

BOARD USE ONLY
Date submitted _____
Date complete _____
No. _____ of 20 _____
Date of first hearing _____

Application to
ZONING HEARING BOARD

WEST VINCENT TOWNSHIP
729 St. Matthews Rd.
Chester Springs, PA 19425
610-458-1601

RECEIVED

APR 10 2023

1. Applicant Pothouse-Kimberton, LLC
Address c/o Navneet Sharma, MD
507 Kimberton Road, Phoenixville, PA 19460

Phone (610) 243-9117
Fax _____

Property address 986 and 990 Pottstown Pike Tax parcel No. 25- 6- 84; and
Chester Springs, PA 19425 25-6-70

Legal Owner -SAME AS APPLICANT- Equitable Owner _____
(name and address) _____ (name and address) _____

If applicant is not the owner, please provide copy of agreement of sale, lease, or other proof of legal interest.

This application is: _____ 1. an appeal from a decision of the Zoning Officer
☒ 2. an application for special exception pursuant to the terms of Section(s)
-See Addendum "A" hereto of the Township Zoning Ordinance
_____ 3. a request for a variance from the terms of Section(s) _____
of the Township Zoning Ordinance.
☒ 4. other (please specify): -See Addendum "A", attached hereto and incorporated herein

2. Property description:
lot size 5.305 +/- acres (combined)
existing improvements TMP 25-6-84: Non-conforming 2 unit apartment; TMP 25-6-70: Vacant land
present use TMP 25-6-84: Residential/rental; TMP 25-6-70: Vacant land
zoning classification split zoning; LVCC and PC/LI

3. Include a minimum of 20 copies of a location map showing:
☒ road names/property lines
☒ adjacent properties
☒ location of any property you may own adjacent to or in the immediate vicinity of the property in question.

4. Include a minimum of 20 copies of a plot plan showing:
☒ old and new structures
_____ elevation contour lines in 10 foot intervals (2 foot intervals if available or necessary to illustrate project details)
☒ setbacks from all property lines
☒ location of existing and/or proposed wells and/or septic systems
None streams, ponds, wetlands
☒ tree lines and tree masses

5. Description of proposed use and relief requested: See Addendum "A", attached hereto and incorporated herein.

Reasons why Zoning Hearing Board should grant your request: See Addendum "A", attached hereto and incorporated herein.

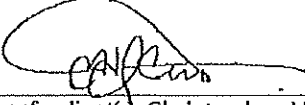
Other information which the Zoning Hearing Board should have in order to properly decide your case:
See Addendum "A", attached hereto and incorporated herein.

6. List on a separate sheet the name and mailing address of every property owner and/or occupant of every lot within 500 feet of any lot line of the property in question. The office staff can assist you in compiling this list if you need help.
See Addendum "B", attached hereto and incorporated herein.

7. This application must be accompanied by a check or money order in the amount of \$1500.00, for a Residential Hearing which will apply to the initial hearing. If subsequent or continued hearings are required, additional fees of 50% of the original hearing fee will be charged. Residential Special Exceptions have a fee of \$1500.00. Zoning Hearings for Commercial, Industrial, and Institutional require a fee of \$3000.00, and Non-Residential Special Exceptions \$3000.00. If actual costs of the hearing(s) which are permitted to be charged to the applicant per the PA Municipalities Planning Code exceed this fee, the applicant will be required to pay these additional costs. (Plus reimbursement of Township's Consultant and Legal Fees)

You will be notified within ten (10) working days of application submission regarding the status of your application and/or hearing date.

Forward your completed application to the Township Secretary at the above address.

X 
Signature of applicant(s) Christopher H. Schubert, Esquire / Attorney for Applicant

Applicant X will, will not be represented by legal counsel at hearing.

Attorney Christopher H. Schubert, Esquire / RILEY RIPER HOLLIN & COLAGRECO

Address 717 Constitution Drive, Suite 201, Exton, PA 19341

Phone (610) 283-7440 Fax (610) 458-4441

CHECKLIST (NO ACTION WILL BE TAKEN IF NOT COMPLETE)

- X Application form
- X Property description: lot size, acres, improvements, present use, zoning
- X 20 Location maps: property lines/road names, adjacent properties, other properties owned by applicant
- X 20 Plot plans: old & new structures, contour lines, setbacks, wells/septic systems, water constraints, trees
- X Description of proposed use and relief requested: Include Section number from Zoning Ordinance.
- X Names and addresses of property owners within 500'
- X Fee Received: _____

Date Ck. # By

 Complete Incomplete Zoning Officer's initials

Reason:_____

INFORMATION FOR APPLICANTS

As an applicant presenting a request to the Zoning Hearing Board, you should be aware of the following:

1. The Zoning Hearing Board will schedule a hearing within sixty (60) days of your application.
2. At the hearing, you should be prepared to discuss the proposed use or change of use, as well as any new construction or building planned. If new building is to be constructed or existing building(s) rehabilitated, you should have a building plan showing the proposal (e.g.-floor plans, elevations).
3. The Zoning Hearing Board will officially notify all property owners within 500 feet (500’) of the applicant’s property (from the list accompanying the application). You may, however, want to be prepared to discuss their positions, if any, are regarding your proposal.
4. If relevant to the proceedings, you should have photographs of the property and surrounding neighborhood in order to fully inform the Board of the nature of the proposed use and how it fits into the surrounding uses.
5. Since Zoning Hearing Board decisions are based on compliance with specific ordinance provisions, the applicant should consult the Township Zoning Ordinance regarding hearing procedures and standards for review of applications (copies enclosed).
6. It is strongly recommended by the Zoning Hearing Board that you be represented by an attorney. A zoning hearing is a legal proceeding.

**APPLICATION TO THE ZONING HEARING BOARD OF
WEST VINCENT TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA**

IN RE: ZONING HEARING BOARD APPLICATION
OF APPLICANT/OWNER POTHOUSE-KIMBERTON, LLC
Concerning Property at 986 / 990 Pottstown Pike
Chester Springs, Pennsylvania
TMP Nos. 25-6-70 and 25-6-84

**ADDENDUM “A” TO
ZONING HEARING BOARD APPLICATION**

I. BACKGROUND

The subject property is owned by Pothouse-Kimberton, LLC (“Owner”) and is comprised of two parcels identified as Parcel No. 25-6-70 and Parcel No. 25-6-84 on the Chester County Tax Map. Parcel 25-6-70 has an address of 986 Pottstown Pike and has gross area of 3.035+/- acres (“Southern Parcel”). Parcel 25-6-84 has an address of 990 Pottstown Pike and has a gross area of 2.27+/- acres (“Northern Parcel”) (The Southern Parcel and Northern Parcel, together, the “Property”). The Property has a combined gross area of 5.305+/- acres. Currently, a non-conforming two-unit apartment use exists on the Northern Parcel. The building in which the apartments are located is also non-conforming as to its side yard setback to the northern property line. The Southern Parcel is currently vacant land. The Property is subject to split-zoning, with the northern portion of the Property in which the apartment use is located being zoned LVCC-Ludwigs Village Center Commercial district, and the remainder of the Property being zoned PC/LI-Planned Community/Limited Industrial district.

Owner has submitted a land development application and minor subdivision application with West Vincent Township (the “Township”) for coordinated development of the Property. Regarding the minor subdivision, Owner proposes to change lot lines so that the Southern Parcel is increased in area to a total 3.486 acres, and the Northern Parcel is reduced in area to a total 1.417 acres (net of right-of-way). An area comprising 0.301 acres is proposed for dedication to the Township for the purpose of providing for the future location of the Lexington Road Connector as described in the Ludwigs Corner Master Plan.

As an ancillary issue not presently before the ZHB (but which the ZHB should be aware), the coordinated development of the Property requires consideration of the so-called “greenway land” requirements under the Code. *See* Code, §§ 390-55 & 60. Parcels within the PC/LI and LVCC districts are required to maintain at least 50% of their gross lot area as permanent green way land. Development of the Property can achieve the greenway land requirement on a *combined* tract basis. Alternatively, the greenway land requirement can be reduced to a minimum of 25% based upon a “fee-in-lieu” contribution to the Township. Under the current development proposal, the requirement can be met on the Northern Parcel. However, the greenway land requirement falls short by 5,445+/- SF on the Southern Parcel, resulting in a 46.4% ratio. Nevertheless, the requirement can be met on the Southern Parcel if the Lexington Road Connector is not dedicated to the Township. Owner will present various

ring the conditional use/land development

parcel, Owner desires to terminate the non-
n an urgent care medical office, which use
Code, § 390-58.A(5). Owner intends to
ding. Also, Owner intends to reconstruct a
are stairs to the deck, for a net *de minimus*
access to the building safer and consistent

parcel, Owner shall apply for conditional use
g will have a 100' x 340' footprint and is
area of 102,000 SF. The facility will have
ound its perimeter. Access is provided by a
ay intersection with Route 100 is located
ight-of-way to be improved to Township

ts viability, the proposed width of the self-
ding further away from Pottstown Pike, as
possible if the building was narrower. As
ly screen the building from views along
yards of the parcel, these areas are heavily
feet from the parcel boundaries. The ability
rthern Parcel and to convert the use of the
ty of the self-storage project.

itinue as a non-conforming apartment,
t to § 390-204.C, which permits the total
by no more than 50% of the floor area of
ice, the proposed addition to the building
of the existing floor area of the building
materially detrimental to the character of

permitted use, the PC/LI district as a Use-by-
uently, in the PC/LI district, it falls under the
ecifically provided for herein,” provided that
Township Code.

the neighborhood or surrounding area or to the interests of the Township; (c) will conform to the area and bulk regulations and design standards of the LVCC district as a non-conforming structure; and (d) shall be limited to the building which was in existence when the Code was adopted.

2. **Should use of the existing building be changed to an urgent care medical office** (a use which is permitted within the LVCC district pursuant to § 390-58.A(5)), **Owner requests an interpretation that the proposed additions to the building are permitted by right** and that special exception approval or variance relief is not required. In this instance, the building is non-conforming as to the side-yard setback requirement, making the building by definition a non-conforming structure. As the site plans demonstrate, the proposed deck addition to the building will not encroach further into the non-conforming setback and will be maintained at 31.7 feet from the northern property line. The relocation of the stairs on the deck, while encroaching into the required 50-foot setback, does not require relief, since the total floor area of the proposed additions to the building shall be less than 50% of the existing floor area of the building. Pursuant to § 390-205.A, special exception approval is only required if new additions to buildings and structures which encroach into the required setback shall exceed 50% of the total existing floor area.

3. In the alternative, should the ZHB determine that relief is required to change the use to an urgent care medical office and/or to enlarge the footprint of the building, Owner requests that any required relief, including any required special exceptions or variance relief be granted from the requirements of the Code.

B. Southern Parcel:

1. **Owner requests a dimensional variance for the proposed self-storage facility from the provisions of § 390-54.C of the Code**, to allow a side yard setback of 35 feet, where a setback of 75 feet is required when abutting a residential district. The Southern Parcel adjoins the R-2 residential district. Grant of relief will allow the building to be located further away from Pottstown Pike. As such, enhanced buffering will be possible to effectively screen the building from views along Pottstown Pike. As to the areas adjoining the side and rear yards of the parcel, these areas are heavily wooded with the nearest residential uses being over 1,100 feet from the parcel boundaries. As such, there will be no detrimental impact to the public health, safety or welfare by grant of relief.

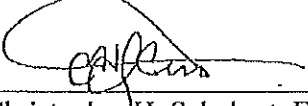
2. Owner also applies for such other interpretations, waivers, variances or other relief and/or approvals as may ultimately be required.

Plans of the proposed use have been submitted to the Zoning Officer, to be incorporated by reference herein, for consideration before the Zoning Hearing Board.

Respectfully submitted,

RILEY ROPER HOLLIN & COLAGRECO

Date: 4/10/2023

By: 

Christopher H. Schubert, Esquire
Attorney for Applicant/Owner
Pothouse-Kimberton, LLC

ADDENDUM “B”

PARCELS WITHIN 500’ OF 25-6-70 7 25-6-84:

UPI	Owner	Property address	Mailing address
25-6-71	Keith N. Grant, Jr. Tina Grant	960 Pottstown Pike	960 Pottstown Pike Chester Springs, PA 19425
25-6-69	Sweetwater Natural Products, LLC	976 Pottstown Pike	976 Pottstown Pike Chester Springs, PA 19425
25-6-68.1	Sweetwater Natural Products, LLC	980 Pottstown Pike	976 Pottstown Pike Chester Springs, PA 19425
25-6-68	Jon Lines Barbara L. Lines	968 Pottstown Pike	968 N. Pottstown Pike Chester Springs, PA 19425
25-6-67	Candace Lane Co.	2806 Conestoga Road	5 Robins Lane Berwyn, PA 19312
25-6-66	Barry B. DiLibero Theresa C.	1012 Pottstown Pike	1012 Pottstown Pike Chester Springs, PA 19425
25-6-65	Barry B. DiLibero Theresa C.	1016 Pottstown Pike	1012 Pottstown Pike Chester Springs, PA 19425
25-6-64	S C N A, Inc.	1020 Pottstown Pike	1020 Pottstown Pike Chester Springs, PA 19525
25-6-63	Orange Realty Group, Inc.	1024 Pottstown Pike	4437 Lobella Court Chester Springs, PA 19425
25-6-62.1	RV Sub Land, LLC	1026 Pottstown Pike	240 Windgate Drive, Suite A-1 Chester Springs, PA 19425
25-6-36.1	FVLC LLC	931 Pottstown Pike	931 Pottstown Pike Chester Springs, PA 19425
25-6-35	939 Pottstown Pike Associates	939 Pottstown Pike	c/o Siana Bellwoar & McAndrew LLP 941 Pottstown Pike, Suite 200 Chester Springs, PA 19524
25-6-34	Ludwig’s Corner Professional Center Associates	941 Pottstown Pike	941 Pottstown Pike, Suite 200 Chester Springs, PA 19425
25-6-33	1001 Pottstown Pike Associates, Inc.	1001 Pottstown Pike	1001 Pottstown Pike Chester Springs, PA 19425
25-6-32	Mary Smedley-Seibert	1017 Pottstown Pike	32 Styer Road Glenmoore, PA 19343
25-6-30	Lawrence J. Kanavy	1031 Pottstown Pike	162 Windgate Drive Chester Springs, PA 19425
25-7-8.1	Patrick J. McCabe, Jr. Joan S. McCabe Credit Shelter Trust	2800 Conestoga Road	517 Candace Lane Villanova, PA 19085
25-7-8	Owen J. Roberts School District	2750 Conestoga Road	901 Ridge Road Pottstown, PA 19465

