

AGENDA
ZONING HEARING BOARD
Thursday, October 26, 2023 – 2:00 p.m.

1. Call to order
2. Review of the Zoning Hearing procedural steps
3. Discuss the following requested variances for 800 Van Reed Road:
 - a. Section 524 to allow additional nonconforming manufacturing and warehouse use;
 - b. Section 544 to allow 88.35% impervious coverage, a 10' wide side yard, and open area of 11.65%
 - c. Section 703.2 to allow the enlargement of an existing non-conforming land use
 - d. Section 703.6 to allow the erection of a building addition that accommodates a non-conforming land use
 - e. Section 704.3 to allow the enlargement of a non-conforming building in a manner that results in a greater degree of dimensional non-compliance
 - f. Section 705.2 to allow the expansion of a nonconforming use by more than 50% for lots that have not been held under single ownership or long term lease prior to the enactment of the Zoning Ordinance
 - g. Section 705.3 to allow the enlargement of a building in a manner that will not comply with all zoning regulations
 - h. Section 705.4 to allow the expansion of a non-conforming use beyond the footprint of the existing buildings.
4. Swearing in of any parties to be examined or cross examined
5. Examinations and cross examinations by legal counsel, and questions by the Zoning Hearing Board
6. Public Comment - All public comments shall be related to the subject matter jurisdiction of the Zoning Hearing Board and shall be limited to matters of the Zoning Hearing being conducted.
7. Review of the Zoning Hearing administrative steps
8. Executive Session

9. A motion is needed to table, approve, or deny granting the variances from Section 524 to allow additional nonconforming manufacturing and warehouse use; Section 544 to allow 88.35% impervious coverage, a 10' wide side yard, and open area of 11.65%; Section 703.2 to allow the enlargement of an existing non-conforming land use; Section 703.6 to allow the erection of a building addition that accommodates a non-conforming land use; Section 704.3 to allow the enlargement of a non-conforming building in a manner that results in a greater degree of dimensional non-compliance; Section 705.2 to allow the expansion of a nonconforming use by more than 50% for lots that have not been held under single ownership or long term lease prior to the enactment of the Zoning Ordinance; Section 705.3 to allow the enlargement of a building in a manner that will not comply with all zoning regulations; and Section 705.4 to allow the expansion of a non-conforming use beyond the footprint of the existing buildings for 800 Van Reed Road.



BOROUGH OF WYOMISSING

BOROUGH HALL – 22 READING BLVD.
WYOMISSING, PA 19610-2083
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October 17, 2023

MEMO To: Zoning Hearing Board
FROM: Anderson Deutschman, Commercial Zoning Officer
TOPIC: RM Palmer Building Addition, 800 Van Reed Road

APPLICATION:

RM Palmer Company is the owner of adjoining properties located at 700 Van Reed Road, 800 Van Reed Road, and 1 Van Reed Road, and identified as Tax Parcel ID No. 96-4397-20-71-8803, Tax Parcel ID No. 96-4397-19-71-4902, and Tax Parcel ID No. 96-4397-20-72-5013 respectively. Although lot lines are proposed to be extinguished, combining the three lots into one, RM Palmer Company is proposing a 24,969 SF addition on the current 700 Van Reed Road and 800 Van Reed Road lots. The applicant is requesting a variance from Section 524 to allow additional nonconforming manufacturing and warehouse use; a variance from Section 544 to allow 88.35% impervious coverage, a 10' wide side yard, and open area of 11.65%; a variance from Section 703.2 to allow the enlargement of an existing non-conforming land use; a variance from Section 703.6 to allow the erection of a building addition that accommodates a non-conforming land use; a variance from Section 704.3 to allow the enlargement of a non-conforming building in a manner that results in a greater degree of dimensional noncompliance; a variance from Section 705.2 to allow the expansion of a nonconforming use by more than 50% for lots that have not been held under single ownership or long term lease prior to the enactment of the Zoning Ordinance; a variance from Section 705.3 to allow the enlargement of a building in a manner that will not comply with all zoning regulations; and a variance from Section 705.4 to allow the expansion of a non-conforming use beyond the footprint of the existing buildings.

ZONING ISSUES:

1. The property is located in the I-1, Office/Research Park Zoning District. It is currently developed with two buildings and several off-street parking areas. In the existing buildings, 95,361 SF is used for manufacturing, 14,174 SF is used for admin/miscellaneous space, and 49,969 SF is used for warehouse space. Each of these uses are grandfathered non-conforming uses. The total square footage of all uses is 205,031 SF.
2. RM Palmer is proposing to construct a 24,969 SF addition that is dedicated to warehousing. RM Palmer will also convert 25,000 SF of existing warehousing space to manufacturing space. The square footage of all uses will total to 230,000 SF. RM Palmer is also proposing a net increase of 13 parking spaces, along with stormwater management BMP(s).
3. RM Palmer is proposing additional warehousing and manufacturing use in the I-1 Zoning district. This is not a permitted use under Section 524. The applicant is



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requesting a variance of this Section to allow the additional nonconforming manufacturing and warehouse use.

4. The building addition will result in greater dimensional non-compliance than is currently existing. The addition will have a side yard setback of 10 feet. The required side yard in the I-1 district is 50 feet. The applicant is requesting a variance from Section 544 for side yard setback requirements.
5. The maximum allowable impervious coverage is 60% per Section 544. The existing impervious coverage over the three lots to be combined is 80.12%. The 24,969 SF addition and additional parking will increase the impervious coverage to 88.35%, making impervious coverage more non-conforming. The applicant is requesting a variance from Section 544 for impervious coverage requirements.
6. The minimum allowable open space area is 40% per Section 544. The existing open space area over the three lots to be combined is 19.88%. The 24,969 SF addition and additional parking will decrease the open area to 11.65%, making open area more non-conforming. The applicant is requesting a variance from Section 544 for open area requirements.
7. Section 703.2 states that, "A nonconforming land use shall not be enlarged, increased and/or extended in order to occupy a greater area of land than was occupied at the effective date of enactment or amendment of this Chapter." The non-conforming uses of this property are proposed to cover an additional 24,969 SF of additional land. The applicant is requesting a variance of this Section.
8. Section 703.6 states that, "No additional structures that do not conform to the requirements of this Chapter shall be erected." The applicant proposes a 24,969 SF addition that accommodates a non-conforming use. The applicant is requesting a variance from this Section.
9. Section 704.3 states that, "A nonconforming building or structure shall not be enlarged, increased, repaired, maintained or modified in any manner, which will further violate any applicable dimensional requirements imposed by this Chapter." The buildings that this addition will span between are non-conforming, violating both front yard and side yard setbacks. The 24,969 SF addition will connect the existing non-conforming buildings and will not comply with side yard setbacks. The applicant is requesting a variance from this Section.
10. Section 705.2 states that, "An existing structure devoted to a use not permitted by this Chapter within the zoning district where it is located may be enlarged, extended, constructed, reconstructed or structurally altered up to but not more than fifty (50) percent of its gross floor area and/or use area as it existed at the time of the passage of this Chapter or subsequent amendment, provided that the lot or lots upon which the nonconforming structure is situated were held under single ownership or long-term lease (10 years or more) and purchased or leased prior to the enactment of this Chapter." 1, 700, and 800 Van Reed Road were purchased by Confectionary Real Estate, LLC in 2023, meaning that expansion of a structure devoted to a nonconforming use is not permitted by right on any property. Additionally, the 700 Van Reed Road lot proposes an expansion of a



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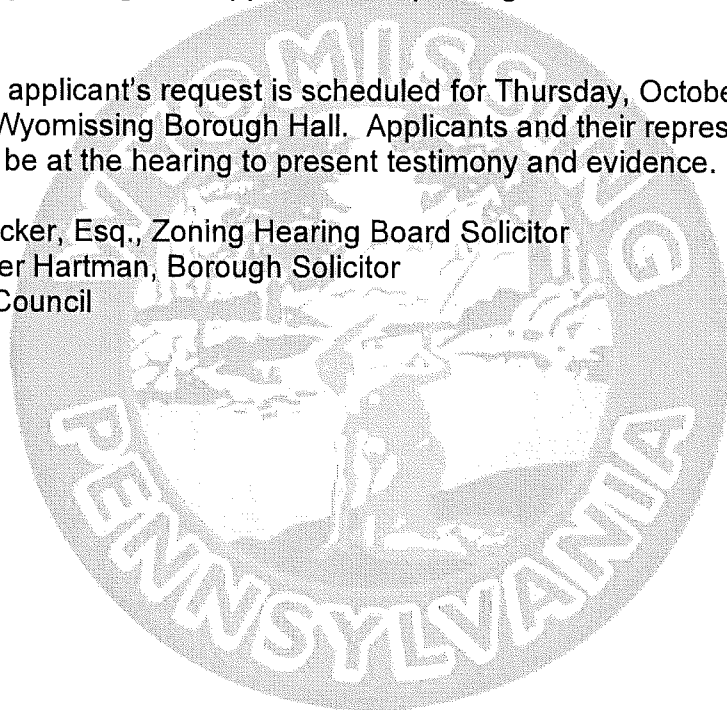
non-conforming use by greater than 50%. The applicant is requesting a variance of this Section.

11. Section 705.3 states that, “any enlargement, extension, construction, reconstruction or structural alteration must conform to all other regulations of the zoning district in which it is located.” As the 24,969 SF addition does not comply with all setbacks, the applicant is requesting a variance from this Section.
12. Section 705.4 states that, “Any nonconforming use may be extended throughout a building or structure which was in use for the nonconforming use at the time of adoption of this Chapter, but no such use shall be extended to occupy any land outside such building or structure unless provided for under this Part of this Chapter.” The addition expands a non-conforming use outside of the footprint of the existing building. The applicant is requesting a variance from this Section.

HEARING:

A hearing on the applicant’s request is scheduled for Thursday, October 26, 2023, at 2:00 PM, at the Wyomissing Borough Hall. Applicants and their representatives, if applicable, must be at the hearing to present testimony and evidence.

cc: Daniel Becker, Esq., Zoning Hearing Board Solicitor
Christopher Hartman, Borough Solicitor
Borough Council
Mayor





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NOTICE OF APPLICATION VARIANCE APPROVAL FROM THE BOROUGH OF WYOMISSING ZONING ORDINANCE

NOTICE is hereby given that an application for variances from the terms of the Borough of Wyomissing Zoning Ordinance has been presented by:

Ms. Kelsey Frankowski, Esq., on behalf of R.M. Palmer, owner of property located at 700 Van Reed Road and 800 Van Reed Road, and identified as Tax Parcel ID No. 96-4397-20-71-8803 and 4397-19-71-4902, is requesting variance approval under the following sections of the Borough of Wyomissing Zoning Ordinance:

Section 542 – Uses Permitted By Right: To allow warehousing and manufacturing to occur in a building located in the I-1, Office/Research Park District, which is not permitted by right.

Section 544 – Area, Yard and Height Requirements: To allow an increase in impervious coverage of 88.35% from the existing 80.12%, where a maximum impervious coverage is required of 60%; to allow a side yard setback of 10' along the southern property line where a minimum side yard setback of 50' is required; and to allow a decrease in open area coverage from 19.88% to 11.65%, where the minimum open area required is 40%.

Section 703.2 – Non-Conforming Uses of Land: To allow the enlargement of an existing non-conforming land use as the existing manufacturing use is not permitted in the I-1, Office/Research Park Zoning District.

Section 703.6 – Non-Conforming Uses of Land: To allow the erection of a building addition on a property that accommodates a non-conforming land use.

Section 704.3 – Non-Conforming Buildings or Structures: To allow the enlargement of a non-conforming structure in a manner that will result in a greater degree of dimensional non-compliance.

Section 705.2 – Non-Conforming Uses of Buildings or Structures: To allow an existing structure to be enlarged or structurally altered by more than fifty (50) percent of its gross floor area and/or use area as it existed at the time of the passage of this Chapter or subsequent amendment.

Section 705.3 – Non-Conforming Uses of Buildings or Structures: To allow the enlargement of a structure in a manner that will not comply with all zoning regulations of the district in which it is located.

Section 705.4 – Non-Conforming Uses of Buildings or Structures: To allow the expansion of non-conforming use beyond the footprint of the existing building(s).

and a Public Hearing thereon will be held at the Wyomissing Borough Hall, 22 Reading Blvd., Wyomissing, PA, on Thursday, October 26, 2023, at 2:00PM to determine whether or not the applicant's request will be granted. The applicants, all other parties in interest, and all citizens with standing who appear will have an opportunity to be heard. If you require special accommodations in order to attend Borough meetings, please call the Borough Hall at (610) 376-7481. The Borough will make every reasonable effort to accommodate you.

ZONING HEARING BOARD

Michele E. Bare, Zoning Hearing Board Secretary

Mr. Daniel Becker, Esq., Solicitor