

PETITION OF APPEAL

CITY OF PHILADELPHIA • ZONING BOARD OF ADJUSTMENT
MUNICIPAL SERVICES BUILDING • 11TH FLOOR
1401 JOHN F. KENNEDY BOULEVARD • PHILADELPHIA, PA 19102-1687

PROPERTY ADDRESS

FILE COPY

APPEAL DATE

HEARING DATE

PRINT OR TYPE CLEARLY — DO NOT WRITE IN SHADED AREA

PUBLIC HEARING AT: 1515 ARCH STREET • 18TH FLOOR

9:30 A.M. 5:00 P.M. OTHER

L & I NUMBER

CALENDAR NUMBER

RECEIPT NUMBER

APPEAL FEES

PROPERTY ADDRESS

4160 Monument Road SWC Conshohocken Ave

OWNER

NAME

Gator Monument Partners L

TELEPHONE NUMBER — (9:00 A.M.—5:00 P.M.)

ADDRESS

1595 NE 163 Street North Miami, FL 33162

PERSON FILING APPEAL

NAME

Chandresh Patel

TELEPHONE NUMBER — (9:00 A.M.—5:00 P.M.)

ADDRESS

1950 Street Road, Suite 204, Bensalem, PA 19020

215-244-1344
ZIP CODE

CHECK APPROPRIATE BOX: OWNER LEASEE AGENT OTHER Lessee

IF OTHER, STATE INTEREST:

Lessee

A CORPORATION MUST BE REPRESENTED BY AN ATTORNEY LICENSED TO PRACTICE IN THE COMMONWEALTH OF PENNSYLVANIA.

ATTORNEY (IF ANY — NAME) Stephen G. Pollock, Esquire
Montgomery, McCracken, Walker & Rhoads, LLP

TELEPHONE NUMBER — (9:00 A.M.—5:00 P.M.)

215-772-7399

ADDRESS

123 S. Broad Street, 24th Fl. Philadelphia, PA 19109

A ZONING APPLICATION WAS FILED WITH L & I FOR THE FOLLOWING REASONS:

See attached sheet.

AS A RESULT, LICENSES AND INSPECTIONS ISSUED: (Check One)

REFUSAL

REFERRAL

PERMIT

I/WE ARE APPEALING THE ACTION OF L & I FOR THE FOLLOWING REASONS:

See attached sheet.

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 statement herein I am subject to such penalties as may be prescribed by law or ordinance.

SIGNATURE OF APPLICANT

Stephen G. Pollock
Esquire Atty. Gen. Appellate
No. 1000

Zoning Application was filed with L & I for following reasons:

Application is for the erection of three (3) flat wall signs and one (1) free standing sign accessory to a proposed eat-in & take-out restaurant with seating, Space #1, size and location as shown in application.

We are appealing the action for the following reasons:

The Subject Property is located in the C-3 Commercial District; and

Whereas, the Subject Property is a unit known as Space #1, which is part of an existing shopping center; and

Whereas, the take-out restaurant with seating is a permitted use with a certificate; and

Whereas, this proposal is for a Dunkin Donuts, which will not be serving or using beer or alcohol; and

Whereas, there is adequate parking facilities; and

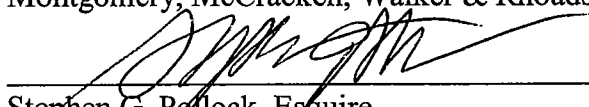
Whereas, the proposed signage of three (3) flat wall signs and one (1) free standing sign, accessory to the proposed eat-in & take-out restaurant with seating in Space #1 will be replacing existing signage; .

It is therefore averred that the proposed use of Space #1 as a Dunkin Donuts/eat-in & take-out restaurant will not be detrimental to the health, safety and welfare of the community and a substantial justice done if a certificate is granted to allow this application.

Appellant reserves the right to supplement its reasons for this appeal at the time of the hearing.

Respectfully submitted,
Montgomery, McCracken, Walker & Rhoads, LLP

By:



Stephen G. Pollock, Esquire
Attorney for Lessee, Chandresh Patel

NOTICE OF:

- REFUSAL
- REFERRAL
- SPECIAL USE PERMIT**

CITY OF PHILADELPHIA
DEPARTMENT OF LICENSES & INSPECTIONS
 Municipal Services Building, Concourse Level
 1401 John F. Kennedy Boulevard
 Philadelphia, PA 19102

DATE OF REFUSAL
 4/12/2009
 APPLICATION #
 208877
 ZONING DISTRICT(S)
 C-3 COMMERCIAL

ADDRESS/LOCATION:
 4160 MONUMENT ROAD S.W.C. CONSHOHOCKEN AVENUE

APPLICANT:
 ALBERT TAUS, AIA

ADDRESS:
 1187 MOREFEILD ROAD, PHILADELPHIA, PA 19115

APPLICATION FOR:
 FOR THE ERECTION OF (3) FLAT WALL SIGNS AND (1) FREE STANDING SIGN ACCESSORY TO A PROPOSED EAT-IN & TAKE-OUT RESTAURANT WITH SEATING, SPACE # 1, SIZE AND LOCATION AS SHOWN IN APPLICATION.

PERMIT FOR THE ABOVE LOCATION CANNOT BE ISSUED BECAUSE IT IS NOT IN COMPLIANCE WITH THE FOLLOWING PROVISIONS OF THE PHILADELPHIA CODE. (CODES CAN BE ACCESSED ON LINE AT WWW.PHILA.GOV)

14-303 WHEREAS THIS USE, TAKE-OUT FOOD, REQUIRES A CERTIFICATE FROM THE ZBA.

(1) ONE REFERANCE

FEE TO FILE APPEAL - \$250

[Handwritten Signature]
~~FAST TRACK~~

 JOHN V. WOLFE
 PLANS EXAMINER

Cc:
 GATOR MONUMENT PARTNERS, L

4/12/2008

 DATE

NOTICE TO APPLICANT:
 AN APPEAL FROM THIS DECISION MUST BE MADE TO THE ZONING BOARD OF ADJUSTMENT, MUNICIPAL SERVICES BUILDING, 11TH FLOOR, 1401 JFK BOULEVARD, PHILADELPHIA, PA 19102, WITHIN THIRTY (30) DAYS OF DATE OF REFUSAL.