

IN RE: APPEAL OF MARK A. PONCE : BEFORE THE ZONING HEARING
RELATIVE TO A PROPERTY : BOARD OF THE CITY OF READING,
LOCATED AT 1849 PERKIOMEN : PENNSYLVANIA
AVENUE, CITY OF READING, BERKS :
COUNTY, PENNSYLVANIA : APPEAL NO. 2018-24
:
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION

DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING

AND NOW, this 12th day of September, 2018, a hearing having been held on August 8, 2018, upon the application of Mark A. Ponce, 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:

The Zoning Board finds the following facts:

1. The Applicant is Mark A. Ponce, an adult individual residing at 1007 Summit Road, Temple, Berks County, Pennsylvania (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 1849 Perkiomen Avenue, 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 essentially seeks variances to allow two (2) nonconforming uses which are currently on a single property to be located on two (2) separate properties. The relevant sections of the Zoning Ordinance are 600-406.D. and 600-804.A.

5. In addition, Applicant would need variances from off-street parking requirements at Section 600-1603 of the Zoning Ordinance.

6. Applicant seeks relief to increase a non-conforming property by subdividing the existing lot into two (2) lots with one (1) lot consisting of a building with retail space and apartments and the other lot with existing garages.

7. Applicant was represented at the hearing by Clemson Page, Esquire.

8. Applicant did not put forth any testimony supporting any hardship at the Subject Property.

9. The Subject Property would become more nonconforming if the relief is requested and this is not in keeping with the spirit and intent of the Zoning Ordinance.

10. There were no objections presented at the hearing.

DISCUSSION

Applicant seeks relief to increase a non-conforming property by subdividing the existing lot into two (2) lots with one (1) lot consisting of a building with retail space and apartments and the other lot with existing garages.

CONCLUSIONS OF LAW

1. Applicant is Mark A. Ponce.

2. The Subject Property is located at 1849 Perkiomen Avenue, Reading, Berks County, Pennsylvania.

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

4. The specific sections of the Zoning Ordinance appealed are 600-406.D., 600-804.A. and 600-1603.

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

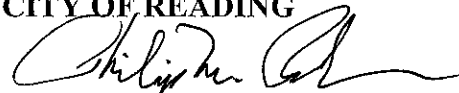
6. In order to grant the requested variance and/or special exception, Applicant must show he has satisfied the relevant sections of the Zoning Ordinance.

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 there is no hardship at the Subject Property.

The decision of this Board is by a vote of 4 to 0.

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



PHILIP RABENA, CHAIRMAN



THOMAS FOX



JEFFREY GATTONE

WILLIAM HARST



JARED BARCZ