

IN RE: APPEAL OF LEOPOLDO : **BEFORE THE ZONING HEARING**
SANCHEZ ON BEHALF OF KBLJ, LLC, : **BOARD OF THE CITY OF READING,**
RELATIVE TO A PROPERTY LOCATED : **PENNSYLVANIA**
AT 229 NORTH FOURTH STREET, CITY :
OF READING, BERKS COUNTY, : **APPEAL NO. 2018-28**
PENNSYLVANIA :
: **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 Leopoldo Sanchez on behalf of KBLJ, 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 Leopoldo Sanchez on behalf of KBLJ, LLC, a Pennsylvania limited liability company, with a principal address of 815 Evergreen Drive, Wyomissing, Berks County, Pennsylvania 19610 (hereinafter referred to as “Applicant”).
2. Applicant is the fee simple owner of the real property located at 229 North Fourth 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 are defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).

4. Specifically, Applicant seeks relief to establish a market, warehouse, office space, pastellios factory, restaurant and use of an accessory parking lot which serves the general public.

5. Specifically, Applicant seeks relief from the following sections of the Zoning Ordinance:

a. 600-804 – Allowed Uses and Dimensional Requirements in the R-3

Residential District;

b. 600-608 – Prohibited Uses, general;

c. 600-902 – Limited of one principal use per lot; limit on dwellings per lot; limit on dwelling occupancy; alley frontage;

d. 600-1601 – New and existing uses;

e. 600-1602 – Design and construction;

f. 600-1603 – Off-street parking standards;

g. 600-1604 – Off-street loading spaces.

6. Applicant testified he wants to establish:

a. a modern supermarket that will serve vegetables, fruits and other products;

b. a factory disco which is an area to produce a round disc-like food item called pastellios; and

c. a warehouse which would be used to sell items wholesale to different shops.

7. The Subject Property is currently an abandoned auto repair facility, vacated parking lot, and three dwelling units.

8. Applicant stated he has owned another property within the City of Reading for approximately five years which sells fruits and vegetables and other items.

9. Additional testimony was provided by Applicant's project manager, Miguel Herrera, and surveyor, Daniel Laudenslayer.
10. Mr. Herrera testified the south building lower level area will be used for the supermarket with the accessory use of a restaurant. The restaurant will have seven to eight chairs and tables.
11. Mr. Herrera testified the second level of the south building will be used for the warehouse and the disco factory. Disco is a style of Latin American food.
12. Mr. Herrera testified the north building will be used for professional office space, retail offices, and some sort of businesses that would have low traffic impact for the area.
13. Mr. Laudenslayer testified the warehouse will be for food products to service Applicant's other stores and to service the proposed use at the Subject Property.
14. Members of the Greater Reading Chamber of Commerce testified in favor of the proposed uses and relief.
15. Applicant is unable to rectify parking and loading zone issues.
16. The Board finds the proposed development is a reasonable adoption of a non-conforming structure and will be beneficial to neighboring property owners and the zoning district in general.
17. The Board finds the proposed use will not be detrimental to the health, safety and welfare of the zoning district or the City of Reading.
18. There were no objections to the proposed use by neighboring property owners.
19. Applicant understands it will have to comply with all other requirements of the City of Reading with respect to signage, building trades, fire permits and other codes.
20. Applicant agreed on the record to attend a One Stop Meeting to make sure it is in compliance with all codes and ordinances.

21. Applicant agreed on the record it would provide a landscaping plan to the Zoning Administrator for his review and approval.

22. Applicant agreed on the record each professional tenant would be required to obtain a zoning permit for the specific business.

DISCUSSION

Applicant seeks relief to establish a market, warehouse, office space, pastellios factory, restaurant and use of an accessory parking lot which serves the general public at the Subject Property. 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. Applicant is Leopoldo Sanchez on behalf of KBLJ, LLC.
2. The Subject Property is located at 229 N. Fourth Street, City of Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant seeks relief to establish a market, warehouse, office space, pastellios factory, restaurant and use of an accessory parking lot which serves the general public.
5. The Zoning Board is permitted to grant applications for variances and/or special exceptions and to interpret the Zoning Ordinance.
6. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:
 - a. Applicant is granted all the relief requested.
 - b. Applicant's parking plan must be approved by the Zoning Administrator and the Department of Public Works.


- c. Applicant shall attend a One Stop Meeting to make sure it is in compliance with all codes and ordinances.
- d. Applicant shall provide a landscaping plan to the Zoning Administrator for his review and approval and the approval of the City Arborist.
- e. Each professional tenant of Applicant shall obtain a zoning permit for their specific business.
- f. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.
- g. 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.
- h. 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 4 to 0.

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




PHILIP RABENA, CHAIRMAN



THOMAS FOX



JEFFREY GATTONE



JARED BARCZ