

POTTSTOWN BOROUGH ZONING HEARING BOARD
LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Pottstown Borough Zoning Hearing Board will conduct a hearing on April 13, 2022, at 7:00 p.m. in the Council Meeting Room, 3rd Floor, Pottstown Borough Hall, 100 E. High Street, Pottstown, Pennsylvania, upon Application of Anne Anderson for a variance to Chapter 27, Section 320 of the Pottstown Borough Zoning Ordinance.

The Applicant proposes to operate a holistic day spa at the property located at 343 E. High Street, Pottstown, Pennsylvania. The proposed use(s) is not permitted in that location by Section 320 the Zoning Ordinance.

Copies of the Application may be examined by the public at the Pottstown Borough Licensing and Inspections Department, Pottstown Borough Hall, 100 E. High Street, 2nd Floor, Pottstown, Pennsylvania during regular business hours, 7:30 a.m. to 4:00 p.m., Monday through Friday.

At the time of the hearing, any affected persons or parties will be given an opportunity to be heard. Any party may be represented by legal counsel at the hearing. The Board reserves the right to conduct any other business that may come before it.

POTTSTOWN BOROUGH ZONING
HEARING BOARD

Robert E. Johnson, Chairman

R. Kurtz Holloway, Esquire, Solicitor

File No. _____
Date Fully Completed Application
Received _____
Date of First Advertised
Hearing _____
Amount of Fees Paid \$ _____ Receipt No. _____

(DO NOT WRITE ABOVE THIS LINE)

**ZONING HEARING BOARD
BOROUGH OF POTTSTOWN, PA 19464**

APPLICATION / APPEAL

Applicant(s)	<u>Anne Anderson</u>	_____
	Name	Name
	<u>323 Chestnut St.</u>	_____
	Address	Address
	<u>Pottstown PA 19404</u>	_____
	Address	Address
	<u>annie@BFHolisticstudio.com</u>	_____
	Email Address	Email Address
	<u>267-469-4003</u>	_____
	(Phone)	(Phone)

Applicant's Attorney:

Name

Address

Email Address

Phone

Request for Hearing:

In accordance with the provisions of Section 905 of the Borough of Pottstown Zoning Ordinance, a hearing before the Zoning Hearing Board is requested in which the applicant(s) will seek an adjudication of the matter(s) indicated below:

Type of Proceeding(s): (check all that applies)

1. A variance is requested to Chapter 27, Section(s) RR 320 of the Zoning Ordinance.

(aa)

2. A variance is requested to Part 3, Section 314 relating to uses permitted in a Floodplain Overlay District.

3. A variance is requested to Part 3, Section 315 relating to uses permitted in an Airport Overlay District.

4. A special exception is requested as allowed in Chapter 27, Section _____ of the Zoning Ordinance.

5. This is an appeal from the determination of the Zoning Officer with respect to the granting, denial or failure to act on an application for a permit.

6. This is an appeal from an enforcement notice issued pursuant to Section 616.1 of the Pennsylvania Municipalities Planning Code. (Attach a copy of the enforcement notice)

7. This is a substantive challenge to the validity of a land use ordinance or map, or a provision thereof. (The customary written challenge should be filed with this application).

8. This is a challenge to the validity of a land use ordinance raising procedural questions or alleging defects in the process of adoption. (The customary written challenge should be filed with this application)

9. Any other appeal from a determination by an officer, body or agency of the Borough charged with the administration of any land use ordinance or application thereunder, to the extent that determination is appealable to the Zoning Hearing Board under the Municipalities Planning Code.

The Status of the Applicant(s) is: (check one)

A. A person who has an interest in land, the use or development of which is prohibited or restricted by an ordinance or map, or a provision thereof. (Landowner must attach a plot plan as set forth in #8 below).

B. A person affected by a use or development permitted on the land of another by an ordinance or map, or a provision thereof.

General Information about the Land:

1. The land involved belongs to:

- A. Record Owner(s): 343 E. High Street, LLC
- B. Date purchased: 6/1993
- C. Deed Book 6169 Page 2672 (Attach copy of Deed)
- D. Equitable Owner(s): Len Gieseler, Michael Jacobs, Kevin Toll
- E. Date of Agreement: 6/16/2022

2. The land is located as follows:

- A. Name of street providing primary access: High Street
- B. Address: _____
- C. Which side of street: Front Facing South
- D. Identify nearest street intersection and approximate distance and direction: High & Evans Street

3. The land is configured as follows:

- A. Width at street (frontage): 40.0
- B. Approximate average width: _____
- C. Approximate average depth: _____
- D. Lot / parcel size: 3680 sqft / 0.0844 acres

4. Present improvements on the land are:

-none-

5. Present use is:

vacant, previously insurance co.

6. Zoning District: **NR TTN D NB DG GE GW P FO HB HM**

7. Improvements being proposed:

interior cosmetic
-none-

8. Proposed use:

Holistic Day Spa

Specific Information about this application / appeal:

(Set forth in complete detail what relief you are seeking from the Zoning Hearing Board; a brief summary of the necessary facts to be proved at the hearing; what law or legal theories pertain; what hardships will be shown; which provisions of ordinances or maps are being challenged; what official determination, action or failure to act is being appealed, etc. Attach additional sheets if necessary).

please reconsider the usage/zoning
for property 343 High Street as
a day spa to include massage.

By signing this application, the applicant(s) certifies as follows:

1. The applicant(s) is the owner of the land in question, he/she has attached a plot plan showing the location, lot size, dimensions, north point, scale, adjoining owners, existing buildings and improvements, and proposed buildings and improvements.
2. The applicant(s) has received and read the document entitled "Information for Persons Appearing Before the Zoning Hearing Board".
3. All the information and statements in this application and any documents or plans filed in this matter are true and correct to the best of the applicant's knowledge, information and belief and applicant(s) understands this verification is made subject to the penalties of 18 PA C.S.A. Section 4904 (relating to unsworn falsifications to authorities).

in Gieseler Michael Jacobs Kevin Toll

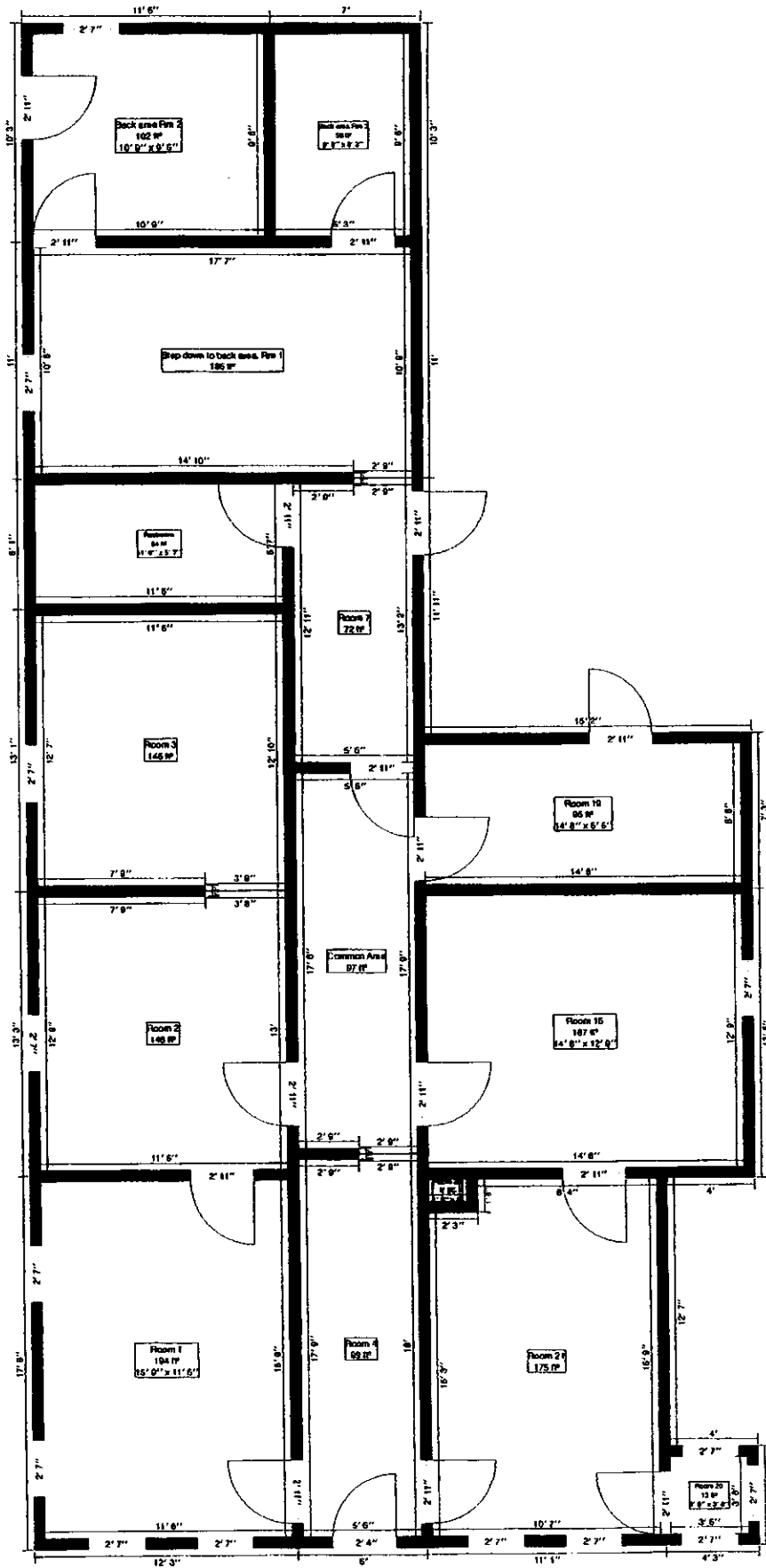
Property Owner (Print)

Agent (Print)

DocuSigned by: DocuSigned by: DocuSigned by:
Ken Gieseler Michael Jacobs Kevin Toll 3/3/2022 1 3:04 PM EST

A2DFC830422943E... 1780983064A... FBD718880550465...
Owner's Signature Date Agent's Signature Date

revised 12/11/12

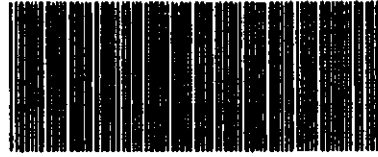




RECORDER OF DEEDS
MONTGOMERY COUNTY
Jeanne Sorg

One Montgomery Plaza
Swede and Airy Streets ~ Suite 303
P.O. Box 311 ~ Norristown, PA 19404
Office: (610) 278-3289 ~ Fax: (610) 278-3869

DEED BK 6262 PG 02498 to 02502.1
INSTRUMENT # : 2022006949
RECORDED DATE: 01/20/2022 06:34:57 AM



6048710-0020L

MONTGOMERY COUNTY ROD


OFFICIAL RECORDING COVER PAGE

Page 1 of 6

Document Type: Deed	Transaction #: 6488887 - 1 Doc(s)
Document Date: 10/08/2021	Document Page Count: 4
Reference Info:	Operator Id: JSorg
RETURN TO: (Simplifile) Heartland Abstract, Inc. 400 Creekside Drive Ste 407-409 Pottstown, PA 19464 (610) 326-6300	PAID BY: HEARTLAND ABSTRACT INC

* PROPERTY DATA:	
Parcel ID #:	16-00-14888-00-9
Address:	343 HIGH ST
	POTTSTOWN PA 19464
Municipality:	Pottstown Borough (100%)
School District:	Pottstown

*** ASSOCIATED DOCUMENT(S):**

CONSIDERATION/SECURED AMT: \$1.00	DEED BK 6262 PG 02498 to 02502.1	
TAXABLE AMOUNT: \$1.00	Recorded Date: 01/20/2022 06:34:57 AM	
FEES / TAXES:	I hereby CERTIFY that this document is recorded in the Recorder of Deeds Office in Montgomery County, Pennsylvania.	
Recording Fee: Deed		\$86.75
Affidavit Fee		\$1.50
Additional Names Fee		\$1.50
Affordable Housing Names		\$1.50
Total:	\$91.25	
		
	Jeanne Sorg Recorder of Deeds	

Rev1 2016-01-29

PLEASE DO NOT DETACH

THIS PAGE IS NOW PART OF THIS LEGAL DOCUMENT

NOTE: If document data differs from cover sheet, document data always supersedes.

***COVER PAGE DOES NOT INCLUDE ALL DATA, PLEASE SEE INDEX AND DOCUMENT FOR ANY ADDITIONAL INFORMATION**

Prepared by: Andrew J. Monastra
Return to:
Monastra & Grater, LLC
400 Creekside Drive
Suite 407-409
Pottstown, PA 19464

Property Address:
343 High Street
Pottstown, PA 19464

MONTGOMERY COUNTY COMMISSIONERS REGISTRY
16-00-14888-00-9 POTTSTOWN BOROUGH
343 HIGH ST
343 HIGH STREET PARTNERSHIP & GIESELER LEONARD H. & CAPLAN GREGG A
B 003 L U 087 4100 12/22/2021 JG

Parcel/Pin Number: 16-00-14888-00-9

THIS DEED made the 8th day of October, 2021

BETWEEN

343 High Street Partnership, a Pennsylvania General Partnership, consisting of Leonard H. Gieseler and Gregg A. Caplan

party of the first part, hereinafter called GRANTOR,

AND

343 High Street Partnership, a Pennsylvania General Partnership, consisting of Leonard H. Gieseler, Michael Jacobs and Kevin Toll

party of the second part, hereinafter called GRANTEE

WITNESSETH that the said Grantor for and in consideration of the sum of One Dollar (\$1.00) and the other good and valuable consideration paid by the Grantees to the said Grantors at and before the signing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said Grantees, their heirs and assigns, the premises described in Exhibit "A" attached hereto and incorporated herein by reference:

Legal Description

ALL THAT CERTAIN message and tract of land, Situate in the First (formerly Second) Ward of the Borough of Pottstown, Montgomery County, Commonwealth of Pennsylvania, bounded and described in accordance with a survey as made by George F. Shaner, R. E. as follows, to wit:

BEBINNING at a point set for a corner at the Northeasterly Property Line intersection of East High Street (100 feet wide) and North Evans Street (40 feet wide); thence along the Easterly Property Line of North Evans Street, North 15 degrees 03 minutes East 92 feet to a corner of the lands of Louis Carier; thence along the same, South 74 degrees 45 minutes East 39.89 feet to a corner on the Westerly Property Line of the Borough of Pottstown Parking Authority Lot; thence along the same, South 14 degrees 51 minutes West 92 feet to a corner on the Northerly side of East High Street; thence along the same North 74 degrees 45 minutes West 40 feet to the place of BEGINNING.

BEING Parcel Number 16-00-14888-00-9

BEING THE SAME PREMISES which 343 High Street Partnership, a Pennsylvania General Partnership, consisting of Ralph A. Clemmer, Thomas J. Foley, Jr. and Mary L. Bechtel, by Deed dated 06/01/2006 and recorded in the Office of the Recorder of Deeds in and for the County of Montgomery in Deed Book 5644, page 1508, granted and conveyed unto 343 High Street partnership, a Pennsylvania General Partnership, consisting of Ralph A. Clemmer, Mary L. Bechtel and Paul E. Hallman, II, in fee.

343 High Street, Borough of Pottstown, Montgomery County, Pennsylvania

TOGETHER with all buildings, improvements, woods, ways, right, liberties, privileges, hereditaments and appurtenances to the same belonging, or in any wise appertaining and any reversions, remainders, rents issues and profits thereof, and of every part and parcel thereof, including any interest specifically set forth on Exhibit "A", if any. And also all the estate, rights, title, interest property, possession, claim and demand whatsoever, both in law and equity, of the Grantors, of, in and to the same.

TO HAVE AND TO HOLD the same premises and appurtenances hereby granted to the Grantees, their heirs successors and assigns, to and for the only proper use, benefit and behoof of the said Grantees, their heirs, successors and assigns forever,

under and subject to the conditions as set forth on Exhibit "A", if any.

AND the said Grantors hereby covenant and agree that the Grantors will warrant specially the property hereby conveyed.

IN WITNESS WHEREOF, the said Grantor have hereunto set their hands and seals the day and year above written.

[Signature]
Leonard H. Gieseler, Partner
[Signature]
Gregg A. Caplan, Partner

COMMONWEALTH OF PENNSYLVANIA

COUNTY OF *Montgomery*) **SS.**

On this *8th* day of *October* ²¹ 20*21* before me, the undersigned officer, personally appeared **Leonard H. Gieseler, Partner** personally known to me, or satisfactorily proven to be the person(s) described in and whose name(s) are subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature]

Notary Public

Commonwealth of Pennsylvania - Notary Seal
Andrew J. Monaster, Notary Public
Montgomery County
My commission expires January 29, 2025
Commission number 1114432
Member, Pennsylvania Association of Notaries