

IN RE: APPEAL OF HATBOI ENT., LLC, : BEFORE THE ZONING HEARING
RELATIVE TO A PROPERTY LOCATED : BOARD OF THE CITY OF READING,
AT 113 NORTH FIFTH STREET, CITY : PENNSYLVANIA
OF READING, BERKS COUNTY, :
PENNSYLVANIA : APPEAL NO. 2018-26
:
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION

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

AND NOW, this 10th day of October, 2018, a hearing having been held on September 12, 2018, upon the application of HatBoi Ent., 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 HatBoi Ent., LLC, a Pennsylvania Limited Liability Company, with a mailing address c/o Khiry Boston, 812 Reserve Way, Temple, Berks County, Pennsylvania 19560 (hereinafter referred to as the "Applicant").
2. Applicant has a leasehold interest in the real property located at 113 North Fifth Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the "Subject Property").
3. The fee simple owners of the Subject Property, Juan Mendez and Maria Reyes, have granted Applicant permission to seek the requested relief.

4. The Subject Property is located in the C-C Commercial Core Zoning District as that term and district are defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the "Zoning Ordinance").

5. Applicant seeks relief to operate a café and hookah lounge at the Subject Property. Sections 600-608, 600-807(B)(1), 600-609, and 600-605 of the Zoning Ordinance.

6. Khiry L. Boston testified on behalf of the Applicant.

7. Applicant testified the café will be called Myst Hookah Lounge which will provide entertainment as well as a place for people to socialize.

8. Applicant did not request zoning relief to allow a nightclub use at the Subject Property.

9. Applicant believes the business will allow residents, business people, college students and visitors, eighteen and over, to have a place to meet safely to socialize and study, conduct business meetings and network.

10. Applicant testified the hours of operation would be Monday through Thursday from 12:00 p.m. to 10:00 p.m.; Friday and Saturday from 12:00 p.m. to 12:00 a.m.; and Sunday from 12:00 p.m. to 10:30 p.m., prevailing time.

11. Applicant testified it will have four waitresses and a manager.

12. Applicant testified there is sufficient space for approximately fifty to sixty people and twelve tables.

13. Applicant testified the café will serve coffee, tea and different kinds of food as well as hookah.

14. Applicant testified the required licenses have been retained and he is working on the Safe Serve Certificate.

15. Applicant testified it does have a retail permit which allows it to sell hookah and hookah tobacco.

16. Applicant testified it plans on offering live entertainment.

17. Applicant testified there will be security people at the Subject Property and security cameras.

18. Applicant testified there are six residential apartment units on the second and third floors of the Subject Property with separate entrances.

19. Applicant did not present testimony that the Subject Property cannot be used in strict conformity with the Zoning Ordinance.

20. Applicant did not demonstrate any hardship at the Subject Property to support his requested relief.

21. A lounge which is primarily a place to smoke is not similar in nature to a restaurant and does not meet the requirements for a use variance or a special exception.

22. The Board finds there is no evidence that the Subject Property cannot be used in conformity with the strict terms of the Zoning Ordinance.

DISCUSSION

Applicant seeks relief to operate a café and hookah lounge at the Subject Property. The Subject Property is capable of being used in accordance with the strict terms of the Zoning Ordinances.

CONCLUSIONS OF LAW

1. Applicant is HatBoi Ent., LLC.
2. The Subject Property is located at 113 North Fifth Street, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the C-C Commercial Core Zoning District.
4. Applicant seeks to establish a café and hookah lounge at the Subject Property.

5. In order to grant the variance and/or special exception, Applicant must show it has satisfied Sections 600-608, 600-807(B)(1), 600-609, and 600-605 of the Zoning Ordinance.

6. The Zoning Board incorporates all its findings of fact as though fully set forth at length herein.

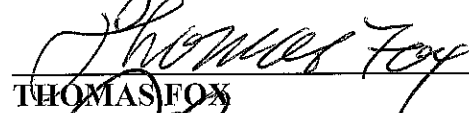
7. After reviewing Applicant's request in detail, the Zoning Hearing Board enters the following decision: Applicant is denied the requested use variance(s) and/or special exception to operate a café and hookah lounge at the Subject Property.

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



JARED BARCZ