

IN RE: APPEAL OF IGLESIA DE DIOS : **BEFORE THE ZONING HEARING**
ARCA DE REFUGIO, INC., RELATIVE : **BOARD OF THE CITY OF READING,**
TO A PROPERTY LOCATED AT 924 : **PENNSYLVANIA**
BUTTONWOOD STREET, CITY OF :
READING, BERKS COUNTY, : **APPEAL NO. 2018-12**
PENNSYLVANIA :
: **VARIANCE, INTERPRETATION**
: **AND/OR SPECIAL EXCEPTION**

DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING

AND NOW, this 13th day of June, 2018, a hearing having been held on May 9, 2018, upon the application of Iglesia De Dios Arca De Refugio, Inc., 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 Iglesia De Dios Arca De Refugio, Inc., a Pennsylvania non-profit corporation with a registered office at 924 Buttonwood Street, City of Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the property located at 924 Buttonwood Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. 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”).

4. Applicant seeks relief to continue the use of the Subject Property as a place of worship and to allow an apartment on the third floor to be used as the pastor's residence.

5. Specifically, Applicant seeks relief from Sections 600-804, 600-406, 600-1202, 600-1603, and 600-301 of the Zoning Ordinance and all associated variances, special exceptions and interpretations.

6. Applicant's testimony was presented by the acting Pastor, Kervin Laboy-Gonzalez.

7. A notarized letter signed by the Senior Pastor and President of the Applicant authorizing Pastor Laboy-Gonzalez to represent the Applicant with respect to the zoning matter was presented to the Board.

8. The Board finds Pastor Laboy-Gonzalez has standing to come before the Board on behalf of the Applicant.

9. Applicant testified it has been operating as a church at the Subject Property since 2008.

10. Applicant testified the apartment on the third floor would be solely used as a parsonage for the current pastor or future pastors.

11. Pastor Laboy-Gonzalez testified he is currently residing in the third floor apartment.

12. Applicant stated the church was not aware it was not in compliance with zoning regulations until someone from the zoning office made an inspection and indicated the church needed to seek zoning relief.

13. Applicant stated the church currently operates on Tuesday, Thursday, Friday and one Saturday a month from 6:30 p.m. to 10:30 p.m. and on Sunday from 12:00 p.m. to 6:00 p.m., prevailing time.

14. Applicant testified there are approximately thirty church members.
15. Applicant testified most of the members drive to church.
16. Applicant testified church members have been using the parking lot at the 10th and Green School.
17. Applicant testified he is not certain the church has been granted permission to use the 10th and Green School parking lot.
18. There were no objectors to the proposed relief.
19. The Board finds the proposed use will not be a detriment to the health, safety and welfare of the neighborhood and will not impact on-street parking or neighboring properties.

DISCUSSION

Applicant seeks zoning relief to continue to operate a place of worship and to allow an apartment on the third floor to be used solely as a parsonage for the current pastor or future pastors. The Zoning Board finds the proposed use 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.

CONCLUSIONS OF LAW

1. The Applicant Iglesia De Dios Arca De Refugio, Inc.
2. The Subject Property is located at 924 Buttonwood Street, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant seeks relief to continue to operate a place of worship and allow an apartment on the third floor to be used solely as a parsonage for the current pastor or future pastors.

5. In order to grant the requested relief, Applicant must show it 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 a special exception and/or variance to operate a place of worship at the Subject Property.

b. Applicant is also granted relief for an apartment on the third floor which shall be used solely as a parsonage for the current pastor or future pastors.

c. Applicant shall provide to the Zoning Administrator written permission from the Reading School District to use the parking lot at the 10th and Green School parking lot.

d. Applicant's use of the Subject Property for church purposes shall not extend past 10:30 p.m., prevailing time.

e. Applicant may use the Subject Property for uses deemed to be customarily accessory uses to a place of worship, excluding a shelter, soup kitchen or donation center. If the Applicant seeks to operate a shelter, soup kitchen or donation center, it shall submit an application for conditional use approval.

f. Applicant may prepare food for church members and accept donations at the church; however, donations shall be distributed at an approved facility not at the Subject Property.

g. Applicant shall not allow excess noise to emanate from the Subject Property.

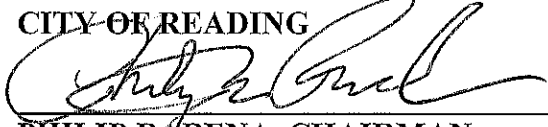
h. Applicant must comply with all relevant building and occupancy codes as well as the plans and testimony submitted before the Zoning Board.

i. 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.


j. 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 5 to 0.

ZONING HEARING BOARD OF THE
CITY OF READING




PHILIP RABENA, CHAIRMAN




THOMAS FOX



JEFFREY GATTONE



WILLIAM HARST



JARED BARCZ