

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

Application Number: ZP-2024-006732	Zoning District(s): RSA5	Date of Refusal: 8/5/2024
Address/Location: 950 MARLBOROUGH ST, Philadelphia, PA 19125-4154 Parcel (PWD Record)		Page Number Page 1 of 2
Applicant Name: Gabriel Deck DBA: Gnome Architects, LLC	Applicant Address: 1901 S 9th Street Room 526 Philadelphia, PA 19148	Civic Design Review? N

Application for:

FOR THE COMPLETE DEMOLITION OF ALL EXISTING STRUCTURES ON THE LOT; FOR THE ERECTION OF AN ATTACHED FIVE (5) STORY STRUCTURE WITH A ROOF DECK (RESIDENTIAL USE ONLY) ACCESSED BY MULTIPLE ROOF DECK ACCESS STRUCTURES WITH AN ELEVATOR OVERRUN; FOR USE AS MULTI-FAMILY (TWENTY-EIGHT (28) DWELLING UNITS) HOUSEHOLD LIVING WITH FOURTEEN (14) ACCESSORY CLASS 1A BICYCLE PARKING SPACES LOCATED ALONG AN ACCESSIBLE ROUTE; SIZE AND LOCATION AS SHOWN ON THE PLAN.

** ELEVEN (11) EXISTING NON-ACCESSORY INTERIOR OFF-STREET PARKING SPACES ON THE GROUND FLOOR SERVICING 1212 N. DELAWARE AVE TO REMAIN, CREATE A CONDITION OF MULTIPLE PRINCIPAL USES ON A LOT; SEE ZONING PERMIT # ZP-2023-009819
**

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.)

<u>CODE REFERENCE</u>	<u>THE PROPOSED USE IS REFUSED FOR THE FOLLOWING:</u>		
TABLE 14-602-1	THE PROPOSED USE, MULTI-FAMILY (28 DWELLING UNITS) HOUSEHOLD LIVING, IS EXPRESSLY PROHIBITED IN THIS ZONING DISTRICT, RSA-5.		
§14-401(4)(a)	THE PROPOSED MULTIPLE PRINCIPAL USES ON A SINGLE LOT ARE NOT PERMITTED IN THIS ZONING DISTRICT, RSA-5.		
<u>CODE REFERENCE</u>	<u>THE PROPOSED ZONING IS REFUSED FOR THE FOLLOWING:</u>		
TABLE 14-701-1 TABLE 14-701-1 TABLE 14-701-1		REQUIRED	PROPOSED
	MIN. REAR YARD DEPTH	9 FT.	NONE
	MAX. OCCUPIED AREA (% OF LOT)	80 %	NONE
	MAX. BUILDING HEIGHT	38 FT	54 FT 7 IN

TWO (2) USE REFUSALS
THREE (3) ZONING REFUSALS



CHANWOO JUNG
PLANS EXAMINER

8/5/2024
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., 18th Fl., Phila., PA 19102 within thirty (30) days of date of Refusal / Referral. Please see appeal instructions for more information.

Notice of:

☒ **Refusal**

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NOTES TO THE ZBA:

N/A

Parcel Owner:

SAMSCHICK MICHAEL

Zoning Overlay District:

/NIS Narcotics Injection Sites Overlay District / Motor Vehicle Parking Ratios - Regulations Applicable to Specific Areas - Delaware River Waterfront / Non-Accessory Signs - Regulations Applicable to the I-95 Acquisition Corridor / CDO Central Delaware Riverfront Overlay District / NCA Neighborhood Commercial Area Overlay District - North Delaware Avenue



CHANWOO JUNG
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Zoning Permit

Permit Number ZP-2024-006732

LOCATION OF WORK 950 MARLBOROUGH ST, Philadelphia, PA 19125-4154 Entire	PERMIT FEE \$2,854.00	DATE ISSUED 4/2/2025
	ZBA CALENDAR MI-2024-005731	ZBA DECISION DATE 4/2/2025
	ZONING DISTRICTS RSA5	

PERMIT HOLDER 1212 NORTH DELAWARE AVENUE QOZ LLC	950 MARLBOROUGH ST PHILADELPHIA, PA 19125-
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OWNER CONTACT 1

OWNER CONTACT 2

TYPE OF WORK New construction, addition, GFA change
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APPROVED DEVELOPMENT FOR THE COMPLETE DEMOLITION OF ALL EXISTING STRUCTURES ON THE LOT; FOR THE ERECTION OF AN ATTACHED FIVE (5) STORY STRUCTURE WITH A PARTIAL CELLAR AND A ROOF DECK (RESIDENTIAL USE ONLY) ACCESSED BY TWO (2) ROOF DECK ACCESS STRUCTURES AND ONE (1) EXTERIOR OPEN STAIR, INCLUDING AN ELEVATOR OVERRUN; FOR USE AS MULTI-FAMILY HOUSEHOLD LIVING (TWENTY-SIX (26) DWELLING UNITS) WITH FOURTEEN (14) ACCESSORY CLASS 1A BICYCLE PARKING SPACES LOCATED ALONG AN ACCESSIBLE ROUTE; SIZE AND LOCATION AS SHOWN ON THE PLAN.
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APPROVED USE(S) Residential - Household Living - Multi-Family
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THIS PERMIT IS SUBJECT TO THE FOLLOWING PROVISIO(S) AS ESTABLISHED BY THE ZONING BOARD OF ADJUSTMENT (ZBA) With proviso: "Revised plans, 2 pages, stamped by ZBA on April 2, 2025."
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CONDITIONS AND LIMITATIONS:

- Permits, including Zoning Permits **not** involving development, shall expire if the authorized work or Use is not commenced within, or if work is suspended or abandoned for period of, **six (6) months from the date of issuance** with the following exceptions:
 - 30-days or 10-days** for Permits related to Unsafe or Imminently Dangerous properties respectively.
 - 3-years** from issuance or date of decision by ZBA for Zoning Permits involving development.
 - 60-days** for Plumbing, Electrical or Fire Suppression Rough-In Approvals.
 - Any Permit issued for construction or demolition is valid for no more than **five (5) years**.
- All provisions of the Philadelphia Code must be complied with, whether specified herein or not. This permit does NOT constitute approval of any Violation of such Code.
- The issuance of this CO/permit does not affirm that the subject property is federally compliant with the Americans with Disabilities Act. Owner remains responsible for ensuring property complies with all local, state and federal requirements.

Zoning Permit

Permit Number ZP-2024-006732

** THIRTEEN (13) INTERIOR OFF-STREET PARKING SPACES PROVIDED, INCLUDING TWO (2) ACCESSORY SPACES AND ELEVEN (11) EXISTING NON-ACCESSORY SPACES SERVICING 1212 N. DELAWARE AVE; SEE ZONING PERMIT #ZP-2023-009819. **



APPROVED USE(S)

Residential - Household Living - Multi-Family

THIS PERMIT IS SUBJECT TO THE FOLLOWING PROVISIO(S) AS ESTABLISHED BY THE ZONING BOARD OF ADJUSTMENT (ZBA)

With proviso: "Revised plans, 2 pages, stamped by ZBA on April 2, 2025."



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Zoning Permit

Permit Number ZP-2024-006732

ADDITIONAL LOCATION(S)

See front side for primary parcel associated with this permit

PARCEL

950 MARLBOROUGH ST, Philadelphia, PA 19125-4154

ADDITIONAL USE DETAILS

See front side for specific use(s) associated with this permit

This permit is subject to the following specific conditions.

CONDITIONS

This Zoning Permit (ZP) shall expire if construction or operation pursuant to the permit or approval has not begun within three years after the date the permit or approval was granted.

Changes of use shall be valid for a period of six months unless an application for a Certificate of Occupancy is submitted for that use within such period.

See § 14-303 of the Philadelphia Zoning Code for more information.



Tax Exemption(Abatement): Information and applications for Real Estate Tax Abatement for new construction and improvements available from the Office of Property Assessment www.phila.gov/opa, 215-686-4334, 601 Walnut St., 300W, Phila, PA 19106. Applications for new construction and commercial improvements due within 60 days of permit issuance. Residential rehab and builder/developer applications due by Dec 31 of year of permit issuance.



ZONING BOARD OF ADJUSTMENT REVISED PROVISIO PLANS



PROPERTY ADDRESS: 950 MARLBOROUGH STREET	APPLICATION NUMBER: ZP-2024-006732	CALENDAR NUMBER: MI-2024-005731
OWNER/OWNERS REPRESENTATIVE (APPELLANT, ATTORNEY, DESIGN PROFESSIONAL): David G. Orphanides, Esq.		
PROPOSED CHANGES: ALL CHANGES TO THE APPLICATION REVIEWED BY THE DEPARTMENT OF LICENSES AND INSPECTIONS MUST BE LISTED (USE ADDITIONAL SHEETS IF NECESSARY) AND HIGHLIGHTED ON REVISED PLAN:		
SEE ATTACHED. APPROVED Revised plans, 2 pages, stamped by ZBA on April 2, 2025. Page 1 of 4 of proviso form. <i>Hilary J. Emerson</i> Hilary J. Emerson, Esq. Counsel for ZBA		
INSTRUCTIONS AND PLAN REQUIREMENTS:		
1. THE SITE PLAN MUST BE DRAWN TO ONE OF THE FOLLOWING SCALES: ENGINEER: 1"=10'; 20'; 30'; 40'; 50'; 60'; 100' ARCHITECT: 1/16; 1/8; 1/4; 3/16 2. THE SITE PLAN AND ELEVATION DRAWINGS MUST BE ON A MINIMUM 11" X 17" SIZE SHEET. 3. THE SITE PLAN MUST INCLUDE THE FOLLOWING: ☒ IDENTIFICATION OF NORTH POINT; ☒ EXISTING LOT LINES AND DIMENSIONS AS RECORDED IN THE PROPERTY DEED OR ASSOCIATED LOT ADJUSTMENT PLAN; ☒ ALL STRUCTURES WITH EXTERIOR DIMENSIONS, BUILDING HEIGHTS, AND NUMBER OF STORIES; ☒ THE LENGTH AND WIDTH OF ALL FRONT, SIDE, AND REAR YARDS AND DIMENSIONS OF ALL OTHER OPEN AREAS; ☒ STREETS, ALLEYS, AND/OR DRIVEWAYS BORDERING PROPERTY; ☒ LOCATION AND DIMENSIONS OF ALL OFF-STREET PARKING, BICYCLE SPACES AND LOADING SPACES, INCLUDING AISLES AND DRIVEWAYS, AND THE DISTANCES FROM THE LOT LINES; ☒ NEW LANDSCAPING AND STREET TREES, HERITAGE STREET WHERE APPLICABLE; ☒ THE EXISTING SIZES, TYPES AND ILLUMINATION OF ALL EXISTING AND PROPOSED SIGNS, IF APPLICABLE;		
NOTE: FOUR (4) COPIES OF PLAN (S) APPROVED BY THE ZBA WITH ALL REQUIRED PRE-REQUISITE APPROVALS MUST BE PROVIDED WITH THE DECISION LETTER TO THE DEPARTMENT OF LICENSES AND INSPECTIONS. APPROVED FOR ZONING ONLY WHEN YOUR PLANS CONTAIN ANY OMISSION, ERROR OR DEVIATION FROM THESE APPROVED PLANS IT WILL REQUIRE THE APPROVAL OF THE DEPARTMENT OF LICENSES & INSPECTIONS.		
I CERTIFY THAT ALL SIGNIFICANT CHANGES TO THE APPLICATION HAVE BEEN FULLY AND ACCURATELY DOCUMENTED.		
SIGNATURE OF OWNER/OWNERS REPRESENTATIVE: <i>David G. Orphanides</i>		DATE: 04.02.2025

Revised plans, 2 pages, stamped by ZBA
on April 2, 2025. Page 2 of 4 of proviso form.

Hilary J. Emerson

Hilary J. Emerson, Esq.
Counsel for ZBA

ZONING BOARD OF ADJUSTMENT REVISED PROVISIO PLAN FORM
MI-2024-005731

PROPOSED CHANGES

Z.0 – ZONING PLAN

Scope of Work

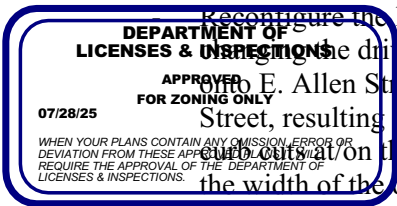
- Add reference/inclusion of “partial cellar”
- Reduced number of proposed dwelling units from 28 to 26,
- Added two (2) accessory parking stalls,
- Changed type of previously approved (ZP-2023-009819) parking stalls servicing 1212 N. Delaware Avenue from “accessory” to “non-accessory”.

Zoning Data

- Added “EXISTING” Column
- “PROPOSED” column revised as follows:
 - o Use changed to reduce number of proposed dwelling units from 28 to 26, and to add reference to non-accessory parking garage.
 - o Reduced proposed height from 54’-7” to 52’-6”.
 - o Reduced number of relocated curb cuts from two (2) 16’-0” relocated curb cuts to one (1) curb cut on/at Marlborough Street.

Site Plan

- Reconfigure 2nd-5th floors, including in increase in the setback from the rear most property line (opposite Marlborough Street) from 0’-0” to 24’-7”, with a 5’-0” wide portion located closest to the abutting property at 958 Marlborough Street being pulled back 79’-1” from the rear most property line, and increasing the amount of building façade facing E. Allen Street from 55’-6 3/4” to 75’-6 3/4” (as measured from the corner at Marlborough Street). Ground/first floor still occupies 100% of the lot (as the existing structure at the Subject Premises does).
- Pull/set 5th floor back 5’ from the Marlborough Street and E. Allen Street frontages/property lines, with a 1’-0” tall parapet above the 5th floor roof.
- Relocate/reconfigure the deck located on/upon/above the 5th floor roof.
- Note/confirm the height of the guardrails (3’-6”) for the deck located on/upon/above the 5th floor roof.
- Eliminate one of the three originally proposed pilothouses and replace with an exterior (open) roof deck access stair in new/different location.
- Relocate and reconfigure the remaining two of the three originally proposed pilothouses
- Provide 1’-0” tall parapet above the 4th floor roof at the Marlborough Street and E. Allen Street frontages/property lines.
- Provide a 1’-0” projecting architectural embellishment around/at the 4th floor roof along the Marlborough Street and E. Allen Street building frontages/facades of the proposed structure.



Reconfigure the lay-out of the interior ground floor off-street parking garage by
the drive aisle from one-way (with entrance from Marlborough Street and exit
onto E. Allen Street) to two-way with both entrance and exit located at/on Marlborough
Street, resulting in the elimination of the both the existing and the originally proposed
curb cuts at/on the E. Allen Street footway abutting the Subject Premises, the increase in
the width of the originally proposed curb cut that was to reduce and relocate the existing
curb cut(s) on/at Marlborough Street, and the addition of two (2) 8.5’ x 18’ accessory

Applied by L&I: Charles Jung

Revised plans, 2 pages, stamped by ZBA
on April 2, 2025. Page 3 of 4 of proviso form.

Hilary J. Emerson

Hilary J. Emerson, Esq.
Counsel for ZBA

parking spaces/stalls to the eleven (11) previously approved parking spaces/stalls (two (2) of which were 8.5' x 16' compact spaces/stalls but are now 8.5' x 18' like the other nine (9) spaces/stalls) serving as off-site parking for 1212 N. Delaware Avenue (pursuant to ZP-2023-009819) for an increase in the total off-street interior parking spaces at the Subject Premises from eleven (11) to thirteen (13).

- Note and depict a recessed entry to the building at the Marlborough Street and E. Allen Street corner of the Subject Premises.
- Relocate the PECO vault access well with flush grate from the Marlborough Street footway abutting the Subject Premises to the E. Allen Street footway abutting the Subject Premises.
- Modify the note describing the project/proposal to reflect the changes to/with the "Scope of Work".

Z.1 – ZONING SECTION

Scope of Work

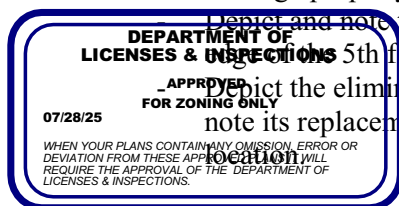
- Add reference/inclusion of "partial cellar"
- Reduced number of proposed dwelling units from 28 to 26,
- Added two (2) accessory parking stalls,
- Changed type of previously approved (ZP-2023-009819) parking stalls servicing 1212 N. Delaware Avenue from "accessory" to "non-accessory".

Zoning Data

- Added "EXISTING" Column
- "PROPOSED" column revised as follows:
 - o Use changed to reduce number of proposed dwelling units from 28 to 26, and to add reference to non-accessory parking garage.
 - o Reduced proposed height from 54'-7" to 52'-6".
 - o Reduced number of relocated curb cuts from two (2) 16'-0" relocated curb cuts to one (1) curb cut on/at Marlborough Street.

Zoning Section

- Reduce heights:
 - o To the top of the overrun for the elevator access to the deck on/upon/above the 5th floor roof from 70'-7" to 67'-6".
 - o To the top of the pilothouse roofs from 65'-7" to 62'-6".
 - o To the top of the 5th floor roof and roof deck surface from 54'-7" to 52'-6".
 - o Of the proposed building height from 54'-7" to 52'-6".
- Depict the reconfiguration of the 2nd-5th floors, including the increase in the setback from the rear most property line (opposite Marlborough Street) and the increase in the amount of building façade facing E. Allen Street. Ground/first floor still occupies 100% of the lot (as the existing structure at the Subject Premises does).
- Depict and note the 5' setback of the 5th floor from the Marlborough Street building frontage/property line.
- Depict and note the 1'-0" parapet at both the Marlborough Street edge and the opposite side of the 5th floor roof.
- Depict the elimination of one of the three originally proposed pilothouses, and depict and note its replacement with an exterior (open) roof deck access stair in a new/different location.



Applied by L&I: Chanwoo Jung

Revised plans, 2 pages, stamped by ZBA
on April 2, 2025. Page 4 of 4 of proviso form.

Hilary J. Emerson

Hilary J. Emerson, Esq.
Counsel for ZBA

- Depict and note the relocation and reconfiguration of the remaining two of the three originally proposed pilothouses, including a note providing the overall height of the elevator overrun above the roof deck surface (15’-0”)
- Depict the parapet above the 4th floor roof at the Marlborough Street building frontages/property line.
- Depict and note the 1’-0” projecting architectural embellishment at the 4th floor roof along the Marlborough Street building frontage/facade of the proposed structure.
- Depict and note the roofline of the existing building at the Subject Premises that is to be demolished for the proposed project.
- Depict and note the recessed entry to the building at the Marlborough Street and E. Allen Street corner of the Subject Premises.
- Note the “Partial Cellar (Utilities)”.
- Modify the note describing the project/proposal to reflect the changes to/with the “Scope of Work”.



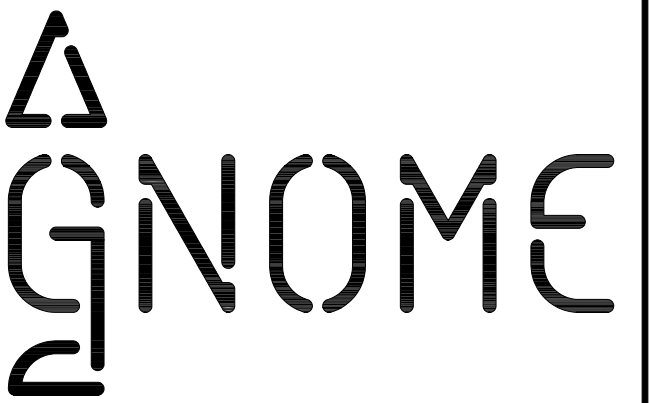
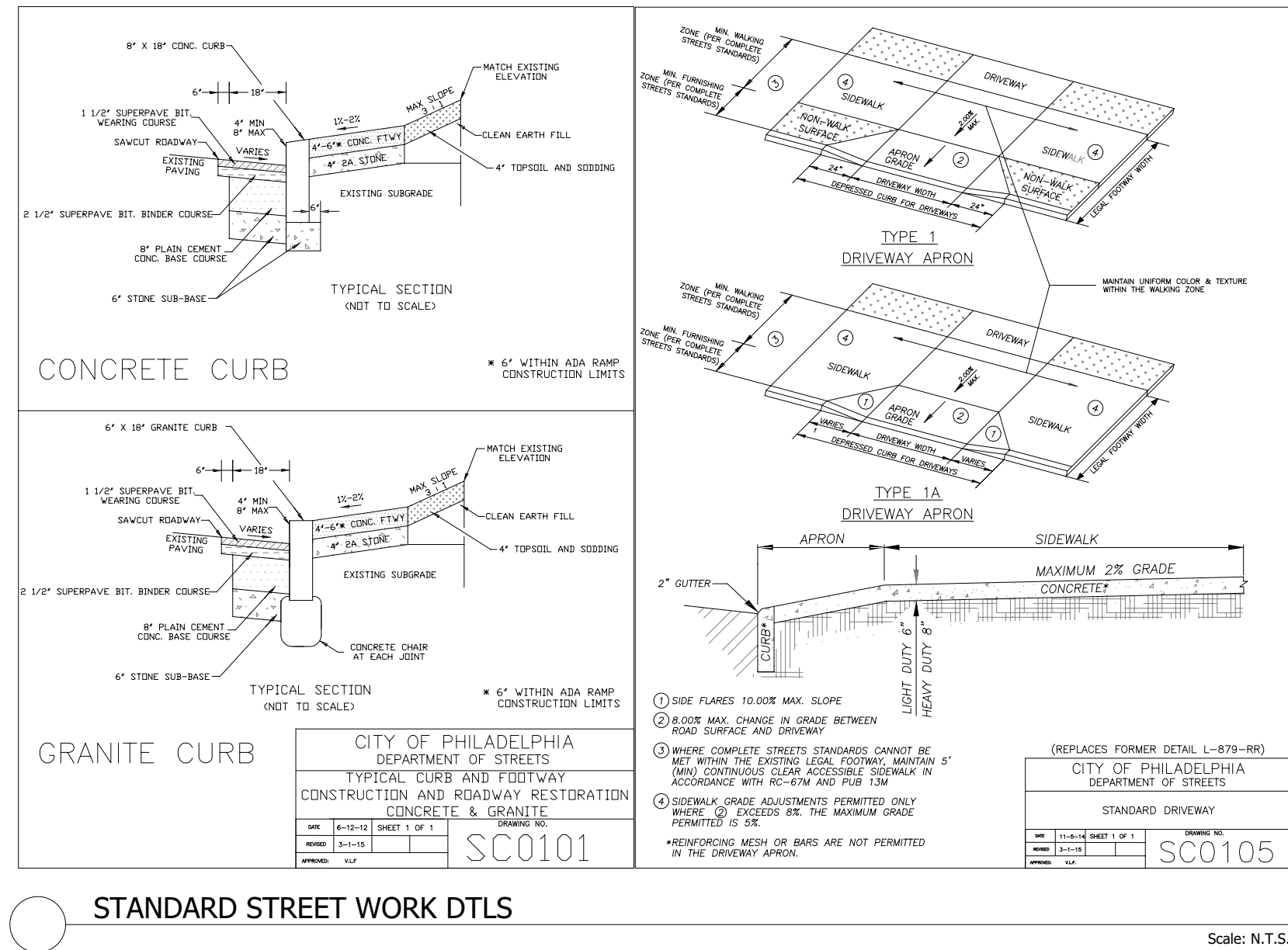
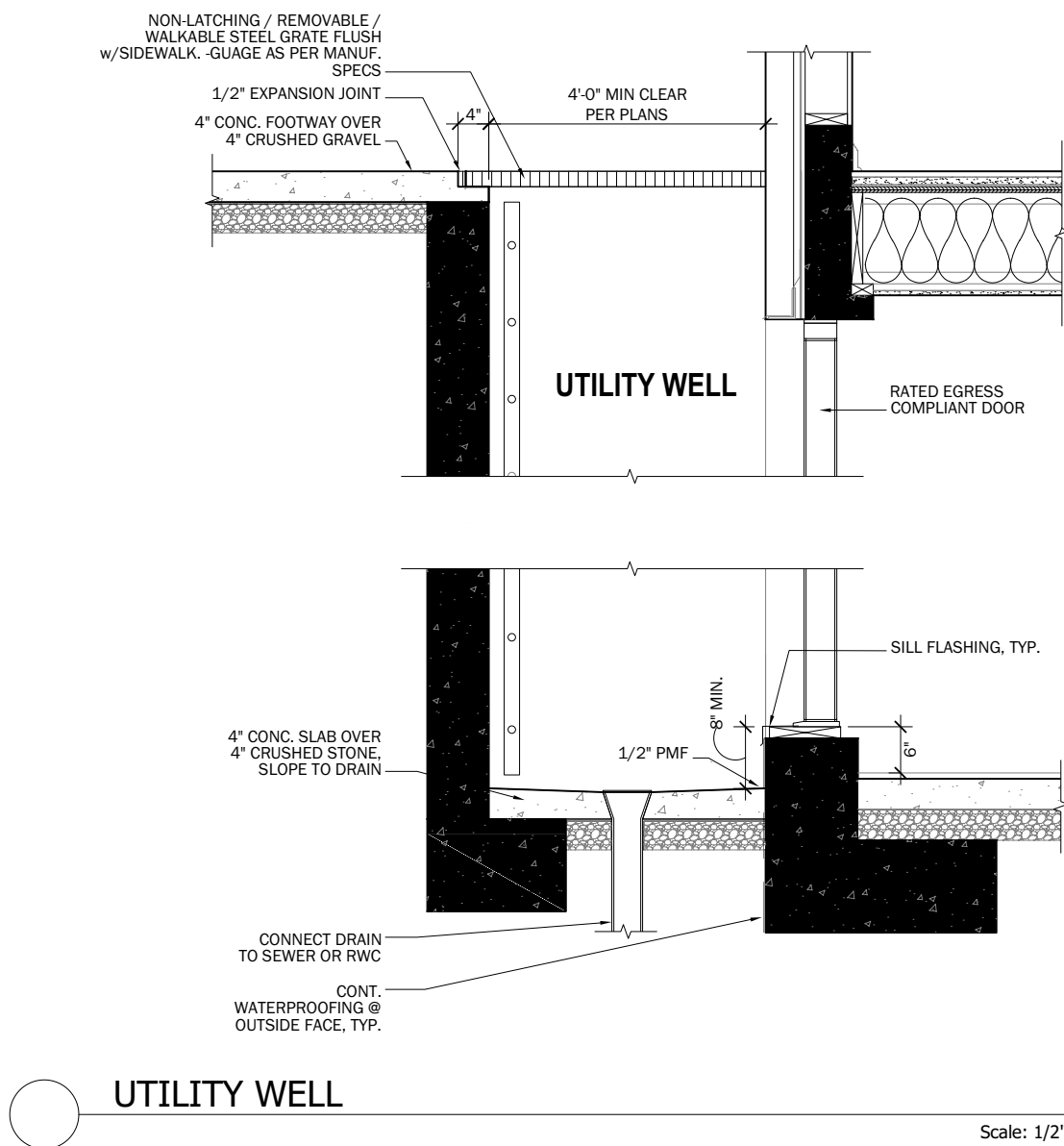
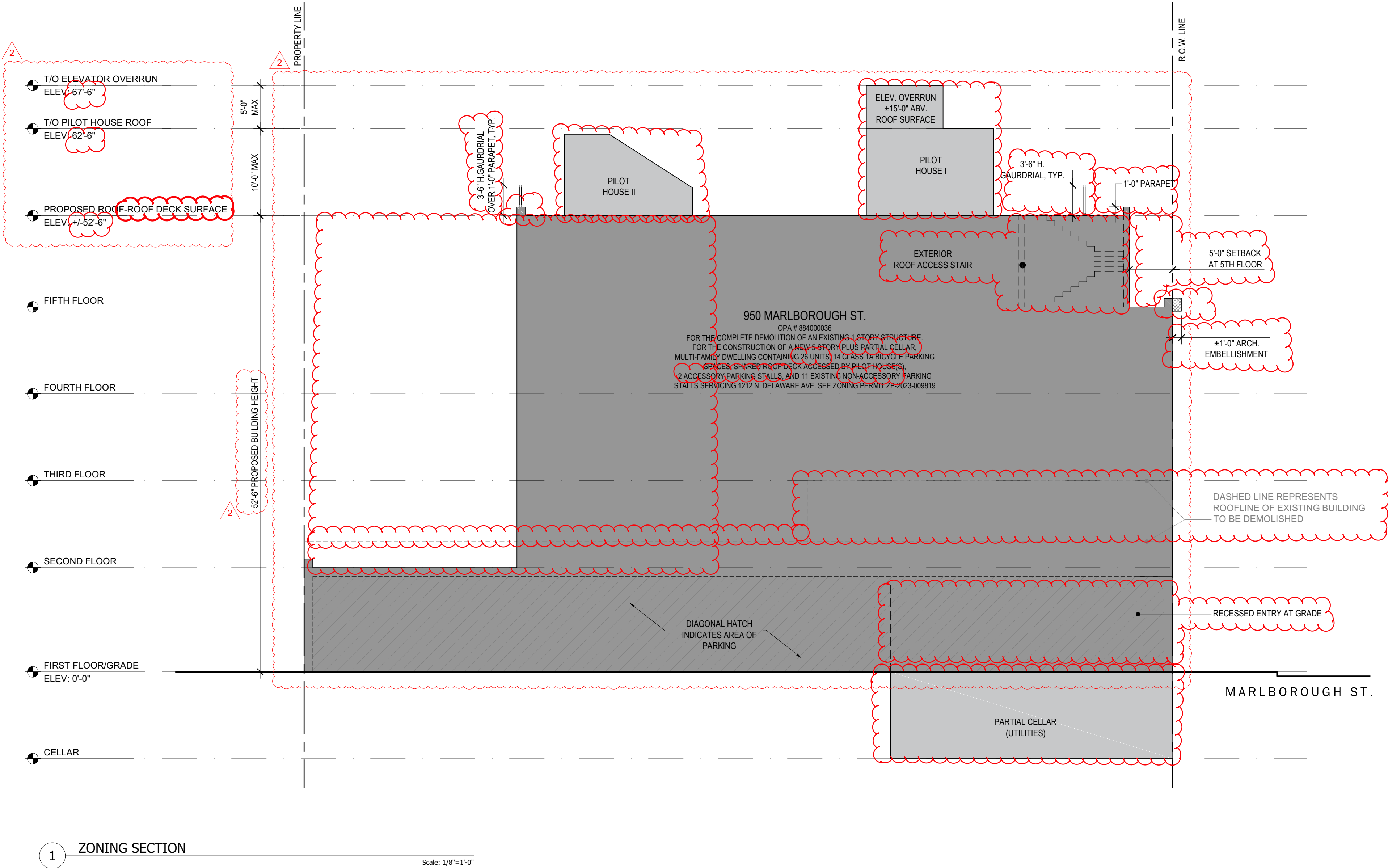
Applied by L&I: Chanwoo Jung

FOR THE COMPLETE DEMOLITION OF AN EXISTING 1 STORY STRUCTURE.

FOR THE CONSTRUCTION OF A NEW 5-STORY PLUS PARTIAL CELLAR, MULTI-FAMILY DWELLING CONTAINING 26 UNITS, 14 CLASS 1A BICYCLE PARKING SPACES, SHARED ROOF DECK, ACCESSIBLE BY PILOT HOUSE(S), 2 ACCESSORY PARKING STALLS, AND 11 EXISTING NON-ACCESSORY PARKING STALLS SERVICING 1212 N. DELAWARE AVE. SEE ZONING PERMIT **ZP-2023-009819**



Revised plans, 2 pages, stamped by ZBA
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CONSULTANTS

OWNER

REV #	DATE	DESCRIPTION
/	2024.02.28	ZONING SUBMISSION
1	2024.07.11	ZONING RFI
2	2025.03.18	ZBA PROVISIO

SEALS

Gnome Architects LLC
All ideas, designs, arrangements and plans indicated or represented by this drawing and written material appearing herein constitute the original and unpublished work of Gnome Architects LLC and the same may not be duplicated, used or disclosed to any person, firm or corporation for any purpose whatsoever without the written consent of the architect.

ZONING SECTION