

PHILADELPHIA ZONING

Whether it's adding an addition on to your residence, re-building your commercial space or increasing the size of the sign on your retail store front – you cannot simply perform the work without the required licenses and permits. The below is meant to be a starting point and very basic outline regarding the Philadelphia Zoning process.

Initiate the Process:

If you are trying to accomplish any of the above tasks, the first step is determining how the work would be categorized by the City of Philadelphia Licenses & Inspections at <http://www.phila.gov/li/> and what type of “permission” you will need to perform the work, *e.g.*, Use Registration Permit, a Certificate, or a Variance. If you require only a Use Registration Permit and not a Variance or Certificate, you may have no problem acquiring it by yourself. However, if a Variance or Certificate is needed, you will need to go to the Zoning Board of Adjustment prior to commencing work. Once you have figured out exactly what you will need, you can go to L&I's physical location, pay the fee and fill out an application to acquire the right to start the work.

Zoning Board of Adjustment:

If you receive a Use Registration Permit on the first shot, wonderful, work may ensue. However, many applications are denied. A “denial” may take the form of a refusal, referral to the Zoning Board of Adjustment or a rejection. At this point, it is smart to retain an attorney to move forward. In fact, if you are an incorporated company, you are required to have an attorney appear on your behalf at the Zoning Board of Adjustment. Time is critical at this point as the applicant normally has only 30 days to appeal the L&I denial. If denied at the Zoning Board of Adjustment, the applicant must wait one (1) full year before re-applying.

Community Support:

If you are appearing before the Zoning Board of Adjustment, it is critical to reach out to the local councilperson, community and civic groups of the district where the request for the Certificate or Variance is located. Oftentimes they will either provide you with their support or note that they will not oppose your actions if asked.

Fees:

The legal fees for an attorney to represent you throughout the process vary and depend on at what point the zoning attorney gets involved, *e.g.*, post filing with L&I, 30 days before the Zoning Hearing or five (5) days before the hearing. Some zoning lawyers charge hourly while others are willing to accept a flat rate for the zoning work. Oftentimes, experts such as architects or engineers need to be hired by the zoning attorney to successfully persuade the Zoning Board to grant the Certificate or Variance. Zoning lawyers will generally require the client to pay for the experts' time/fees and all other out of pocket expenses.

Jared A. Jacobson, Esq. is a Real Estate Attorney and Zoning Lawyer with the law firm Jared Jacobson Law, LLC, practicing in Philadelphia, Pennsylvania, New York & New Jersey. Jared has experience working with lenders, developers, contractors, owners, tenants, purchasers, sellers and condo associations. Jared Jacobson is able to represent and counsel institutional, commercial and individual clients in connection with acquisitions, sales, zoning, retail and commercial leasing situations. Should you have any questions or comments, Mr. Jacobson can be reached at: E-mail jjacobson@jaredjacobsonlaw.com Tel: 215-575-0890 Website www.jaredjacobsonlaw.com



Disclaimer

Viewing this document or contacting Jared Jacobson Law, LLC does not create an attorney-client relationship. This document is intended as a general comment on certain recent developments in the law. It does not contain a complete legal analysis or constitute an opinion of Jared Jacobson Law, LLC or any member of the firm on the legal issues herein described. This document contains timely information that may eventually be modified or rendered incorrect by future legislative or judicial developments. It is recommended that readers not rely on this general guide in structuring agreements or analyzing individual transactions but that professional advice be sought in connection with any such transaction.

Attorney Advertising

It is possible that under the laws, rules or regulations of certain jurisdictions, this may be construed as an advertisement or solicitation.