

BEFORE THE ZONING HEARING BOARD OF THE BOROUGH OF POTTSTOWN
MONTGOMERY COUNTY, PENNSYLVANIA

IN RE: APPEAL OF CAREY BALLOU AND SHIRLEY R. BORDERS

MEMORANDUM DECISION

Applicants, CAREY BALLOU AND SHIRLEY R. BORDERS, own property situated at 306 N. Charlotte Street, Pottstown, Pennsylvania ("Subject Property") in the Traditional Town Neighborhood Zoning District. Applicants propose to use the Subject Property for a step down unit for sober living for eight (8) residents and no staff, which the Borough Zoning Officer determined was classified as a group home under the Zoning Ordinance. Section 319.6 of the Zoning Ordinance ("Ordinance") permits group homes by special exception. In the original application, Applicants also requested a variance to reduce the number of required off-street parking spaces to two (2) or three (3) spaces, whereas Section 601.4.B. of the Ordinance requires four (4) off-street parking spaces for eight (8) residents of a group home.

A public hearing on the above application was held on March 29, 2018 at the Pottstown Borough Hall, 100 East High Street, Pottstown, Pennsylvania, pursuant to notice as required by the Ordinance and by the Pennsylvania Municipalities Planning Code ("MPC"). Having considered the evidence and the testimony presented, the Board makes the following summary Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

1. At the beginning of the hearing, the Applicants' Attorney, Joseph J. McGrory, Jr., made a motion to amend the application by withdrawing Applicants' request for a variance to Section 601.4.B of the Ordinance regarding parking at the Subject

Property. Applicants secured a lease for parking for the Subject Property which the Pottstown Zoning Officer determined would satisfy the parking requirements for use as a group home as set forth in the Ordinance.

2. The Zoning Officer determined that the proposed use should be classified as a group home as that term is defined in the Ordinance.
3. The Applicants presented sufficient, credible evidence that the proposed use on the Subject Property complied with Section 319.4 of the Ordinance, the criteria for qualifying for a special exception as a group home.

CONCLUSIONS OF LAW

1. The Board concludes that Applicants have met their burden of proof to justify the granting of special exception for use of the Subject Property as a group home pursuant to Sections 319.4 and 319.6 of the Ordinance.

The Board reserves the right to prepare full Findings of Fact and Conclusions of Law to support the decision if an appeal is filed.

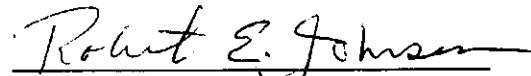
(This Memorandum Decision is continued on next page.)

ORDER

The Board, by unanimous vote, hereby grants to Applicants a special exception under Section 319.6 of the Ordinance to use the Subject Property as a group home consistent with the evidence presented by the Applicants at the hearing and subject to the following condition:

1. Compliance with the criteria set out in Section 319.4 shall be an ongoing requirement so long as the Subject Property is used as a group home.


BOROUGH OF POTTSTOWN
ZONING HEARING BOARD



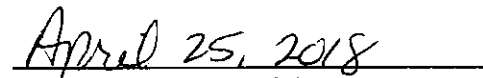
Robert E. Johnson



Jay Harp



Doug Lenhart



Date of Written Decision