

December 23, 2022

**VIA EMAIL [WSTOKES@POTTSTOWN.ORG]**

Winter Stokes  
Zoning Officer  
Borough of Pottstown  
100 East High Street  
Pottstown, PA 194646-9525

**RE: Christ Episcopal Church – 316 High Street**

Dear Ms. Stokes:

You may recall that our firm represents Christ Episcopal Church (“**Church**”), the owner of the property identified as 316 High Street, in the Borough of Pottstown (“**Property**”). The Property is now located in the Downtown (D) Zoning District. The Church was at this location before the adoption of the Borough’s zoning ordinance and has continued its religious mission ever since. You may also recall that our firm also represents the Episcopal Diocese of Pennsylvania. We were provided a copy of your letter to the Church dated December 6, 2022, and are writing in response thereto.

Your December 6, 2022 letter references the zoning violation notice that you issued to the Church on June 10, 2022, but later withdrew by letter dated September 1, 2022 “without prejudice.” The Church and the Episcopal Diocese of Pennsylvania strongly disagreed with the claims in the zoning violation notice. With the full support of the Episcopal Diocese of Pennsylvania, and without prejudice to other potential legal avenues to protect the free exercise of religion, and other fundamental rights, we had filed an appeal of the June 10, 2022 zoning violation notice to the Pottstown Borough Zoning Hearing Board on behalf of the Church<sup>1</sup>.

As set forth in that appeal we believe that all of the activities raised in the zoning violation notice are a permitted use of the Property under the United States and Pennsylvania Constitutions, as well as the Federal Religious Land Use & Institutionalized Persons Act, the Pennsylvania

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<sup>1</sup> The appeal is referenced by the Zoning Hearing Board as "Appeal 09-2022", but has not moved forward to a hearing because it was hoped that the matter could be resolved without a hearing. The Church provided an extension of time for the commencement of the hearing.

Religious Freedom Protection Act, and the Borough's zoning ordinance, including the ordinance's definition of a church. The appeal also challenged the substantive validity of the zoning ordinance, to the extent it was being interpreted and applied in violation of the United States and Pennsylvania constitutions, and federal and state law. The appeal also raised Equal Protection claims.

After receiving the zoning violation notice, and filing the appeal, representatives of the Church and the Episcopal Diocese of Pennsylvania met with you and other representatives of Pottstown Borough during our virtual meeting on August 4, 2022 to, among other things, describe some of the activities currently occurring at the Property conducted in furtherance of its religious mission. We agree that the meeting was productive. We also felt that that meeting had a tenor of mutual cooperation. Although the Church and the Diocese were disappointed that the zoning violation notice had been issued, they appreciated the tenor of the meeting. They were also encouraged by the receipt of your September 1, 2022 letter withdrawing the zoning violation notice.

Turning back to your December 6, 2022 letter. Your letter lists some of the activities that were discussed during the August 4, 2022 meeting, and states that the Borough has agreed to recognize them as "pre-existing" and notes that they "are approved moving forward." Your letter also states "Worship services and services such as weddings and funerals are recognized as permitted "Church" uses." We found it concerning that your letter described these activities, all of which are in furtherance of the Church's religious mission, in this manner. So there is no misunderstanding as to the position of the Church and the Diocese regarding the Church's activities at the Property, while we agree that the activities you note in your December 6, 2022 letter were discussed during our August 4, 2022 meeting and generally summarize a number of the activities (in addition to worship, weddings and funerals) that currently occur at the Church, the activities referenced in your letter do not constitute a comprehensive list of the activities that occur or could occur on the Property in connection with the Church's religious mission and the free exercise of religion.

Your letter also stated: "In the future, we would appreciate your ongoing communication and notification if there are any additional uses or significant expansion of the above." While the Church is willing to participate in ongoing mutual communication and dialogue we do not think it would be practical or productive to provide "notification" each time there are any additional uses or changes in the Church's ministry or religious mission. The Church believes that its activities permitted, and it desires to continue its important ministries without undue interference or micro-management by the Borough. As I am sure you can imagine, the day-to-day activities of the Church and what is necessary for the Church to fulfill its mission and religious ministry has certainly changed over time. We are certain that it will continue to evolve.

Your letter also referenced the possible formal withdrawal of the pending zoning appeal. Given your letter, and some of the Borough's actions regarding other religious activities that the Church and Diocese are aware of, we are hesitant to withdraw the zoning appeal at this time.

Winter Stokes  
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Sincerely,



George W. Broseman

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