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RICHARD C. DEMARCO, ESQUIRE
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July 21, 2014

Zoning Board of Adjustment
1401 John F. Kennedy Blvd.
Room 1130 Municipal Services Bldg.
Philadelphia, PA 19102

Class Act Court Reporting Agency
1420 Walnut Street
Philadelphia, PA 19102

City of Philadelphia Law Dept.
1515 Arch Street, 16th Floor
Philadelphia, PA 19102

Re: Bradford Crowley v. Zoning Board of Adjustment
July, 2014, No. 01793

Dear Sir/Madam:

Enclosed please find the filed Notice of Appeal and Case Management Order in regard to the above referenced matter.

Yours truly,

Richard C. DeMarco

RCDM/cs

Encl.

cc: Andrew S. Ross, Esquire
Darin Steinberg, Esquire
Dominic Mambu
Joanne Hoffman
Martha Cornog
Aileen Moleski
Cheryl L. Gaston, Esquire
Marie Beren
Ben Rubin
Tobias Raabe

Joseph Serratore
Randi Kamine and Irving Sears
Claudia Archer
Joel Palmer
Stephen Fried
Carole Treston
Anthony McNelis
Jonathan Greenly
Antea Roberts
Nancy and Harvey Bilboy
Kelly Widman
John Stone
Sarah Rottenberg
Rosemary Capirchio
Asley Hahn
Michelle Atherton
Memphis Diaz
John Ferro

IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY
FIRST JUDICIAL DISTRICT OF PENNSYLVANIA
TRIAL DIVISION - CIVIL

O'NEILL, EDWARD L

 JULY TERM 2014

VS

No. 01793

CITY OF PHILADELPHIA

CASE MANAGEMENT ORDER
ZONING BOARD OF ADJUSTMENT APPEAL

1. Service: You must serve a copy of your appeal papers and a copy of this Order to each of the following by certified mail, return receipt requested. That copy must arrive within ten (10) days of the date of this Order

- | | |
|---|---|
| 1. The Zoning Board of Adjustment | 1401 John F. Kennedy Blvd.
Room 1130 Municipal Services Bldg.
Philadelphia PA 19102 |
| 2. The Zoning Board of Adjustment Stenographer | Class Act Reporting Agency
1420 Walnut Street
Philadelphia PA 19103 |
| 3. The City of Philadelphia Law Department
Code Enforcement Division | 1515 Arch Street, 16th Floor
Philadelphia PA 19102 |
| 4. Any person or entity that entered an appearance before the Zoning Board of Adjustment
(check Zoning Board of Adjustment's case file for names). | |

***Note:** Failure to give a copy of your appeal papers to any of the above offices may result in the dismissal of your appeal. Keep your return receipts. The post office will be able to issue a form, allowing you to verify receipt of mailings. You are not required to file an affidavit of service, but may need your receipts as proof of service.*

2. Parties: The City of Philadelphia and the applicant before the Zoning Board of Adjustment (if not the appellant in this matter) shall be deemed parties opposed to this appeal.

3. Intervenors: Any party who entered an appearance before the Zoning Board of Adjustment has a right to intervene in this appeal by filing a Praecipe to Intervene with the Prothonotary and serving it on all other parties within thirty (30) days of receipt of this notice.

4. Procedure: All motions and petitions and any responses thereto shall be filed in the Motions section of the Electronic Filing System for the Trial Division - Civil available online at: <http://courts.phila.gov>. This appeal has been brought, and will be handled, under the guidelines set forth in Phila. Civ. R. 320 available online at: <http://courts.phila.gov/regs/rule320.htm>.

5. **Supersedeas:** The filing of a Notice of Appeal does not stay the decision appealed from, any proceedings based upon the decision appealed from, or any other matters. Appellants may file a motion seeking an Order of Supersedeas as long as the motion is made in accordance with paragraph 4, notice is served on all interested parties, and appellant shows due cause for granting such Motion.

6. **Notes of Testimony:** *Appellant must order a transcript of the proceedings before the Zoning Board of Adjustment by serving the stenographer with a copy of the Notice of Appeal and paying the stenographer for the cost of producing the notes.* The stenographer must then transcribe the notes of testimony, file the original notes with the Zoning Board of Adjustment and deliver a copy of the notes to appellant within thirty (30) days. Failure to order the transcript will result in the dismissal of the appeal absent good cause shown. The City will provide a free copy of the transcript to community or neighborhood groups that participate in an appeal. These groups may contact Acting Zoning Board of Adjustment Administrator Mary Jane McKinney at (215) 686-2573 to receive this service.

Note: The appellant shall incur any cost associated with obtaining hearing transcripts.

7. **Record on Appeal:** The Record on appeal shall consist of: (a) all original papers and exhibits (or certified copies thereof) presented to the Zoning Board of Adjustment; (b) the Zoning Board of Adjustment's decision; (c) the transcript of proceedings; and (d) the Zoning Board of Adjustment's Findings of Fact and Conclusions of Law. The Zoning Board of Adjustment shall serve notice upon all parties and upon the Clerk of Motion Court certifying that the record is complete for purposes of appeal. Sanctions may be imposed if the Zoning Board of Adjustment fails to file its record in this manner.

8. **Scheduling:** If this appeal is not disposed of within sixty (60) days of the date of this Order, the Court will enter a scheduling order that sets a date for the appeal or events leading to its completion.

BY THE COURT:

Arnold L. New

Supervising Judge, Trial Division - Civil

Dated: 07/16/2014

Court of Common Pleas of Philadelphia County
Trial Division
Civil Cover Sheet

For Prothonotary Use Only (Docket Number)	
JULY 2014	001793
E-Filing Number: 1407031167	

PLAINTIFF'S NAME EDWARD L. O'NEILL	DEFENDANT'S NAME CITY OF PHILADELPHIA
PLAINTIFF'S ADDRESS 815 BAINBRIDGE STREET PHILADELPHIA PA 19147	DEFENDANT'S ADDRESS C/O LAW DEPARTMENT 1515 ARCH ST, 15TH FLOOR PHILADELPHIA PA 19102-1595
PLAINTIFF'S NAME	DEFENDANT'S NAME ZONING BOARD OF ADJUSTMENT
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS MSB 1401 JFK BLVD PHILADELPHIA PA 19103
PLAINTIFF'S NAME	DEFENDANT'S NAME
PLAINTIFF'S ADDRESS	DEFENDANT'S ADDRESS

TOTAL NUMBER OF PLAINTIFFS 1	TOTAL NUMBER OF DEFENDANTS 2	COMMENCEMENT OF ACTION <input type="checkbox"/> Complaint <input type="checkbox"/> Petition Action <input checked="" type="checkbox"/> Notice of Appeal <input type="checkbox"/> Writ of Summons <input type="checkbox"/> Transfer From Other Jurisdictions
AMOUNT IN CONTROVERSY <input type="checkbox"/> \$50,000.00 or less <input type="checkbox"/> More than \$50,000.00	COURT PROGRAMS <input type="checkbox"/> Arbitration <input type="checkbox"/> Mass Tort <input type="checkbox"/> Commerce <input type="checkbox"/> Settlement <input type="checkbox"/> Jury <input type="checkbox"/> Savings Action <input type="checkbox"/> Minor Court Appeal <input type="checkbox"/> Minors <input type="checkbox"/> Non-Jury <input type="checkbox"/> Petition <input type="checkbox"/> Statutory Appeals <input type="checkbox"/> W/D/Survival <input checked="" type="checkbox"/> Other: AGENCY APPEAL	

CASE TYPE AND CODE 52 - ZONING BOARD OF ADJUSTMENT

STATUTORY BASIS FOR CAUSE OF ACTION

RELATED PENDING CASES (LIST BY CASE CAPTION AND DOCKET NUMBER)	<p>FILED PRO PROTHY JUL 16 2014 D. SAVAGE</p>	IS CASE SUBJECT TO COORDINATION ORDER? YES NO
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TO THE PROTHONOTARY:
Kindly enter my appearance on behalf of Plaintiff/Petitioner/Appellant: EDWARD L O'NEILL
Papers may be served at the address set forth below.

NAME OF PLAINTIFF'S/PETITIONER'S/APPELLANT'S ATTORNEY RICHARD C. DEMARCO	ADDRESS ELLIOTT GREENLEAF 50 S. 16TH STREET PHILADELPHIA PA 19102
PHONE NUMBER (215) 940-8562	FAX NUMBER (215) 940-8559
SUPREME COURT IDENTIFICATION NO. 67676	E-MAIL ADDRESS rcdm@elliottgreenleaf.com
SIGNATURE OF FILING ATTORNEY OR PARTY RICHARD DEMARCO	DATE SUBMITTED Wednesday, July 16, 2014, 03:08 pm

ELLIOTT, GREENLEAF & SIEDZIKOWSKI, P.C.

By: Richard C. DeMarco (I.D. No. 67676)

50 S. 16th Street, Suite 2960

Philadelphia, PA 19102

(215) 940-8562/(f) (215) 940-8559

Attorneys for Appellant



EDWARD LEE O'NEILL

815 Bainbridge Street

Philadelphia, PA 19147

Appellant,

v.

**PHILADELPHIA ZONING BOARD
OF ADJUSTMENT**

AND

CITY OF PHILADELPHIA

c/o Philadelphia Law Department

1515 Arch Street, 16th Floor

Philadelphia, PA 19102

AND

JOE PAIK

607 Davis Road

Cheltenham, PA 19012

Appellees.

**PHILADELPHIA COUNTY
COURT OF COMMON PLEAS**

JULY TERM, 2014

DOCKET NO.

STATUTORY APPEAL

Re: Zoning Board Calendar No. 22664

NOTICE OF APPEAL

Appellant hereby appeals from the adjudication of the Zoning Board of Adjustment made on June 17, 2014 on Zoning Board Calendar Number 22664.

A copy of the order appealed from is attached hereto and marked as Exhibit "A".

July 16, 2014

Richard C. DeMarco, Esq.

PLEASE TAKE NOTICE all parties that entered an appearance in the proceedings before the agency may intervene as of right in this appeal by filing a praecipe to intervene within thirty (30) days of the date of this notice.

CERTIFICATION OF SERVICE

I, Richard C. DeMarco, Esquire hereby affirm that on July 16, 2014, a copy of the preceding Notice of Appeal was served by first-class and certified mail within 10 days upon the following individuals and any other individuals who attended the proceedings below:

Andrew S. Ross, Esquire
Philadelphia Law Department
1515 Arch Street-15th Floor
Philadelphia, PA 19102
Attorney for City of Philadelphia
And Zoning Board of Adjustment

Cheryl L. Gaston, Esquire
Spruce Law Group
1622 Spruce Street
Philadelphia PA 19102

Class Act Court Reporting
133 Gaither Drive
Suite H
Mt. Laurel, NJ 08054

Marie Beren
Office of Councilman Mark Squilla
Room 332 City Hall
Philadelphia PA 19107

Darin Steinberg, Esquire
Via Email and Regular and Certified Mail

Zoning Board of Adjustment
Municipal Services Building, 11th Floor
1401 JFK Boulevard
Philadelphia PA 19107

Bella Vista Neighbors Association
P.O. Box 63955
Philadelphia PA 19147

Ben Rubin
610 Bainbridge Street, 3rd Floor
Philadelphia PA 19147

Dominic Mambu
703 S. 8th Street
Philadelphia PA 19147

Tobias Raabe
713 Pemberton Street
Philadelphia PA 19147

Joanne Hoffman
740 Bainbridge Street
Philadelphia PA 19147

Joseph Serratore
764 Martin Street
Philadelphia PA 19146

Martha Cornog
717 Pemberton Street
Philadelphia PA 19147

Randi Kamine and Irving Sears
711R Pemberton Street
Philadelphia PA 19147

Aileen Moleski
716 Pemberton Street
Philadelphia PA 19147

Claudia Archer
909 League Street
Philadelphia PA 19147

Joel Palmer
701 S. 9th Street
Philadelphia PA 19147

Stephen Fried
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Carole Treston
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John Stone
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Philadelphia PA 19147

Sarah Rottenberg
744 Fitzwater Street
Philadelphia PA 19147

Rosemary Capirchio
721 Pemberton Street
Philadelphia PA 19147

Asley Hahn
728 Kater Street
Philadelphia PA 19147

Michelle Atherton
919 S. 8th Street
Philadelphia PA 19147

Memphis Diaz
767 S. 7th Street
Philadelphia PA 19147

John Ferro
PO Box 1081
Pomona NJ 08240



Richard C. DeMarco

NOTICE OF DECISION

City of Philadelphia

ZONING BOARD OF ADJUSTMENT
1401 J. F. K. Blvd. - 11th Floor
Philadelphia, PA 19102-2097

APPLICATION #: 526070

DATE OF DECISION: 06/17/14

CAL #: 22664

ATTORNEY: CHERYL GASTON, ESQUIRE
SPRUCE LAW GROUP
1622 SPRUCE STREET
PHILADELPHIA PA 19103

APPLICANT: CHERYL GASTON, ESQUIRE
SPRUCE LAW GROUP
1622 SPRUCE STREET
PHILADELPHIA PA 19103

OWNER: JOE PAIK
607 DAVIS ROAD
CHELTENHAM PA 19012

PREMISES: 739 BAINBRIDGE ST (739-741)

T H I S I S N O T A P E R M I T

The Zoning Board of Adjustment, having held a public hearing in the above numbered appeal, after proper public notice thereof, has decided that the request for (a) USE VARIANCE(S) is:

GRANTED WITH PROVISOS

ALL VARIANCES / CERTIFICATES / SPECIAL USE PERMITS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

1. A PERMIT MUST BE OBTAINED FROM THE DEPARTMENT OF LICENSES AND INSPECTIONS, PUBLIC SERVICE CONCOURSE, 1401 J. F. K. BLVD., WITHIN ONE CALENDAR YEAR FROM THE DATE OF THIS DECISION.
2. ALL CONSTRUCTION MUST BE IN ACCORDANCE WITH PLANS APPROVED BY THE ZONING BOARD OF ADJUSTMENT.
3. A NEW APPLICATION AND NEW PUBLIC HEARING WILL BE REQUIRED FOR FAILURE TO COMPLY WITH THE FOREGOING CONDITIONS.
4. FURTHER CONDITIONS:

Proviso: per revised plans (1 page) stamped by the ZBA on 6/17/14.

By Order of the ZONING BOARD OF ADJUSTMENT
CAROL B. TINARI, Sec.

NOTE: All appeals from this decision are to be taken to the Court of Common Pleas of Philadelphia County within 30 days from the date of this decision.