

IN RE: APPEAL OF ALEJANDRO ABREU RELATIVE TO A PROPERTY LOCATED AT 1142 NORTH FRONT STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA : **BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA**
: **APPEAL NO. 2018-42**
: **VARIANCE, INTERPRETATION AND/OR SPECIAL EXCEPTION**

DECISION OF THE ZONING HEARING BOARD OF THE CITY OF READING

AND NOW, this 13th day of February, 2019, a hearing having been held on January 9, 2019, upon the application of Alejandro Abreu, 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 Alejandro Abreu, with a principal address of 1526 Singer Road, Reading, Berks County, Pennsylvania 19610 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the property located at 1142 N. Front Street, City of Reading, Berks County, Pennsylvania 19601 (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 seeks relief to expand an existing nonconforming automobile repair garage to include automobile sales at the Subject Property.

5. Applicant is requesting relief from Sections 600-804.B., 600-607, 600-608.A., 600-406.E. and 600-1603 of the Zoning Ordinance, and all associated Variances, Special Exceptions and Interpretations.

6. Applicant testified the hours of operation for both the automobile sales and repair services would be six (6) days per week from 9:00 a.m. to 6:00 p.m., prevailing time.

7. Applicant testified he will reduce the automobile repair services to light mechanical work like brakes and oil changes.

8. Applicant testified he will provide repair services to the vehicles he is attempting to sell as well as minor repair work for other customers.

9. Automobile sales are not an expansion of the existing nonconforming use; therefore, Applicant must seek relief in the form of a use variance.

10. Applicant testified he will have approximately fifteen (15) cars for sale on the Subject Property.

11. Applicant testified he already has a security camera in place at the Subject Property.

12. Applicant testified he does not have any plans for lighting at the Subject Property.

13. Applicant testified no cars from his business will be parked on the street or the grassy area located on the Subject Property.

14. A neighboring property owner testified against the proposed variance and other zoning relief due to the fact the Applicant currently parks vehicles on the public street for extended periods of time creating parking congestion.

15. Further, the neighboring property owner testified the proposed variance and other zoning relief could diminish the quiet enjoyment of neighboring homes and could be a safety concern.

16. The Board finds the proposed expansion to include automobile sales will increase traffic congestion and would be detrimental to the health, safety and welfare of the surrounding residential neighborhood.

DISCUSSION

Applicant seeks relief to expand an existing nonconforming automobile repair garage to include automobile sales at the Subject Property. Auto sales are not an expansion of the existing nonconforming use; therefore, Applicant must satisfy the requirements for a use variance. Applicant's proposed use will be a detriment to the health, safety and welfare of the neighborhood. Applicant has not satisfied the requirements for a use variance.

CONCLUSIONS OF LAW

1. Applicant is Alejandro Abreu.
2. The Subject Property is located at 1142 North Front 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 expand an existing nonconforming automobile repair garage to include automobile sales at the Subject Property and/or a use variance.
5. The specific sections of the Zoning Ordinance appealed are 600-804.B., 600-607, 600-608.A., 600-406.E. and 600-1603 of the Zoning Ordinance, and all associated Variances, Special Exceptions and Interpretations.
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 hereby denied the requested relief for an additional use of automobile sales at the Subject Property as the proposed use will substantially increase traffic congestion, create an undue concentration of population, and create a significant threat to the public health and safety.

The decision of this Board is by a vote of 5 to 0.

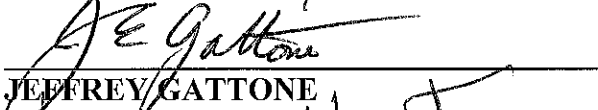
ZONING HEARING BOARD OF THE
CITY OF READING



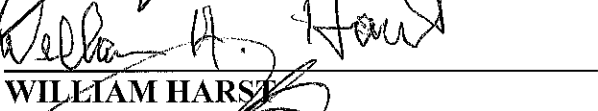
PHILIP RABENA, CHAIRMAN



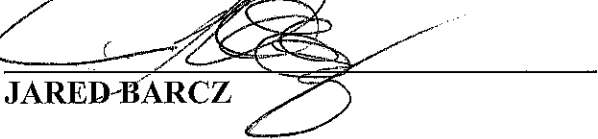
THOMAS FOX



JEFFREY GATTONE



WILLIAM HARST



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