

## **SOSNA Zoning Committee Protocols**

### Scheduling of SOSNA Zoning Meetings

The Zoning Committee, a standing committee established by the SOSNA Board, holds monthly meetings to discuss all applications for variance (a variance is required by the City whenever the proposed size or use of a property does not confirm with the standard zoning and building codes). Zoning applicants should contact SOSNA at [215-732-8446](tel:215-732-8446) for information and request to be placed on the next possible zoning meeting calendar.

The purpose of the zoning meeting is to obtain direct input from affected neighbors into the decision-making process and to give them the opportunity to express support or non-support for all zoning projects and requested variances in their immediate proximity. Before putting applicants on its meeting agendas, SOSNA asks all applicants to deliver to the attention of the Chair of the Zoning Committee (or another designated Committee member), one month before the date of the meeting, copies of the same documents that must be presented at City of Philadelphia Zoning Board of Adjustment hearings, namely:

- Deed or agreement of sale
- Plans/blueprints showing all proposed construction and uses
- Site plan showing relationship of application site to neighboring properties and structures
- Photos of the site (relevant facings)
- Zoning refusal, listing number and type of proposed variances
- Date of scheduled ZBA hearing, if known

Prospective zoning applicants are strongly encouraged to contact SOSNA as early as possible in order to minimize continuances. If a timely meeting date cannot be met, SOSNA encourages the applicant to ask the ZBA for a continuance directly. If an applicant refuses or cannot be contacted, SOSNA will ask the ZBA directly for a continuance stating that fact and the need for a meeting. SOSNA also submits requests for continuances to the ZBA if a zoning applicant has not requested a meeting with the SOSNA zoning committee and the community.

### Meeting Notice

SOSNA distributes leaflets notifying all neighbors in a 1 to 2 block area of the proposed zoning site, indicating date and location of the meeting, nature of construction and, if possible, all requested variances. If the property involved is a corner property, both adjoining blocks as well as the affected block, EW and NS shall be leafleted. If the property involved is situated within the center of a block, both sides of the affected block, at least half of the adjoining blocks, as well as both side blocks will be leafleted. Meeting information as well as meeting agendas are also placed on the SOSNA Website at [www.southofsouth.org](http://www.southofsouth.org) and the SOSNA Events Calendar ([link](#)). Individual residents receiving the leaflets are encouraged to ask their neighbors to attend; however, SOSNA will not solicit attendance based on a viewpoint.

### Meeting Procedures

The Chair will open the meeting by explaining that the purpose of this meeting is to obtain input from neighbors affected by the requested zoning variance(s), especially those living in close proximity to the

property involved. The results of this meeting are not the final outcome. The City of Philadelphia Zoning Board of Adjustments makes the final decision with respect to variances.

An attendance sheet will be distributed for each zoning request on the agenda. All attendees, including committee members and applicants, will be asked to sign in, giving names, addresses, phone numbers and email addresses on the attendance sheet. At the end of each individual meeting, attendees will be asked to indicate their support or non-support on this sign-in sheet. A copy of this attendance sheet will be forwarded to the councilperson, verifying support or non-support for the project by neighbors.

The order in which applications will be heard at the meeting will be predetermined by the Chair and indicated on the agenda, normally based on the expected length of time needed for adequate discussion. However, all participants are invited to stay and engage in discussion on all items on the agenda. The Chair will introduce each applicant, read aloud the refusal explaining the variances sought, and ask the applicant to give a brief description of the proposal. At least one owner of the property must attend the meeting if a final agreement is to be reached. The Owner is encouraged to bring his/her architect and attorney when applicable.

Questions and comments from the floor will be encouraged, moderated by the Chair. Emphasis is placed and efforts will be made to solicit opinions from immediate neighbors and those closest to the application site. Committee members may offer their own opinion on the requested variances, in order to enable neighbors to understand the zoning issues involved.

SOSNA Board members and/or zoning committee members may comment on applications directly concerning them (if they are immediate/close neighbors); in those cases, their opinions will weigh no more nor less heavily than any other neighbor's.

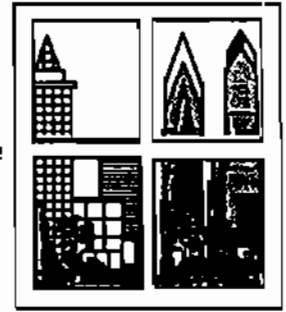
#### Meeting Outcomes

Every effort will be made to come to a general agreement between the applicant and the neighbors. The Chair may propose provisos (special limitations specific to a case) based on suggestions from the floor. If an agreement is reached, a letter will be written by the Chair directly to the ZBA chair, with a copy to the applicant and the district councilperson, stating SOSNA's support of the application and including any provisos. In those cases where immediate neighbors are not in attendance (e.g. renters, blighted/unoccupied properties, etc.) the opinion of those neighbors in attendance will be considered in the outcome. The Chair will inform the ZBA that due to lack of interest or non-attendance by immediate neighbors, an agreement was reached with those in attendance, including members of the SOSNA zoning committee.

If the general consensus of neighbors is that no agreement can be reached, the Chair will inform the applicant that SOSNA, on behalf of the neighbors, opposes the application; the Chair will write a letter to the ZBA stating this opposition with reasons. If no consensus on provisos can be reached at the meeting, but there is clear willingness on the part of all parties to continue discussion, the Chair will ask the applicant to return to the next SOSNA zoning meeting and get a continuance from the ZBA if needed. In some unusual cases, the Chair may write a letter to the ZBA stating that SOSNA has no opinion in the matter at hand, leaving the decision to the discretion of the ZBA and existing zoning codes.

Members of the SOSNA Zoning Committee may appear at any ZBA hearings to reinforce SOSNA's position on applications. In addition, all neighbors are advised that they have the right to appear at the ZBA hearing to speak for or against any application, whether or not a consensus agreement is reached at the SOSNA meeting.

At all times, the goal of the SOSNA zoning meetings will be to inform both neighbors and applicants of the zoning issues involved, their rights, and the potential consequences of reaching agreement or not doing so.



**S O S N A**

## **SOSNA Zoning Agenda**

**Thursday, October 20, 2005**

**St. Anthony Senior Residence (lower level)**

**2309 Carpenter Street (Lower Level) – 6:30 PM**

### **1913, 1927, 1931, 1935, 1937 Webster Street**

- The application is for the erection of a three (3) and four (4) story structure (proposed height 41'-0") to include roof deck and 4<sup>th</sup> story stair tower, for use as a single family dwelling not providing the required one (1) accessory off-street parking space. Size(s) and location(s) as shown in application.

### **922-24 South 16<sup>th</sup> Street**

- To create a 3 story structure for retail and wholesale sales of furniture

### **2119 Montrose Street**

- The application is for the partial demolition of an existing building and the erection of a three (3)-story addition (rear) and a one (1)-story addition at the 3<sup>rd</sup> floor level with an open deck at the 3<sup>rd</sup> floor level. Height not to exceed 35' high, size and location to be as shown in the application, as part of a single-family dwelling.

### **2320 Madison Square**

- The application is for the erection of a three (3) story structure maximum height thirty-five (35) feet with a cellar for use as a single family dwelling with a deck at 2<sup>nd</sup> floor roof (less than 12 inches above the roof) size and location as shown in the application.

### **2550 Grays Ferry Avenue**

- The application is for the erection of a four (4) story detached structure with a cellar (maximum height of 33"-11") with one (1) interior car garage. A roof deck on the 2<sup>nd</sup> story roof (more than 12" above the roof below and 36" railing height), a roof over second story rear deck (vertical supports at least 18" from property lines), and a rear bay window at the first floor level (size and location as shown in the application).

### **2617-25 Grays Ferry Avenue (G2 General Industrial District)**

- The application is for a restaurant, take-out with seating (less than 30 seats), no entertainment, no dispensing window, no take-out of malt alcoholic beverages or beer, within a portion of existing one (1) story structure; remainder of structure to remain vacant.

### **2446-56 Christian Street**

- To legalize a 60' high tower (determined by the Court of Common Pleas and Commonwealth Court not to be considered an existing structure under the Philadelphia Zoning Code) atop a one-story (30' high) structure – total height from grade to top of tower is 90' with nine (9)

**CONTINUED OVER**

antenna placed on this structure without permit (antenna length not to exceed 15' in any direction) and for the demolition of a 10'X20' one-story structure and erect four cabinets (each 2'-8" X 2'-3 ½" X 5'-11" high) atop a 10' x 20' equipment sled (equipment total height above grade 6'-2"), and for the legalization of a 10" high fence. All for use as a wireless services facility within 500' of residential dwelling units (all lighting other than required by the FAA shall be shielded and reflected from adjoining properties) on same lot with existing storage of cable television parts, size(s) and location(s) as shown in application dated 12/23/03 and Supreme Court order dated 8/17/04.

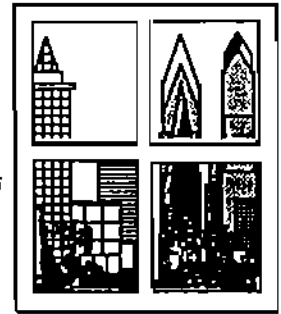
**2425 Grays Ferry Avenue**

Reconstruction rehabilitate former Pandora's Box to 2 bi-level apartments and 1<sup>st</sup> floor to restaurant/café with liquor license and outdoor seating. Review by community – development proposal still being defined.

**NEIGHBORS PLEASE JOIN US – WE NEED YOUR INPUT**

SOUTH OF SOUTH NEIGHBORHOOD ASSOCIATION  
1711 SOUTH STREET • PHILADELPHIA, PA 19146  
215-732-8446 • 215-732-2016 (FAX) • WWW.SOUTHOFSSOUTH.ORG

---



**S O S N A**

November 29, 2005

Re: 2425 Grays Ferry Avenue

To Whom It May Concern:

The Architect and Owners of the above reference property presented plans for a restaurant and bar with outside seating at a SOSNA Community Zoning meeting on Thursday, October 20, 2005.

The neighbors expressed concerns about the possible of late night hours and noise from sitting outside and the developer agreed that outside service would cease around 9:30 pm. The neighbors present support the plans and approved the development of this property.

Based upon the positive community response, SOSNA supports the owner's request and look forward in having a new business in the area.

Thank you.

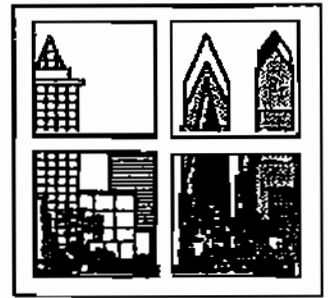
Sincerely,

Sharon D. Melvin  
Co-Chair, Zoning Committee

Cc: John McHugh, Owner  
SOSNA Board of Directors

**South of South Neighborhood Association**  
**1711 South Street • Philadelphia, PA 19146**  
**215-732-8446 • 215-732-2016 (fax) • www.southofsouth.org**

---



**S O S N A**

June 21, 2006

**To: Ms. Belinda Mayo OHCD**  
**From: Theodore Michael Lee, Vice Chairman**

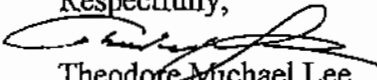
**In regards to: Conflict of Interest**

Dear Ms. Mayo:

Please forgive the lateness of this letter. In reference to our last conversation, I had expressed some serious concerns about recent actions undertaken by some current Board Members. Two of our Board Members in particular, John McHugh and Sharon Melvin respectively act as the Chair and Vice-Chair of our Zoning Committee. Our past practice dictates that when our zoning committee sends out letters, those letters are only addressed to the Zoning Board of Adjustment and to Council-President Anna Verna's office. We have here a situation where Ms. Melvin, using a SOSNA letterhead, had written a letter for Mr. McHugh which in turn he used to go to a bank for financing for a bar that he is trying to build in the neighborhood. Please keep in mind that these are the very same people who in conjunction with another Board Member and outside proxies have been basically conspiring to bring down the entire organization. I'm not sure as to whether this is illegal or not, but according to OHCD's Federal guidelines for organizations covered under CDBGs, this is, at the very least, highly unethical.

I have attached a copy of the letter and I would greatly appreciate if you could please have your legal team look it over and advise me as to whether or not I could have these two removed from the Board. SOSNA has long been (falsely) accused of dealings like this and I feel that if this were made as public as the witch-hunt that some of us on the Board are being forced to endure, the effects could be very damaging. I like making lemonade out of lemons and I need your expertise. Our next Board Meeting is next Wednesday, June 28<sup>th</sup>. Please feel free to contact me at any time. My Cel # is 215-681-7553 and my home number is 215-7901-9712.

Respectfully,

  
Theodore Michael Lee  
Vice Chairman  
SOSNA Board of Directors



# CITY OF PHILADELPHIA

OFFICE OF HOUSING AND  
COMMUNITY DEVELOPMENT  
1234 Market Street  
17th Floor  
Philadelphia, PA 19107

July 13, 2006

Theodore Michael Lee  
Vice Chairman  
South of South Neighborhood Association  
1711 South Street  
Philadelphia PA 19146

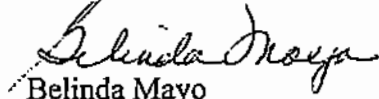
Dear Mr. Lee:

I am writing in response to your letter to me date June 21, 2006. In the letter you requested that OHCD review a letter issued by the Chair of the SOSNA Zoning Committee, Sharon Melvin on November 29, 2005. The letter was issued in support of a proposed new business located at 2425 Grays Ferry Avenue and owned by John McHugh, who is the Vice Chair of the SOSNA Zoning Committee. The review was requested to determine if federal Conflict of Interest rules were violated and if so would the violation by these individuals warrant their removable from the SOSNA Board of Directors as per the organization's Bylaws.

The OHCD Monitoring Division and Legal Department have reviewed your letter, and the letter issued by Ms Melvin, along with the SOSNA Bylaws. Based on the information provided, it has been determined Ms. Melvin and Mr. McHugh are considered "covered persons" as defined by federal regulation at 24 CFR 570.611(b) and regulations were violated by the issuance of the November 29, 2005 letter. It was further concluded based on the information provided, that Ms. Melvin and Mr. McHugh in their capacity as Chair and Vice Chair of the Zoning Committee have acted in a manner that diminishes the integrity of the organization such that may be "just cause" for their removal from the SOSNA Board of Directors as stated in Article VII. Organization Structure, subsection 12, a and b.

Please feel free to contact me if you have any questions or concerns. I can be reached at (215) 686-9763.

Sincerely,



Belinda Mayo

Director

Neighborhood Program Coordination

Cc: Deborah McColloch

Wayne Stokes

Robert Biron

Aida Cortes

Eve Lewis ✓

**Title 24: Housing and Urban Development**  
**PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS**

Subpart K—Other Program Requirements

**§ 570.611 Conflict of interest.(a) Applicability.**

(1) In the procurement of supplies, equipment, construction, and services by recipients and by subrecipients, the conflict of interest provisions in 24 CFR 85.36 and 24 CFR 84.42, respectively, shall apply.

(2) In all cases not governed by 24 CFR 85.36 and 84.42, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (e.g., rehabilitation, preservation, and other improvements of private properties or facilities pursuant to §570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to §570.203, 570.204, 570.455, or 570.703(i)).

(b) *Conflicts prohibited.* The general rule is that no persons described in paragraph (c) of this section who exercise or have exercised any functions or responsibilities with respect to CDBG activities assisted under this part, or who are in a position to participate in a decisionmaking process or gain inside information with regard to such activities, may obtain a financial interest or benefit from a CDBG-assisted activity, or have a financial interest in any contract, subcontract, or agreement with respect to a CDBG-assisted activity, or with respect to the proceeds of the CDBG-assisted activity, either for themselves or those with whom they have business or immediate family ties, during their tenure or for one year thereafter. For the UDAG program, the above restrictions shall apply to all activities that are a part of the UDAG project, and shall cover any such financial interest or benefit during, or at any time after, such person's tenure.

(c) *Persons covered.* The conflict of interest provisions of paragraph (b) of this section apply to any person who is an employee, agent, consultant, officer, or elected official or appointed official of the recipient, or of any designated public agencies, or of subrecipients that are receiving funds under this part.

(d) *Exceptions.* Upon the written request of the recipient, HUD may grant an exception to the provisions of paragraph (b) of this section on a case-by-case basis when it has satisfactorily met the threshold requirements of (d)(1) of this section, taking into account the cumulative effects of paragraph (d)(2) of this section.

(1) *Threshold requirements.* HUD will consider an exception only after the recipient has provided the following documentation:

(i) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(ii) An opinion of the recipient's attorney that the interest for which the exception is sought would not violate State or local law.

(2) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the recipient has satisfactorily met the requirements of paragraph (d)(1) of this section, HUD shall conclude that such an exception will serve to further the purposes of the Act and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effect of the following factors, as applicable:

(i) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

(ii) Whether an opportunity was provided for open competitive bidding or negotiation;

(iii) Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(iv) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decisionmaking process with respect to the specific assisted activity in question;

(v) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;

(vi) Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(vii) Any other relevant considerations.

[60 FR 56916, Nov. 9, 1995]