

<p>IN RE: APPEAL OF BERKS PACKING COMPANY, INC., RELATIVE TO A PROPERTY LOCATED AT 461 SOUTH SECOND STREET, 530 RIVERFRONT DRIVE, AND 416 SOUTH SECOND STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA</p>	<p>: BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA</p> <p>: APPEAL NO. 2018-45</p> <p>: VARIANCE, INTERPRETATION AND/OR SPECIAL EXCEPTION</p>
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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 Berks Packing Company, Inc., 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 Berks Packing Company, Inc., a Pennsylvania business corporation with a principal mailing address of 319 Bingaman Street, Reading, Berks County, Pennsylvania (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 461 South Second Street, 530 Riverfront Drive and 416 South Second Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the M-C Manufacturing Commercial 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 was represented by Steven Buck, Esquire, of Stevens & Lee.
5. Applicant seeks a variance to consolidate three existing driveways located on the north side of Canal Street providing access to the Berks Packing facility, varying in width from 21’ to 63’, into a 100’ wide driveway (Proposed Driveway Location #1).

6. Applicant also seeks a variance to expand and relocate two existing driveways located on the south side of Canal Street, varying in width from 16' to 21'. The proposed driveways will be 50' in width (Proposed Driveway Location #2 and #3).

7. Applicant is requesting a variance from Section 600-1503.C.(1) to allow a driveway in a commercial or manufacturing zone greater than 36' feet in width.

8. In addition to the driveway modifications, Applicant will remove and replace portions of the existing fencing.

9. Applicant further requests a variance from Sections 600-1302 and 600-1304.A. to construct a 6' high fencing with barbed wire resulting in a total height that exceeds 6'.

10. With respect to Proposed Driveway Location #1, the existing driveways not within the area of the proposed driveway will be demolished and replaced with sidewalk to maintain pedestrian accessibility consistency along the street right-of-way. To accommodate the new 100' wide driveway, portions of the existing fence and the existing vehicular gate along the north side of Canal Street will be demolished and replaced with two 50' wide, sliding vehicular gates and fencing.

11. With respect to Proposed Driveway Location #2 and #3, the existing driveways not within the area of the proposed driveways will be demolished and replaced with sidewalk to maintain pedestrian accessibility consistency along the street right-of-way.

12. Applicant testified the improvements to the driveway will improve pedestrian and vehicle safety.

13. Applicant testified the proposed use will not be a detriment to the health, safety and welfare of the neighborhood.

14. There were no objections to the requested relief.

DISCUSSION

Applicant seeks variances to change existing driveways at the Subject Property which will exceed the maximum width as set forth in Section 600-1503.C.(1) and to construct a 6' high fence with barbed wire resulting in a total height that exceeds 6' as set forth in Section 600-1302. Fences with barbed wire are prohibited as set forth in Section 600-1304.A. The Subject Property is located in the M-C

Manufacturing Commercial Zoning District. The proposed use is in keeping with the spirit and intent of the Zoning Ordinance and is in keeping with the construction and layout of the Subject Property.

CONCLUSIONS OF LAW

1. Applicant is the Berks Packing Company, Inc.
2. The Subject Property is located at 461 South Second Street, 530 Riverfront Drive and 416 South Second Street, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the M-C Manufacturing Commercial Zoning District.
4. Applicant seeks variances to change existing driveways at the Subject Property which will exceed the maximum width as set forth in Section 600-1503.C.(1) and to construct a 6' high fence with barbed wire resulting in a total height that exceeds 6' as set forth in Section 600-1302. Fences with barbed wire are prohibited as set forth in Section 600-1304.A.
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 it has satisfied Sections 600-1503.C.(1), 600-1302, and 600-1304.A. of the Zoning Ordinance.
7. After reviewing Applicant's request in detail, the Zoning Hearing Board enters the following Decision:
 - a. Applicant is hereby granted the requested variances from the requirements of Sections 600-1503.C.(1), 600-1302, and 600-1304.A. of the Zoning Ordinance to change existing driveways and construct a 6' high fence with barbed wire at the Subject Property as set forth in the Plans submitted at the hearing.
 - b. Applicant shall make certain that all affected existing sidewalks or other pedestrian paths meet current requirements for ADA-accessible pedestrian paths with adequate illumination for safety and security. Crossing at curb cuts shall be well marked and ADA-accessible.
 - c. A separate zoning permit application must be submitted for any new proposed fencing.

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

e. 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.

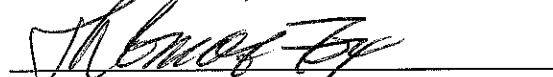
f. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

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

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




PHILIP RABENA, CHAIRMAN



THOMAS FOX



JEFFREY GATTONE



WILLIAM HARST



JARED BARCZ