

IN RE: APPEAL OF SANDRA WALTERS : **BEFORE THE ZONING HEARING**
RELATIVE TO A PROPERTY LOCATED : **BOARD OF THE CITY OF READING,**
AT 1665 NORTH TENTH STREET, CITY : **PENNSYLVANIA**
OF READING, BERKS COUNTY, :
PENNSYLVANIA : **APPEAL NO. 2018-02**
:
: **VARIANCE, INTERPRETATION**
: **AND/OR SPECIAL EXCEPTION**

DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING

AND NOW, this 14th day of February, 2018, a hearing having been held on January 10, 2018, upon the application of Sandra Walters, 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 Sandra Walters, an adult individual residing at 1665 N. 10th Street, Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 1665 N. 10th Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-3 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”).
4. Applicant seeks a variance to convert the existing first floor commercial space into three (3) one (1) bedroom apartments at the Subject Property.
5. In addition, Applicant seeks a variance from the applicable off-street parking requirements.
6. Applicant was previously before the Board on July 12, 2017, requesting relief to convert

the existing first floor commercial space into a boarding house consisting of six (6) rooms at the Subject Property.

7. The Zoning Board denied Applicant's request by its Decision dated August 9, 2017. A copy of said Decision is attached hereto as Exhibit "A" and made a part hereof.

8. The Zoning Board agreed to incorporate the testimony from the July 12, 2017, hearing into the record.

9. Applicant testified she will retain the six (6) boarding house units on the upper floors of the Subject Property.

10. Applicant testified she will only allow an adult to rent each of the ~~three (3)~~ ^{two (2)} apartments.

11. There were no objections presented at the hearing.

DISCUSSION

Applicant requests relief to convert the first floor commercial space into three (3) one (1) bedroom apartments which would each be rented only to one (1) adult. The Zoning Board finds the proposed use will not be a detriment to the health, safety and welfare of the neighborhood and is in keeping with the spirit and intent of the Ordinance.

CONCLUSIONS OF LAW

1. Applicant is Sandra Walters.

2. The Subject Property is located at 1665 North 10th Street, Reading, PA 19604.

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

4. The Zoning Board is permitted to provide interpretation and grant applications for variances and special exceptions as set forth in the relevant sections of the Zoning Ordinance.

5. In order to grant the requested relief, the Applicant must show she has satisfied the relevant sections of the Zoning Ordinance.

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

a. Applicant is granted relief from all relevant sections of the Zoning Ordinance to

two (2) 17 J.E.G.

convert the first floor of the Subject Property into ~~three (3)~~ one (1) bedroom apartments.


- b. Applicant shall only rent each apartment to one (1) adult. No additional children or adults may reside in the apartment.
- c. Relief from off-street parking requirements is granted.
- d. Applicant shall apply for all required building, trades and fire permits and submit to all inspections deemed necessary.
- e. Applicant shall apply for housing permits and submit to the required property maintenance inspections.
- f. Applicant shall comply with all relevant building and 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


JEFFREY GATTONE

WILLIAM HARST

JARED BARCZ

EXHIBIT "A"

EXHIBIT "A"

IN RE: APPEAL OF SANDRA WALTERS : BEFORE THE ZONING HEARING
RELATIVE TO A PROPERTY LOCATED : BOARD OF THE CITY OF READING,
AT 1665 NORTH TENTH STREET, CITY : PENNSYLVANIA
OF READING, BERKS COUNTY, :
PENNSYLVANIA : APPEAL NO. 2017-37
:
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION

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

AND NOW, this 9th day of August, 2017, a hearing having been held on July 12, 2017, upon the application of Sandra Walters, 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. The Applicant is Sandra Walters, an adult individual residing at 1665 N. 10th Street, Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the "Applicant").
2. Applicant is the fee simple owner of property located at 1665 N. 10th Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the "Subject Property").
3. The Subject Property is located in the R-3 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").
4. Applicant seeks a variance to convert the existing first floor commercial space into a boarding house consisting of six (6) rooms at the Subject Property.
5. In addition, Applicant seeks a variance from the applicable off-street parking requirements.

6. Applicant testified the commercial space was previously a bar known as Sam's Goose House.
7. Applicant testified the bar has since closed and she desires to convert the commercial use of the first floor to a boarding house.
8. Applicant testified there are six (6) boarding house units on the upper floors of the Subject Property.
9. Applicant testified there is sufficient on street parking in the neighborhood.
10. Applicant did not establish any hardship to support the grant of a use variance.
11. Applicant's proposed use is too intense for the Subject Property and the surrounding neighborhood.
12. Applicant's proposed use is solely to maximize financial return at the Subject Property.
13. The Subject Property can be used in accordance with the strict terms of the Zoning Ordinance.
14. The Board finds the proposed use will be a detriment to the health, safety and welfare of the neighborhood and is not in keeping with the spirit and intent of the Ordinance.

DISCUSSION

Applicant requests a use variance and dimensional variance to convert commercial space on the first floor of the Subject Property to a boarding house with six (6) rooms. Applicant has not fulfilled and met her burden to receive the requested zoning relief at the Subject Property. The proposed use will be a detriment to the health, safety and welfare of the neighborhood and is not in keeping with the spirit and intent of the Ordinance.

CONCLUSIONS OF LAW

1. Applicant is Sandra Walters.
2. The Subject Property is located at 1665 North 10th Street, Reading, PA 19604.
3. The Subject Property is located in the R-3 Zoning District.

4. The specific sections of the Zoning Ordinance appealed are 600-608(A), 804(B) and 600-1603.

5. The Zoning Board is permitted to provide interpretation and grant applications for variances and special exceptions as set forth in the relevant sections of the Zoning Ordinance.

6. In order to grant the requested relief, the Applicant must show she 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 denied the requested relief because:

i. Applicant can use the Subject Property within the strict terms of the Zoning Ordinance;

ii. There is no hardship; and


iii. The creation of a boarding house with six (6) units is a detriment to the neighborhood.

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

ZONING HEARING BOARD OF THE CITY
OF READING

PHILIP KABENA, CHAIRMAN


THOMAS FOX


JEFFREY GATTONE

WILLIAM HARST


JARED BARCZ