



Zoning Board of Adjustment  
Concourse, Municipal Services Building  
15<sup>th</sup> and JFK Boulevard  
Philadelphia, PA 19102

October 31, 2016

Re: Opposition to Application #715223  
*(Proposed Roof Deck Construction at Asian Palace, 2001-53 Oregon Ave., Philadelphia, PA 19145  
Council District 2)*

Dear Zoning Board Members,

The applicant in this appeal appeared with their architect before the Girard Estate Neighbors Association (GENA) Zoning Committee on October 18, 2016. The applicant is requesting a special exemption or use variance to construct a roof deck at the second story level of an existing semi-detached structure located at 2001-53 Oregon Avenue.

The permit was refused by the Department of Licenses & Inspections (L&I) as the proposed deck is a prohibited use as specified in § 14-604(5). In addition the proposed setback of 0' does not meet the minimum deck setback of 5' as specified in § 14-604(5).

GENA opposes this application for the following reasons which are summarized below:

**Existing Zoning:** The applicant indicated that they will be using this building as a restaurant and banquet hall. However, the lot in question is currently zoned as a nightclub. Formally updating the zoning of this lot to a banquet hall is an absolute necessity to ensure that a future tenant would not be able to use the deck as an accessory to a night club and/or adult entertainment venue, which have operated on this site in the past.

**Proposed Deck Size/Orientation:** The proposed massing of the deck is not consistent with the applicants stated use for this feature. The applicant indicated that the proposed deck would be used as a "smoking deck" and for patrons to get fresh air. However, the submitted deck dimensions of 9' by 56' (504 ft<sup>2</sup>) could accommodate a capacity of over 70 occupants, and in turn support a much broader use case for the space including dining service. Secondly, we understand that the required 5' setback may pose a hardship to the applicant, but the proposed set back of 0' is not acceptable for safety reasons. To enhance the safety of this proposed feature and to offset the noise that would be generated by this deck, we would support a

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revised orientation of the deck towards Oregon Avenue which is a commercial corridor, rather than the residential uses on Shunk St and 20<sup>th</sup> St that exist directly beyond the rear of this lot. Taking the points

above into consideration, we feel that a proposed deck with (approximately) the following setbacks would be more appropriate for consideration: **Front** (Oregon Ave. frontage): 3', **Rear** (Shunk St. frontage): 12', **Side** (20th St. frontage): 3'. These conceptual setbacks would yield a deck with dimensions of (approximately) 6' by 51' (306ft<sup>2</sup>) and a capacity of (approximately) 40 patrons.

**Noise Mitigation & Aesthetics (Sound/ Landscaping/ Lighting):** During the October 18, 2016 meeting, the applicant only provided an initial concept rendering of the proposed deck. Questions from GENA related to noise mitigation and aesthetics were addressed with verbal feedback from the client. However, these items are of utmost importance to GENA and the community at large. In order to consider supporting this applicant, more complete design plans, specifications, and information would need to be provided to visualize the proposed deck. Details regarding features such as sound barriers, landscaping (window boxes & vegetation), lighting, as well as upkeep (cigarette butt & waste management), which are all encouraged, would help ensure this deck would not be a nuisance to surrounding neighbors and enhance the aesthetics of this corner, which serves as a gateway to the Historic Girard Estate neighborhood.

**Use Provisos:** We would request for the applicant to formalize comments made during the October 18<sup>th</sup>, 2016 community meeting indicating they would be willing to include provisos to an approved plan. These provisos would include confirmations that a liquor license will not be applied for during the length of their lease, as well as confirmations that the applicant will not be serving food, drinks, or allowing music to be played on the deck.

We strongly encourage the applicant to engage the community and resubmit plans that address the concerns listed above. However, we request that the ZBA deny this appeal. Thank you for your consideration.

Sincerely,

Paul Rossi and Andre Lenertz, Co-Chairs, Girard Estate Neighbors Association

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