

**IN RE: APPEAL OF SHEWNY B. SOTO** : **BEFORE THE ZONING HEARING**  
**VELASQUEZ RELATIVE TO PROPERTY** : **BOARD OF THE CITY OF READING,**  
**LOCATED AT 356 SPRING STREET, CITY** : **PENNSYLVANIA**  
**OF READING, BERKS COUNTY,** :  
**PENNSYLVANIA** : **APPEAL NO. 2018-34**  
: **VARIANCE, INTERPRETATION**  
: **AND/OR SPECIAL EXCEPTION**

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

**AND NOW**, this 12th day of December, 2018, a hearing having been held on November 14, 2018, upon the application of Shewny B. Soto Velasquez, 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 Shewny B. Soto Velasquez (hereinafter referred to as the “Applicant”).
2. Applicant has an equitable interest in the property located at 356 Spring Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Felix Vargas Torres, has granted the 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 requests zoning relief from Sections 600-804(B), 600-608, and 600-1603 of the Zoning Ordinance to operate a nail salon in the basement of the Subject Property and relief from the off-street parking requirements.
6. Applicant’s testimony was presented by her husband, Robert Fuster.

7. Applicant testified the nail salon will be in the basement of the single family home located at the Subject Property and Applicant's family resides in the remaining portion of the home.

8. Applicant testified the basement has a separate entrance to the nail salon.

9. Applicant will be the owner/operator of the nail salon with one employee.

10. Applicant has the required state credentials to operate a nail salon.

11. Applicant testified there will be two stations, one for fingernails and one for toes.

12. Applicant's proposed hours of operation will be Tuesday through Saturday from 8:30 a.m. to 5:30 p.m., prevailing time.

13. The patrons of the nail salon will be primarily from the neighborhood; and therefore, on street parking issues should not be a problem. However, at least one off street parking space shall be provided.

14. The proposed nail salon will not create undue congestion, noise, or be incompatible with neighboring property uses.

15. Applicant testified and the Board finds that the proposed use will not be a detriment to the health, safety and welfare of the neighborhood.

16. There were no objectors to the proposed relief.

#### **DISCUSSION**

Applicant seeks a variance to operate a nail salon with two chairs in the basement of the Subject Property and relief from the off-street parking requirements. The proposed use is in keeping with the spirit and intent of the Ordinance. Applicant's proposed use will not be a detriment to the health, safety and welfare of the neighborhood.

#### **CONCLUSIONS OF LAW**

1. Applicant is Shewny B. Soto Velasquez.

2. The Subject Property is located at 356 Spring Street, City of Reading, Berks County, Pennsylvania, in the R-3 Zoning District.

3. Applicant seeks a variance to operate a nail salon in the basement of the Subject Property

and relief from the off-street parking requirements.

4. The Zoning Board is permitted to grant applications for variance(s) and other relief as set forth in the Zoning Ordinance.

5. In order to grant the relief, the Applicant must show she has satisfied Sections 600-804(B), 600-608, and 600-1603 of the Zoning Ordinance.

6. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:

a. Applicant is hereby granted relief from the requirements of Sections 600-804(B), 600-608 and 600-1603 of the Zoning Ordinance to operate a nail salon in the basement of the Subject Property.

b. Applicant shall provide a site plan showing at least one off-street parking space on site (or within 300 feet of the entrance) with a minimum width of nine feet and a minimum length of 18 feet.

c. The owner/operator of the nail salon must reside at the Subject Property.

d. Applicant shall comply with Section 600-1103(A) of the Zoning Ordinance which requires that a state-licensed cosmetologist be on the premises during all operating hours.

e. Applicant shall apply for a separate zoning permit for any signage at the Subject Property which will be subject to the approval by the City Historic Preservation Office and/or Historical Architectural Review Board.

f. Applicant shall not to place any soda machines, vending machines, video machines, or jukeboxes at or on the Subject Property.

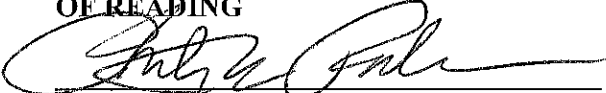
g. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

h. 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.

i. 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 3 to 0.

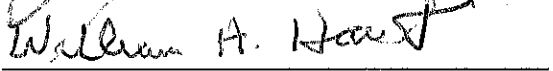
ZONING HEARING BOARD OF THE CITY  
OF READING



PHILIP RABENA, CHAIRMAN



JEFFREY GATTONE



WILLIAM HARST