

CITY OF READING, PENNSYLVANIA

Department of Community Development
Zoning Office
815 Washington Street, Suite 1-25
Reading, PA 19601
(610) 655-6326

Sept. 12, 2019

RESPONSIBLE PERSON

Kenia Salvador
1816 Colony Drive
Wyomissing, PA 19610

SUBJECT PROPERTY

1763 North 3rd St.
Reading, PA 19601
Property ID#14530726698949

RE: Zoning Appeal #2018-38

Dear Applicant/Property Owner:

Following a hearing of the Zoning Hearing Board of the City of Reading on August 14, 2019, the Board issued a decision on September 11, 2019 (enclosed) which grants relief to operate a single-station beauty salon with no employees, to be located on the first floor of the Subject Property, subject to the conditions set forth in the Conclusions of Law of the written decision.

ZONING PERMIT REQUIRED:

Any applicable zoning permits will be issued only after satisfactory evidence is provided to the Zoning Administrator that the Applicant has met all applicable conditions.

THE BOARD'S DECISION IS VALID FOR A PERIOD OF ONE YEAR:

If Applicant does not obtain the applicable zoning permits prior to September 12, 2020, a written request for an extension must be submitted in writing to the Zoning Administrator.

YOU HAVE THE RIGHT TO APPEAL THE BOARD'S DECISION:

Appeals from a decision of the Zoning Hearing Board must be filed within 30 days from the date of the decision, in the Court of Common Pleas of Berks County, 633 Court Street, Reading, PA. If you wish to consult with an attorney, you may contact the Berks County Bar Association Lawyer Referral Service, 544 Court Street, Reading, PA.

Respectfully,

David N. Peris
Zoning Administrator
City of Reading

CC: Konrad Jarzyna, Esq.
Miguel Herrera, Milan Consulting Group
Tim Waldman, Acting City Building Official

IN RE: APPEAL OF KENIA SALVADOR RELATIVE TO A PROPERTY LOCATED AT 1763 NORTH THIRD STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2018-38 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
 BOARD OF THE CITY OF READING**

AND NOW, this 11th day of September, 2019, a hearing having been held on August 14, 2019, upon the application of Kenia Salvador, 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 Kenia Salvador (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located at 1763 North Third Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-3 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 previously submitted an Application to the Zoning Board for relief to establish a beauty salon on the first floor of the Subject Property.

5. The Zoning Board found the proposed use would be more intense than the prior nonconforming use and had concerns over compliance with parking requirements and the presence of inoperable vehicles parked on the lot and the Zoning Board denied the requested relief on January 9, 2019.

6. By Stipulation between the Zoning Board and the Applicant this matter has been remanded to the Board.

7. Applicant was represented at the hearing by Konrad B. Jarzyna, Esquire.

8. The Zoning Board incorporates the testimony set forth in the initial application hearing as if set forth at length herein.

9. Applicant testified she will solely operate the salon and will have no employees.

10. Applicant testified she will reside at the Subject Property.

11. Applicant testified she has a cosmetologist license and will provide a copy to the Zoning Administrator.

12. Applicant testified she has secured a parking space for the business and provided a Lease Agreement to the Zoning Board.

13. The Board finds the provisions of off-street parking removes any detriment to neighboring properties.

14. The Zoning Board finds the proposed beauty salon will not create undue congestion, noise, or be incompatible with neighboring property uses if owner is the sole employee.

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

DISCUSSION

Applicant seeks relief to operate a beauty salon on the first floor of the Subject Property. The Zoning Board finds the proposed use will not be a detriment to the health, safety and welfare of the neighborhood because Applicant has secured local off-street parking.

CONCLUSIONS OF LAW

1. The Applicant is Kenia Salvador.
2. The Subject Property is located at 1763 North Third Street, Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Zoning District.
4. Applicant seeks relief to operate a beauty salon on the first floor of the Subject Property.
5. The Zoning Board is permitted to grant applications for variances and/or special exceptions and other relief as set forth in the Zoning Ordinance.
6. In order to grant the relief, the Applicant must show she has satisfied Sections 600-804(B), 600-1603(A)(33), 600-1103, and 600-607(D)(6) 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 the requested relief to operate a beauty salon on the first floor of the Subject Property.
 - b. Applicant shall provide a written lease to the Zoning Administrator demonstrating she has secured off-street parking. Failure to provide the parking lease will void the relief granted.
 - c. Applicant shall not place any ATM machines, soda machines, vending machines, video machines, or jukeboxes at the Subject Property.

d. Applicant shall obtain all requisite documents, including but not limited to, an occupancy permit and business privilege license.

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. Applicant must comply with all conditions set forth in the findings of fact.

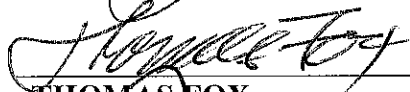
h. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

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



WILLIAM HARST