dimensional variances.

**Zoning Committee Comment No. 15:**

The Zoning Committee requests that the Applicant specifically explain how the proposed 2-attached houses “... will represent the minimum variance that will afford relief and will represent the least modification possible of the use or dimensional regulation in issue”<sup>7</sup>.

**Tree Canopy – Heat Stress – Public Health:** Philadelphia Parks & Recreation<sup>8</sup> conducted a tree canopy assessment in 2018 that found a decline in Philadelphia tree canopy between 2008 and 2018. The City’s goal is to have 30% tree canopy coverage for all neighborhoods.

Tree canopy is very limited along the 200 block of E Springer. There are no street trees in this block and limited trees in properties.

The proposed project would not provide any street trees or yard trees within the 2 properties.

**Zoning Committee Comment No. 16:**

The Zoning Committee requests that the Applicant consider adding trees to the site plan to increase the tree canopy and reduce heat stress.

**Historic Wingohocking Watershed Stormwater CSO Pollution and Flash Flooding Risk:**

The Upper Northwest 2035 Plan<sup>9</sup> identified flash flooding risks in parts of E Mt Airy, Germantown and Ogontz that lie within the flash flood prone Historic Wingohocking Creek Watershed. PWD<sup>10</sup> has issued a summary report that identified 16 flood-prone intersections and over 2,700 hundred basements subject to stormwater backwater during intense rainstorms.

E Springer St lies within flood prone historic Wingohocking Cree Watershed and is upstream of several PWD’s documented flash flood intersections.

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<sup>7</sup> Philadelphia Code: § 14-303. Common Procedures and Requirements, (8) Zoning Variances., (e) Criteria for Approval.

<sup>8</sup> Philadelphia Tree Canopy Assessment, Philadelphia Parks and Recreation, Dec. 2018.

<sup>9</sup> Philadelphia Planning Commission, Upper Northwest 2035 Plan, Oct. 2019.

<sup>10</sup> Philadelphia Water Department, Germantown Flood Risk Capital Improvement Plan, Task 6 Executive Summary.

PWD has initiated a green stormwater program to reduce combined sewer overflows and resulting Frankford Creek pollution from the Wingohocking outfall, I and Ramona streets, during rainstorms. Properties over 15,000 sf are required to prepare stormwater control plans to reduce stormwater runoff during storm events to reduce Wingohocking combined sewer overflows.

The following table summarizes PWD’s stormwater billing information for 223 and 225 E Springer St.

<b>PWD Stormwater Billing System Property Data</b>			
Property	Total Area – sf	Impervious Area – sf	% Impervious
223 E Springer St	796	199	
225 E Springer St	781	195	
Total	1,557	394	25.3%

The 2 properties currently have 394 sf of impervious cover out of a total property area of 1,557 sf, equivalent to 25.3% impervious cover. The proposed 2 attached house plan would increase the impervious cover to an estimated, 74.8%.

**Zoning Committee Comment No. 17:**

The Zoning Committee notes that the variance proposal would nearly triple the impervious cover for 223-225 E Springer St., worsening both the downstream combined sewer overflow water pollution problem and increase flooding risks for the 8 flood prone intersections downstream of E Sharpnack St.

The Zoning Committee requests that the Applicant:

- Confirm and/or calculate existing and proposed impervious cover and anticipated stormwater runoff impacts.
- Agree to implement the same PWD stormwater controls that would be required if the project met the City’s 15,000 sf threshold for stormwater controls.

# 200 Block E Springer St Philadelphia 2020 Aerial Survey

Exhibit 1



● Building location - shape discrepancy between aerial image & Applicant's SP.00 Context Plan

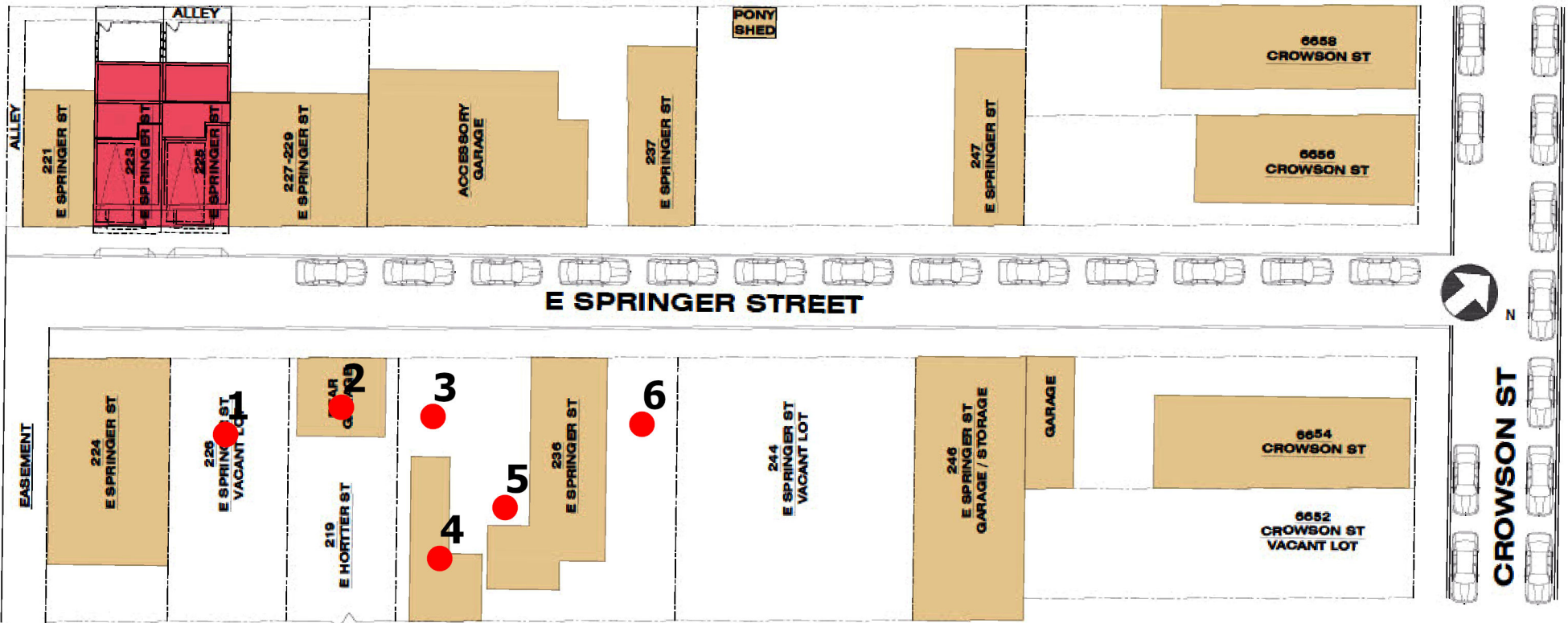


0 20 40 Feet

# 200 Block E Springer St Applicant's SP.00 Context Plan\*



● Building location - shape discrepancy between aerial image & Applicant's SP.00 Context Plan



\* Applicant's SP.00 Context Plan scanned, imported into ArcGIS Pro and geo-referenced.



223 E Springer St

