

IN RE: APPEAL OF MICHELLE AND : BEFORE THE ZONING HEARING
VINCENZO BRUTTO, RELATIVE TO A : BOARD OF THE CITY OF READING,
PROPERTY LOCATED AT 700 UPLAND : PENNSYLVANIA
AVENUE, CITY OF READING, BERKS :
COUNTY, PENNSYLVANIA : APPEAL NO. 2018-21
:
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION

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

AND NOW, this 8th day of August, 2018, a hearing having been held on July 11, 2018, upon the application of Michelle and Vincenzo Brutto, 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 Applicants are Michelle and Vincenzo Brutto, adult individuals residing at 419 Summit Avenue, Reading, Berks County, Pennsylvania 19611 (hereinafter referred to as the "Applicants").
2. Applicants are the fee simple owners of property located at 700 Upland Avenue, City of Reading, Berks County, Pennsylvania 19602 (hereinafter referred to as the "Subject Property").
3. The Subject Property is located in the R-2 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. Applicants seek relief to expand a nonconforming use by more than twenty percent (20%) by adding an addition onto the existing dwelling unit on the second floor.
5. Applicants testified the second floor currently consists of a small residential unit and they wish to increase the square footage of the second floor to allow for a three (3) bedroom apartment unit.

6. Applicant also seeks relief to convert the first floor commercial space to a dwelling unit with three (3) bedrooms thereby making the building a two (2) unit apartment building.

7. Applicants testified there is sufficient on-street parking as well as available parking on the lot adjacent to the Subject Property.

8. Applicant testified the building is currently vacant.

9. The Subject Property had been a bar/restaurant for many years.

10. No neighboring property owners objected to the requested relief.

11. The Board finds the requested relief will not be a detriment to the health, safety and welfare of the neighborhood.

DISCUSSION

Applicants request relief to expand a nonconforming use by more than twenty percent (20%) by adding an addition onto the existing dwelling unit on the second floor and to convert the first floor commercial space into a three (3) bedroom apartment unit. The Zoning Board finds the proposed relief will not be a detriment to the health, safety and welfare of the neighborhood.

CONCLUSIONS OF LAW

1. Applicants are Michelle and Vincenzo Brutto.

2. The Subject Property is located at 700 Upland Avenue, Reading, Berks County, Pennsylvania 19602.

3. The Subject Property is located in the R-2 Residential Zoning District.

4. The specific sections of the Zoning Ordinance appealed are 600-607, 600-803, 600-608, 600-1603 and all associated variances, special exceptions and interpretations.

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, Applicants must show they have satisfied the relevant sections of the Zoning Ordinance.

7. After reviewing the Applicants' request in detail, the Zoning Hearing Board enters the


following Decision:

- a. Applicants are granted relief from all relevant sections of the Zoning Ordinance to expand the existing second floor residential unit to accommodate three (3) bedrooms and to convert the first floor commercial space into a three (3) bedroom apartment unit.
- b. Applicants shall apply for all required building, trades and fire permits and submit to all inspections deemed necessary.
- c. Applicants shall apply for housing permits and submit to the required property maintenance inspections.
- d. Applicants shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.
- e. Applicants 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.
- f. 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