



Borough of Pottstown

Borough Hall, 100 East High Street
Pottstown, Pennsylvania 19464-9525

Z #18-22
RECEIVED DEC 23 2022

ZONING APPLICATIONS

FEES:

SINGLE FAMILY RESIDENTIAL
\$750.00
MULTI-FAMILY RESIDENTIAL
\$1500.00
COMMERCIAL- \$1500.00

Checks made payable to the Borough of Pottstown

What you need to submit:

6 Paper Copies & 1 Digital Each Consisting of the following:

- 1) Completed application
- 2) Deed of the property
- 3) Plan/drawing with exact measurements
- 4) Plot plan showing placement of building on property and off street parking

Please note:

Only completed submissions will be accepted

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

Z# 18.22

12/6/22 Holder
RECEIVED DEC 05 2022
APPLICANT 105

(DO NOT WRITE ABOVE THIS LINE)

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

RECEIVED DEC 23 2022

APPLICATION / APPEAL

Applicant(s) <u>D3S Rentals LLC</u>	_____
Name	Name
<u>4020 Bethlehem Pike, Suite 1013</u>	_____
Address	Address
<u>Telford, PA 18969</u>	_____
Address	Address
<u>D3SRentals@gmail.com</u>	_____
Email Address	Email Address
<u>267-908-0630</u>	_____
(Phone)	(Phone)

Applicant's Attorney:

Jason J. Herron, Esq.

Name
<u>Wisler Pearlstine, LLP, 460 Norristown Road, Suite 110, Blue Bell, PA 19422</u>
Address
<u>jherron@wispearl.com</u>
Email Address
<u>610-834-3471</u>
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:

INFORMATION FOR PERSONS APPEARING BEFORE THE ZONING HEARING BOARD

The Zoning Hearing Board is an independent branch of the local government that consists of residents of the Borough of Pottstown, appointed to the Board by Borough Council, one of whom serves as its chairperson. An attorney, who is called the Solicitor, represents the Board.

The members of the Zoning Hearing Board are not permitted to communicate, either directly or indirectly, with the applicant, or his or her representatives, or any other person interested in the application, except at the time of the hearing. Similarly, the Zoning Hearing Board is not permitted to review any written material other than that submitted with the application at the time of the hearing.

Although the Zoning Hearing Board is not required to follow the formal rules of evidence at its hearings, it conducts a formal hearing, similar to a court proceeding. A court stenographer is present to make a record of the hearing.

The applicant and any other person who has been recognized by the Zoning Hearing Board as a party to the proceedings have the right to be represented by legal counsel at the hearing. Neither the Zoning Hearing Board nor its Solicitor may provide legal advice to participants at the hearing. Likewise, neither the Zoning Hearing Board nor its Solicitor will attempt to represent or assist a party in the presentation of the case.

It is the burden of the applicant to prove his or her case and to submit evidence that supports the application. It is not the responsibility of the Zoning Hearing Board to gather evidence or information for the applicant. The Board, as a quasi-judicial body, may only hear and receive evidence that is given under oath and that is subject to cross-examination, or other evidence submitted at the time of the hearing that it deems credible.

The Zoning Hearing Board does not write the Borough Ordinances, nor does it have the power or jurisdiction to address all issues that may be raised at a zoning hearing. The Zoning Hearing Board does not have any enforcement powers. Rather, it can be considered to be the judicial branch of the local government for zoning matters that is separate and distinct from the Borough administration.

Zoning Hearing Board of
Borough of Pottstown

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

1. A variance is requested to Chapter 27, Section(s) 319, 601.4, 500.1 and 500.2 of the Zoning Ordinance.

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): D3S Rentals LLC
- B. Date purchased: March 25, 2022
- C. Deed Book 6276 Page 737 (Attach copy of Deed)
- D. Equitable Owner(s): _____
- E. Date of Agreement: _____

2. The land is located as follows:

- A. Name of street providing primary access: Third Street
- B. Address: 3 E. Third Steet, Pottstown, PA
- C. Which side of street: North
- D. Identify nearest street intersection and approximate distance and direction: Corner of Third Street and Johnson Street

3. The land is configured as follows:

- A. Width at street (frontage): _____
- B. Approximate average width: _____
- C. Approximate average depth: _____
- D. Lot / parcel size: 6225 s.f.

4. Present improvements on the land are:

Duplex with detached 4 car, two story garage

5. Present use is:

Residential (single family semi-detached with accessory garage building)

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

7. Improvements being proposed:

Conversion of second floor of garage to an accessory apartment

8. Proposed use:

Residential (single family semi-detached with accessory apartment and garage building)

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).

See attached

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).

D3S Rentals LLC

Property Owner (Print)

Agent (Print)

See A. S. d.
Owner's Signature

12/23/22

Date

Agent's Signature

Date

revised 12/11/12

EXHIBIT A

The applicant, D3S Rentals LLC (the "Applicant"), is the owner of the property known as 3 E. Third Street, Pottstown, Pennsylvania, Tax Parcel ID No. 16-00-29304-002 (the "Property"). The Property is located on the northeast corner of Third Street and Johnson Street, and is improved with an existing residential duplex, and a four-car, two-story detached garage. The Property is located in Pottstown Borough's Traditional Town Neighborhood ("TTN") Zoning District. Applicant seeks variances from Sections 27-319 and 27-601.4 of the Pottstown Borough Zoning Ordinance (the "Zoning Ordinance") in order to permit the second floor of the garage building to be converted to an accessory apartment dwelling, and to permit less than the required off-street parking that is required by the Zoning Ordinance.

The second floor of the detached garage building consists of approximately 800 s.f., and is currently unfinished. Applicant proposes to convert this second floor space to an accessory apartment dwelling. Pursuant to the Zoning Ordinance, there is currently no appropriate permitted use for the space on the second floor of the garage building. The second floor is too large to be used purely for storage, but it is appropriately sized for an apartment unit. Applicant will provide testimony from a professional land planner, who will testify that the proposed conversion will not alter the essential character of the neighborhood or be detrimental to the public welfare, and otherwise meets the standards for a variance from Section 27-319 of the Zoning Ordinance. The proposed conversion will also allow the Applicant to perform cosmetic improvements to the exterior of the Property.

In connection with the proposed conversion, Applicant also seeks a variance from Section 27-601.4 of the Zoning Ordinance to permit less than the amount of parking required by the Zoning Ordinance. With a four-car garage and ample frontage on two streets, the Property has more than adequate parking for the existing duplex and the proposed accessory apartment. The Zoning Ordinance does not provide any credit for the more than adequate parking facilities available to the Property. Moreover, the addition of off-street parking to the Property would result in a more substantial loss of available on-street parking, in order to accommodate the new parking, driveway access, intersection separation, and safe sight distance. Applicant's professional land planner will testify that the proposed parking arrangement for the Property, with the proposed accessory apartment, will not alter the essential character of the neighborhood or be detrimental to the public welfare, and will otherwise meets the standards for a variance from Section 27-601.4.

The conversion and improvement of the garage building in the manner proposed will help to achieve the goals set forth in the Urban Land Institute Advisory Services Panel Report for Pottstown Borough dated October 2019, specifically, growing the Borough's housing inventory through conversion of existing buildings, and in the process, increasing the Borough's tax base and supporting economic development and local businesses.