

IN RE: APPEAL OF DANIEL S. : BEFORE THE ZONING HEARING
CAISAGUANO ON BEHALF OF MEXICANA : BOARD OF THE CITY OF READING,
EXPRESS TRANSPORTATION SERVICE, : PENNSYLVANIA
LLC, RELATIVE TO A PROPERTY :
LOCATED AT 532, 532R AND 534 MINOR : APPEAL NO. 2018-22
STREET, CITY OF READING, BERKS : VARIANCE, INTERPRETATION
COUNTY, PENNSYLVANIA : 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 Daniel S. Caisaguano on behalf of Mexicana Express Transportation Services, LLC, 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 Daniel Caisaguano on behalf of La Mexicana Express Transportation Service, LLC, with a principal address of 500 S. 15th Street, Reading, Berks County, Pennsylvania 19602 (hereinafter referred to as the "Applicant").
2. Applicant has an equitable interest in the property located at 532, 532R and 534 Minor Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the "Subject Property").
3. The fee simple owner of the Subject Property, MLRC Holdings, 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 Attorney Joan London of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610.

6. Applicant seeks a variance to establish and maintain an office and taxi dispatching headquarters at the Subject Property.

7. Applicant testified the Subject Property is vacant but had previously been used for commercial purposes.

8. Applicant is appealing the determination of the Zoning Officer denying the proposed use pursuant to Section 600-406.A.1., and to the degree that the prior use of the building was nonconforming, seeks relief under Section 600-607.D. to change the use to a less intense and less impactful nonconforming use than the prior industrial and/or commercial use.

9. Applicant testified the transportation business operates twenty-four (24) hours a day, seven (7) days a weeks, with three (3) shifts of eight (8) hours.

10. Applicant testified there are eight (8) taxi cabs and the drivers are independent contractors.

11. Applicant stated the parking area will be used only for the taxi cabs and the personal vehicles of the taxi cab drivers. No public parking will be allowed.

12. Applicant testified the office use will include the clerical functions of the business.

13. Applicant testified there would be no servicing or washing of vehicles at the Subject Property.

14. Applicant testified there will be no noise, odors, glare, fumes, traffic congestion or other negative impacts on the surrounding community.

15. There were objectors to the proposed use.

16. The proposed use is appropriate for this manufacturing facility and should be less intense and intrusive than a manufacturing use.

DISCUSSION

Applicant seeks a variance to operate an office and taxi dispatching headquarters twenty-four (24) hours a day, seven (7) days per week, with a taxi fleet of eight (8) vehicles at the Subject Property. Applicant's proposed use will not be a detriment to the health, safety and welfare of the neighborhood.

CONCLUSIONS OF LAW

1. Applicant is Daniel S. Caisaguano on behalf of La Mexicana Express Transportation Service, LLC.
2. The Subject Property is located at 532, 532R and 534 Minor 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 an office and taxi dispatching headquarters at the Subject Property.
5. The specific sections of the Zoning Ordinance appealed are 600-406.D, 600-804.B., 600-607, 600-608, and 600-1603 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 granted a variance to operate an office and taxi cab dispatching headquarters at the Subject Property based upon the findings of fact.
 - b. Applicant may park no more than eight (8) vehicles at the Subject Property.
 - c. Applicant and/or its employees shall not block ingress and egress to Bell Alley.
 - d. There shall be no repair work, tire changing, oil changing, or vehicle washing at the Subject Property.

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

f. 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.

g. 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