



*Borough of Pottstown
Borough Hall, 100 East High Street
Pottstown, Pennsylvania 19464-9525
610-970-6520 LNIAdmin@pottstown.org*

APPLICATION/APPEAL TO THE ZONING HEARING BOARD

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) Site plans/plot plans
- 4) Floor plans, elevations, sections, photographs and other documentation that will illustrate the relief requested and explain the proposed project

Please note:

Only completed submissions will be accepted

APPLICATION/APEAL TO THE ZONING HEARING BOARD

Application is made on this 23 day of January, 2023, by the undersigned for the following: (Check all that apply)

- Appeal from a decision of the Zoning Officer dated: _____, 20____.
- Variance from sections(s) 27-507.6 of the Zoning Ordinance.
- Special Exception pursuant to Section(s) _____ of the Zoning Ordinance.
- Challenge to Validity of land use ordinance.
- Appeal from an enforcement notice issued by Zoning Officer.
-

Property Address: 301 W. High Street

1. Applicant:

Name of Applicant: Clark Industrial Supply, Inc.

Address of Applicant: 301 W. High Street, Pottstown PA 19464

Telephone Number of Applicant: (610)705-3333

E-mail Address of Applicant: wendyclark@clarkindustrialsupply.com

Applicant is: Owner of Record Equitable Owner Tenant

Other (Explain Relationship) _____

2. Owner of Property:

Name of Owner: JKJ Group, LP

Address of Owner: 301 W. High Street, Pottstown PA 19464

Telephone Number of Owner: (610)705-3333

E-mail Address of Owner: wendyclark@clarkindustrialsupply.com

3. **Property Identification:**

Parcel Number: 16-00-15472-00-1

Property Address: 301 W. High Street, Pottstown PA 199465

Deed Book / Page Number: Deed Book 5901 Page 01216

Property Area: 28,800 square feet or N/A acres.

Property Dimensions (feet): Width 165 ft Depth 155 ft

Present use of the property: Business location for Clark Industrial Supply

Zoning District of the property: GW

4. **Existing Improvements: (Check All that apply)**

Type of Construction: Masonry Wood Frame Structural Steel

Reinforced Concrete Other: _____

Type of heating fuel use: Gas Oil Electric Coal

Other: _____

Type of sewage disposal: Public Private (explain) _____

Type of water supply: Public Private (explain) _____

Overall Dimensions of Existing Improvements: Height: _____

Number of Stories: 2 Width of Building Varied Length of Building: Varied

Number of Bedrooms per Unit N/A Number of dwelling units per building: N/A

Number of Bathrooms per dwelling unit: Full N/A Partial N/A

Off Street Parking spaces provided/unit: N/A Number Required/unit N/A

On Street Parking spaces provided: _____

Is any portion of the property in a Floodway, Flood Fringe, Plain or drainage swell?

Yes No.

If yes, attach a plot plan showing the location of the property, building improvements and the position of the floodway, fringe, plain or drainage swell.

5. Description of Proposed Use/Basis for Appeal:

See Addendum

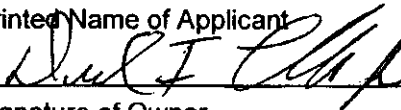
VERIFICATION

The information and statements in this application and any documents, plans or other information attached hereto are true and correct to the best of my knowledge, information and belief. This statement is made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

1/23/2023
Date:


Signature of Applicant
Clark Industrial Supply, Inc.

1/23/2023
Date:

Printed Name of Applicant

Signature of Owner
JKJ Group, LP
Printed Name of Owner

Rev 1-2023

**ADDENDUM TO ZONING HEARING BOARD APPLICATION OF
CLARK INDUSTRIAL SUPPLY, INC.**

OWNERSHIP AND HISTORY OF PROPERTY

JKJ GROUP, LP (“JKJ”) is the owner of Montgomery County Parcel ID No. 16-00-15472-00-1, located at 301 W. High Street in the Borough of Pottstown (the “Property”). The Property is located on the north-west corner of the intersection of W. High Street and Gabel Street. The Property is approximately 28,800 sq. ft. and located in the GW-Gateway West Zoning District of the Borough of Pottstown. The Property was the former location of Maier’s Bakery until it was purchased by David and Wendy Clark (the “Clarks”) by deed dated June 27, 2002. Since acquiring the Property, the Clarks have operated their family business, Clark Industrial Supply, Inc. on the Property. By deed dated December 30, 2013, the Clark’s transferred the Property to their Family Limited Partnership JKJ Group, LP. Clark Industrial Supply, Inc., continues to operate on the Property as it has for over 20 years.

Because of the recent and ongoing national supply chain issues, it has become increasingly difficult for the Applicant to obtain the inventory and supplies needed to timely service their clients. The Applicants have determined that until the supply chain issues are resolved, that they need to keep a greater amount of supplies and inventory at the Property to be able to properly service their customers. The Applicant’s suppliers are not able to provide the supplies and inventory on demand as they had provided in the past, therefore as the supplies become available, the Applicant needs to keep sufficient stock on hand. In November of 2022, the Applicant purchased two 8 ft. by 40 ft. (320 sq. ft.) Storage containers and placed them on the Property to store the inventory and supplies needed to service its customers. The storage containers are 9ft in height. Since the Clark’s had acquired the Property in 2002, the Applicants have maintained a tractor-trailer parked at a loading dock on site and a storage container to store materials that cannot be stored within the building.

EXISTING CONDITIONS

The Property is approximately 28,800 sq. ft. and is bounded by W. High Street and Gabel Street. The existing building is L shaped and is approximately 15,317 sq. ft. There is no rear yard to the Property as the existing building was built close to the rear property line with a large retaining wall. The building was constructed and designed by the Maier’s Bakery in such a manner so that large deliver trucks could be backed up to loading bays to be loaded with bread and baked goods to be delivered daily throughout the region. The Applicant’s storage containers have been placed in front of the building similar to where the delivery trucks would be parked while being loaded.

ZONING RELIEF REQUESTED

- 1) The Applicant requests variances to the terms of Section 27-507.6 of the Pottstown Borough Zoning Ordinance to allow the Applicant to maintain the storage containers that have been acquired to address the Applicant's supply chain issues and maintain sufficient inventory and supplies to service customers. The storage containers are each 320 sq. ft. and 9 feet in height. The storage containers also must be located in what is considered the front yard of the Property.
- 2) Any additional zoning relief determined necessary by the Zoning Hearing Board during the review of the application.

REASONS ZONING RELIEF SHOULD BE GRANTED

The Applicant has been operating their family business on the Property for over twenty years. The recent and ongoing national supply chain issues have made it difficult for the Applicant to properly service its customers. The Applicant needs to keep a greater amount of inventory and supplies on the Property so that they are available in a timely manner to adequately service their customers.

The Property is uniquely configured with two frontages on W. High Street and Gable Street. The existing building was constructed and located on the property in a unique configuration based on the bakery that operated on the Property at the time of construction. The topography of the property and the location on the existing building make it impossible to place any ancillary storage containers on the property without zoning relief because there is no useable rear yard or side yard on the property and the only open area on the Property is considered front yard.

John A. Koury, Jr.⁶
Richard D. Linderman
David S. Kaplan
Henry T. Zale⁶
David A. Megay^{1,6}
James C. Kovaleski^{2,6}
Michael B. Murray, Jr.³
Rebecca A. Hobbs, CELA^{3,4,5}
James R. Freeman
Gary L. Stein
Joseph K. Koury^{2,6}
Thomas P. McCabe
Scott J. Werner, Jr.
Misty A. Toothman⁶



O'Donnell, Weiss & Mattei, P.C.

Wm. A. O'Donnell, Jr. (1914-1971)
Emidio J. Mattei (1924-1981)
Kathleen M. Martin (1952-2020)
Alvin L. Weiss (1926-2022)

POTTSTOWN OFFICE

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Email: mmurray@owmlaw.com
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¹ Also Member, Colorado Bar

² LL.M. in Taxation

³ Also Member, New Jersey Bar

⁴ Certified as an Elder Law Attorney by the National Elder Law Foundation as authorized by the Pennsylvania Supreme Court

⁵ Member, National Assoc. of Elder Law Attorneys

⁶ PA Title Insurance Agent

January 23, 2023

HAND DELIVERY

Borough of Pottstown L&I Dept
Attn: Winter Stokes, Zoning Officer
Zoning & Planning Administrator
100 High Street,
Pottstown, PA 19464

**RE: Zoning Hearing Board Application of Clark Industrial Supply, Inc.
for property located at 301 W. High Street, Pottstown, PA 19464**

Dear Winter:

As you are aware, our firm represents Clark Industrial Supply Inc. and JKJ Group, LP. (collectively "Clark") with regard to the Zoning Compliance Notice you issued to them by letter dated December 21, 2022 with regard to the storage containers that they recently purchased and placed on their business property located at 301 W. High Street in Pottstown located in the GW- Gateway West Zoning District.

Enclosed for filing please find an original and five (5) copies of the Zoning Hearing Board Application submission package consisting of the following documents:

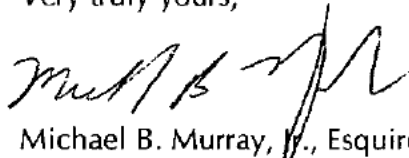
1. Zoning Hearing Board Application with Addendum dated January 23, 2023;
2. A copy of the Deed to the Property;
3. A copy of the Zoning Compliance Notice dated December 21, 2022 with photograph attachments;
4. Google Maps Aerial photograph of the property and surrounding neighborhood;
5. Plan titled, Maier's Bakery, Inc., Addition, Site Plan, dated October 4, 1979;
6. Schematic showing the dimensions of the existing building on the subject property.

Letter to Winter Stokes, Zoning Officer
January 23, 2023
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Also enclosed is a check in the amount of \$1,500.00 made payable to Pottstown Borough to be applied as the application fee for the enclosed Zoning Hearing Board Application.

If you have any questions or concerns or need any additional information, please do not hesitate to contact me.

Very truly yours,



Michael B. Murray, Esquire

For: **O'Donnell, Weiss & Mattei, P.C.**

MBM:sf
Enclosures

cc: Wendy and David Clark (via e-mail w/ enclosure)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]



Wendy Clark
AUTHORIZED SIGNATURE

MEMO

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

