

**IN RE: APPEAL OF ISLA PROPERTY** : **BEFORE THE ZONING HEARING**  
**MANAGEMENT 1, LLC, RELATIVE TO A** : **BOARD OF THE CITY OF READING,**  
**PROPERTY LOCATED AT 124 SOUTH** : **PENNSYLVANIA**  
**FIFTH STREET, CITY OF READING, BERKS** :  
**COUNTY, PENNSYLVANIA** : **APPEAL NO. 2019-07**  
: **VARIANCE, INTERPRETATION**  
: **AND/OR SPECIAL EXCEPTION**

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

**AND NOW**, this 10th day of April, 2019, a hearing having been held on March 13, 2019, upon the application of Isla Property Management 1, LLC, 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 Isla Property Management 1, LLC (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the property located at 124 South Fifth Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as “Subject Property”).
3. Applicant, by and through its member, Lazaro Pepen, previously came before the Zoning Board on October 12, 2016, requesting a variance to operate a car wash within a portion of the parking garage located at the Subject Property in the C-C Commercial Core Zoning District.
4. On November 9, 2016, the Zoning Board granted the variance with conditions, a copy of said Decision is attached as Exhibit “A” and made a part hereof.
5. Applicant is requesting a one (1) year extension of the relief granted in Exhibit “A”.
6. There were no objections.

**DISCUSSION**

Applicant is requesting a one (1) year extension of the relief granted in Exhibit "A". The Zoning Board has no objection to Applicant's request.

**CONCLUSIONS OF LAW**

1. The Applicant is Isla Property Management 1, LLC.
2. The Subject Property is located at 124 South Fifth Street, City of Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the C-C Commercial Core Zoning District.
4. Applicant is requesting a one (1) year extension of the relief granted in the Zoning Board's Decision dated November 9, 2016.
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. After reviewing the Applicant's request in detail, the Zoning Hearing Board grants Applicant a one (1) year extension of the relief granted in its Decision dated November 9, 2016.

The decision of this Board is by a vote of \_\_\_\_\_ to \_\_\_\_\_.

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

  
\_\_\_\_\_  
**PHILIP RABENA, CHAIRMAN**

  
\_\_\_\_\_  
**THOMAS FOX**

  
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**JEFFREY GATTONE**

  
\_\_\_\_\_  
**WILLIAM HARST**

  
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**JARED BARCZ**

**EXHIBIT "A"**

**EXHIBIT "A"**

IN RE: APPEAL OF LAZARO PEPEN : BEFORE THE ZONING HEARING  
RELATIVE TO A PROPERTY LOCATED : BOARD OF THE CITY OF READING,  
AT 132 SOUTH FIFTH STREET, CITY OF : PENNSYLVANIA  
READING, BERKS COUNTY, :  
PENNSYLVANIA :  
: APPEAL NO. 2016-31  
: VARIANCE, INTERPRETATION  
: AND/OR SPECIAL EXCEPTION

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

AND NOW this 9th day of November, 2016, a hearing having been held on October 12, 2016, upon the application of Lazaro Pepen, 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 Lazaro Pepen (hereinafter referred to as the "Applicant").
  2. Applicant is a member of Isla Property Management, LLC, the fee simple owner of the real property located at 132 South Fifth Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the "Subject Property").
  3. The Subject Property is located in the C-C Commercial Core 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 requests a variance to operate a car wash within a portion of the parking garage located on the Subject Property.
  5. Specifically, Applicant is seeking relief under Sections 600-406(D), 600-807(B)(1), and 600-1503(C)(1) of the Zoning Ordinance, and all associated variances, special exceptions and interpretations.
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6. Applicant testified the employees will be washing cars by hand and there will be no automatic equipment.
7. Applicant testified vehicles would enter from Fifth Street and exit to the rear of the Subject Property on to Wood Street.
8. Applicant testified there is ample space for vehicles to pull into the garage area and line up for the car washing so there should be no backup onto Fifth Street.
9. Applicant testified the hours of operation would be Sunday through Sunday from 10:00 a.m. to 10:00 p.m., prevailing time.
10. Applicant testified there would be six (6) employees working from 10:00 a.m. to 5:00 p.m. and six (6) employees from 2:00 p.m. to 10:00 p.m., prevailing times.
11. Applicant's proposed use at the Subject Property is not harmful to neighboring properties or the Zoning District in general.
12. There were no objections to Applicant's proposed use of the Subject Property.
13. The Board finds that the proposed relief is in keeping with the spirit and intent of the Ordinance and should be an improvement to the health, safety and welfare of the neighborhood.

#### DISCUSSION

Applicant seeks a variance to use a portion of the parking garage located on the Subject Property for a car wash. The Board finds the proposed use is not too intense for the neighborhood and would not be detrimental to the neighboring property uses. The proposed use is in keeping with the spirit and intent of the Zoning Ordinance.

#### CONCLUSIONS OF LAW

1. The Applicant is Lazaro Fepen.
  2. The Subject Property is located at 124 South Fifth Street, Reading, Berks County, Pennsylvania 19601.
  3. The Subject Property is located in the C-C Commercial Core Zoning District.
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4. Applicant seeks a variance to use a portion of the parking garage located on the Subject Property for a car wash.

5. The specific sections of the Zoning Ordinance appealed are Sections 600-406(D), 600-607(B)(1), and 600-1503(C)(1), of the Zoning Ordinance, and all associated variances, special exceptions and interpretations.

6. The Zoning Board is permitted to grant special exceptions and/or variances as set forth under the relevant sections stated above.

7. In order to grant a special exception and/or variance, Applicant must show he has satisfied the relevant sections of the Zoning Ordinance.

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

a. Applicant is hereby granted the zoning approval under Sections 600-406(D), 600-607(B)(1), and 600-1503(C)(1) of the Zoning Ordinance to operate a car wash in a portion of the parking garage located on the Subject Property.

b. Applicant is permitted to operate the car wash from 10:00 a.m. to 10:00 p.m., Sunday through Sunday, prevailing time.

c. Applicant shall designate within the second floor parking garage, either with pavement markings or signs, fourteen (14) parking spaces for use by the residential units.

d. Applicant shall apply for a zoning permit for any new signage.

e. Applicant shall improve the parking at 126 and 132 South Fifth Street to accommodate ninety (90) degree parking and two (2) way aisles and provide easements for all three parcels to permit access to the new drive aisles.

f. Applicant shall attend a One Stop Meeting with the Building and Fire inspectors to ensure compliance with all applicable building and fire code requirements.

g. Applicant shall apply for all required building, trades, fire and health permits.

h. Applicant shall not allow video machines, soda machines, vending machines, jukeboxes, and ATM machines at or on the Subject Property.

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

  
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THOMAS FOX, ACTING CHAIRMAN

  
\_\_\_\_\_  
JEFFREY GATTONI

  
\_\_\_\_\_  
WILLIAM HARST

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JARED BARCZ

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