

IN RE: APPEAL OF HOPE LUTHERAN CHURCH RELATIVE TO A PROPERTY LOCATED AT 105 WEST GREENWICH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA : **BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA**
 : **APPEAL NO. 2018-44**
 : **VARIANCE, INTERPRETATION AND/OR**
 : **SPECIAL EXCEPTION**

DECISION OF THE ZONING HEARING BOARD OF THE CITY OF READING

AND NOW, this 9th day of January, 2019, a hearing having been held on January 9, 2019, upon the application of Hope Lutheran Church, notice of such hearing having first been 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 Hope Lutheran Church with a principal mailing address of 601 N. Front Street, Reading, Berks County, Pennsylvania (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 105 West Greenwich 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 seeks a special exception to operate a nonprofit pay-what-you-can café to be known as Café Espiranza as part of the church’s ministry outreach on the first floor of the Subject Property.
5. Applicant’s testimony was presented by Pastor Mary Wolfe who presented proper authority to testify on behalf of Applicant.

6. Applicant stated the purpose of the café is to help alleviate hunger in the neighborhood, provide a meeting place for residents in the neighborhood, and serve as a training experience for local youth and young adults who will be volunteering at the café.

7. Applicant testified most patrons would be traveling by foot.

8. Applicant testified the café is separately incorporated from the church and the church is allowing the café free use of the building as an extension of its ministry.

9. Applicant believes the proposed use will generate less traffic than the prior use of the Subject Property as an adult daycare operated by Family Promise.

10. Applicant testified the café will have use of the adjacent parking lot owned by Applicant.

11. Applicant testified the food truck cart has been removed from the parking lot and the parking lot has been cleaned up.

12. Applicant stated the café is a pay-what-you-can café so patrons can work for an hour in order to earn their meal and one of those opportunities would be to help clean up the parking lot.

13. Applicant testified the café will not be open when there are church functions. This should alleviate any parking issues.

14. Applicant testified the second and third floors of the Subject Property will be vacant for the time being but may be used for office space for the café in the future.

15. Applicant testified the Subject Property will be handicap accessible.

16. Applicant testified the café would seat a maximum of thirty-five (35) persons.

17. Applicant testified no café equipment or outdoor vending machines would be placed in the parking lot.

18. Applicant testified there would be outdoor seating on the front porch with seating for four (4) to eight (8) people at four (4) tables.

19. All food is being prepared in the church's kitchen facility.

20. There were no objections to the requested relief.

21. The Board finds that the proposed use will not be detrimental to the health, safety and

welfare of the neighborhood or the zoning district in general.

DISCUSSION

Applicant seeks a special exception to operate a nonprofit pay-what-you-can café to be known as Café Espiranza as part of the church's ministry outreach on the first floor of the Subject Property. The Board finds the proposed use will not be a detriment to the health, safety and welfare of the neighborhood or the zoning district.

CONCLUSIONS OF LAW

1. Applicant is Hope Lutheran Church.
2. The Subject Property is located at 105 West Greenwich Street, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant seeks relief to operate a nonprofit pay-what-you-can café to be known as Café Espiranza as part of the church's ministry outreach on the first floor of the Subject Property.
5. The Zoning Board is permitted to grant applications for variances and special exceptions as set forth under Sections 600-608.A., 600-607.D.(6), and 600-406.E. of the Zoning Ordinance.
6. In order to grant the requested relief, Applicant must show that it has satisfied the relevant sections of the Zoning Ordinance.
7. After reviewing Applicant's request in detail, the Zoning Board enters the following decision:
 - a. Applicant's requested relief to operate a café on the first floor of the Subject Property is hereby granted.
 - b. Applicant shall submit plans showing the dumpster location and type of dumpster screening in compliance with Section 600-916 of the Zoning Ordinance.
 - c. Applicant shall make sure the parking lot is properly maintained.
 - d. There shall be no outdoor entertainment.
 - e. Applicant is prohibited from selling alcohol at the Subject Property and BYOB

(bring your own bottle) is also prohibited.

f. Applicant shall not allow video machines, soda machines, vending machines, jukeboxes, ATM machines, or clothing receptacles at or on the Subject Property or on the parking lot adjacent to the Subject Property.

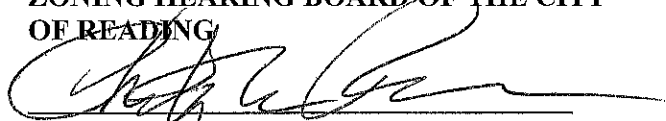
g. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board including any conditions Applicant agreed to on the record which are incorporated herein by reference.

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.

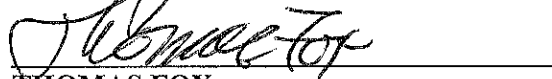
i. Failure to comply with any of these conditions shall mean the immediate revocation of the relief granted herein.

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



JARED BARCZ