

IN RE: APPEAL OF DAVID LEELAND : **BEFORE THE ZONING HEARING**
RELATIVE TO A PROPERTY LOCATED : **BOARD OF THE CITY OF READING,**
AT 1711 HAMPDEN BOULEVARD, CITY : **PENNSYLVANIA**
OF READING, BERKS COUNTY, :
PENNSYLVANIA : **APPEAL NO. 2018-07**
: **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 David and Dawn Leeland, 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. Applicants are David and Dawn Leeland, adult individuals (hereinafter referred to as the “Applicants”).
2. Applicants are the fee simple owners of real property located at 1711 Hampden Boulevard, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-1 Residential Zoning District as that term and district are defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).

4. Applicants seek a special exception to operate a small scale bed and breakfast and an interpretation or variance to operate a small events venue at the Subject Property.

5. Specifically, Applicant seeks relief from Sections 600-406(E), 600-605, 600-802, 600-1201, 600-1202, and 600-2202, 600-1503, 600-1505, 600-1603 of the Zoning Ordinance.

6. Applicant was represented by Scott G. Hoh, Esquire.

7. The Subject Property consists of 3.07 acres and includes a two and one-half story, residential stone masonry structure with a gable roof. The home was built in approximately 1930.

8. The Subject Property has been used since 1930 for various residential and commercial purposes.

9. The Board finds Applicants previously owned the property which operated as the Caum Memorial Home or the William Bitting Mansion and Applicants sold the Subject Property approximately eight years ago to Orange Stones Company. Orange Stones Company subsequently sold the Subject Property back to the Applicants on August 25, 2017.

10. Applicants propose to use the main structure fronting on Hampden Boulevard which consists of approximately 13,503 square feet as their personal residence. In addition, Applicants desire to use the main residence and a later addition for up to an eight (8) room bed and breakfast.

11. Applicants testified there is an existing on-site parking area with approximately six (6) parking spaces for employees and guests.

12. Applicants testified there is a three (3) car garage and driveway for their personal residential parking.

13. Applicants also seek a favorable interpretation or variance to allow the bed and breakfast use to include small events such as concerts, rehearsal parties, weddings, birthday parties, after funeral meals, etc.

14. Applicants produced no evidence that such an interpretation is in keeping with the Zoning Ordinance definitions.

15. The Subject Property can be used as a bed and breakfast, as a special exception, and shall not exceed eight (8) guest rooms.

16. The Subject Property is not entitled to an expanded interpretation of the term bed and breakfast and is not entitled to a variance because the Subject Property can be used in accordance with the strict terms of the Zoning Ordinance.

17. The Board finds the proposed bed and breakfast use will not be detrimental to the health, safety and welfare of the zoning district or the City of Reading, however, the requested alleged ancillary uses would be detrimental to the health, safety and welfare of the Zoning District and are not in keeping with the spirit and intent of the Zoning Ordinance.

DISCUSSION

Applicants seek a special exception to operate a small scale bed and breakfast at the Subject Property. In addition, Applicants seek a favorable interpretation or variance to allow the bed and breakfast use to include small events such as concerts, rehearsal parties, weddings, birthday parties, after funeral meals, etc. The Zoning Board finds the bed and breakfast use which shall not exceed eight (8) guest rooms is in keeping with the spirit and intent of the Zoning Ordinance and will not be detrimental to the health, safety and welfare of the neighborhood, the zoning district, or the City of Reading. The Zoning Board further finds the requested ancillary uses would be a detriment to the health, safety and welfare of the Zoning District and are not in keeping with the spirit and intent of the Zoning Ordinance.

CONCLUSIONS OF LAW

1. Applicants are David and Dawn Leeland.
2. The Subject Property is located at 1711 Hampden Boulevard, City of Reading, Berks County, Pennsylvania 19602.
3. The Subject Property is located in the R-1 Residential Zoning District.
4. Applicants seek a special exception to operate a small scale bed and breakfast use and an interpretation or variance to allow ancillary uses such as concerts, rehearsal parties, weddings, birthday parties, after funeral meals, etc.
5. The Zoning Board is permitted to grant applications for variances and/or special exceptions and to interpret the Zoning Ordinance.
6. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:
 - a. Applicant is granted a special exception to operate a bed and breakfast inn with up to eight (8) guest rooms.
 - b. Applicant is not permitted to have ancillary events, including but not limited to concerts, rehearsal parties, weddings, birthday parties, after funeral meals, etc., at the Subject Property.
 - c. The main structure shall be a single family owner occupied dwelling.
 - d. Applicant shall maintain both the ownership of the Subject Property and the business as well as occupy the residence in order to operate the bed and breakfast inn.
 - e. Applicant shall attend a One Stop Meeting to make sure it is in compliance with all codes and ordinances.

f. Applicant shall comply with all relevant building, trades, fire codes, occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

g. Applicant may not use, expand, alter or otherwise use the Subject Property inconsistently with the contents of this Decision without making application requesting further relief from the Zoning Board.

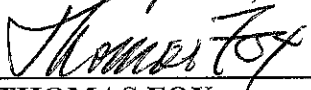
h. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

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

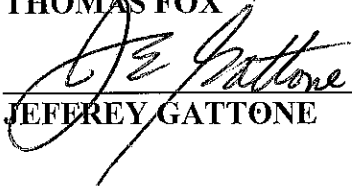
**ZONING HEARING BOARD OF THE
CITY OF READING**



PHILIP RABENA, CHAIRMAN



THOMAS FOX



JEFFEREY GATTONE

WILLIAM HARST

JARED BARCZ