

IN RE: APPEAL OF BERKS TAXI CAB : **BEFORE THE ZONING HEARING**
(HAFES ALY) RELATIVE TO A PROPERTY : **BOARD OF THE CITY OF READING,**
LOCATED AT 39 MULBERRY STREET, : **PENNSYLVANIA**
CITY OF READING, BERKS COUNTY, :
PENNSYLVANIA : **APPEAL NO. 2018-04**
: **VARIANCE, INTERPRETATION**
: **AND/OR SPECIAL EXCEPTION**

**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 14th day of March, 2018, a hearing having been held on February 14, 2018, upon the application of Berks Taxi Cab (Hafes Aly), notice of such hearing having been first sent and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the Zoning Hearing Board of the City of Reading (hereinafter referred to as the “Zoning Board”) renders the following decision:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. Applicant is Berks Taxi Cab (Hafes Aly) with a principal address of 1000 Scenery Drive, Harrisburg, Pennsylvania 17104 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the property located at 39 Mulberry Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Aramore, LLC, has granted Applicant permission to seek the requested relief.
4. The Subject Property is located in the R-3 Residential Zoning District as that term and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
5. Applicant was represented at the hearing by Joseph Sucec of P.O. Box 317, Grantham, Pennsylvania 17027.

6. Applicant seeks a variance to operate a vehicle repair garage and office use related to a taxi fleet on the Subject Property.

7. Specifically, Applicant is requesting relief from Sections 600-406.D, 600-804.B., 600-607, and 600-1105 of the Zoning Ordinance, and all associated Variances, Special Exceptions and Interpretations.

8. Applicant testified the hours of operation for the garage will be Monday through Friday from 9:00 a.m. to 5:00 p.m., prevailing time, and the office hours would be from 9:00 a.m. to 9:00 p.m.

9. Applicant testified all taxi vehicles would be maintained inside the Subject Property.

10. Applicant testified only light mechanical work like oil changes and brake service would be performed on the taxi fleet.

11. Applicant testified there would be no car washing, detailing, painting or major repairs.

12. Operation of an auto mechanical garage in a residential neighborhood would be detrimental to the health, safety and welfare of local residents and would diminish property values.

13. A neighboring property owner had concerns about the parking of the taxi fleet vehicles.

14. The Subject Property can be used in conformity with the Zoning Ordinance.

15. There is no hardship at the Subject Property.

DISCUSSION

Applicant seeks a variance to operate a vehicle repair garage and office use related to a taxi fleet on the Subject Property. Applicant's proposed use will be a detriment to the health, safety and welfare of the neighborhood. The Board finds there is no hardship at the Subject Property.

CONCLUSIONS OF LAW

1. Applicant is Berks Taxi Cab (Hafes Aly).

2. The Subject Property is located at 39 Mulberry Street, City of Reading, Berks County, Pennsylvania 19601.

3. The Subject Property is located in the R-3 Residential Zoning District.

4. Applicant seeks a variance to operate a vehicle repair garage and office use related to a taxi fleet on the Subject Property.

5. The specific sections of the Zoning Ordinance appealed are 600-406.D, 600-804.B., 600-607 and 600-1105 of the Zoning Ordinance, and all associated Variances, Special Exceptions and Interpretations.

6. In order to grant the requested variance, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.


7. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following decision:

a. Applicant is hereby denied the variance because no hardship exists at the Subject Property and the proposed used is a detriment to the health, safety and welfare of the neighborhood.

The decision of this Board is by a vote of 3 to 0.

ZONING HEARING BOARD OF THE CITY
OF READING


PHILIP RABENA, CHAIRMAN


THOMAS FOX


JEFFREY GATTONE

WILLIAM HARST

JARED BARCZ