

February 2, 2005

TO: All House Members

FROM: Mark B. Cohen

**RE: Right of Community Groups to Appeal Zoning Hearing Board Decisions
Co-sponsorship Request**

HB 1954 of last session amended the First Class City Home Rule Act (Philadelphia) was amended in the last days of the session of 2004. The Senate amendment inserted at the behest of billboard companies looked innocuous a first glance but actually attempts to remove the ability of citizens and community groups to appeal zoning board decisions in Philadelphia. The new law creates a “aggrieved person” who is permitted to appeal that specifically “does not include taxpayers of the city that are not detrimentally harmed by the decision of the zoning hearing board...”

Regularly, municipal zoning boards grant variances (exceptions) to zoning ordinances requested by businesses, developers and home owners. The public has a right to seek to argue that zoning ordinances be enforced as written or that the variance granted was too broad or inappropriate. Community groups should have every right to intervene to protect a historic area or buildings, the quality of a residential neighborhood, or oppose nuisance bars, clubs and “businesses,” just to give a few examples.

All over Pennsylvania citizens and community groups have the right to appeal zoning board decisions –except in Philadelphia. If this law stands the right of historical societies, preservation groups, crime watch organizations, and other legitimate community organizations statewide will be at risk as development interests seek to expand this law to other areas of the state.

I am introducing a bill in the next few weeks to repeal the new section 17.1 of the act of April 21, 1949 (P.L.665, No.155), known as the First Class City Home Rule Act. Should you wish to cosponsor this legislation please contact Carolyn Schmidt in my office at 787-3085.