

CITY OF READING, PENNSYLVANIA

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

VIA CERTIFIED MAIL

Sept. 12, 2019

RESPONSIBLE PERSON

Jose Abreu
218 West Greenwich Street
Reading, PA 19601

SUBJECT PROPERTY

218 West Greenwich Street
Reading, PA 19601
Property ID#15530764438407

RE: Zoning Appeal #2019-15

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) denying the requested relief for a detached garage constructed at the rear of the Subject Property.

YOU HAVE THE RIGHT TO APPEAL THIS DECISION WITHIN 30 DAYS:

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.

NOTICE OF VIOLATION:

If you do not appeal the decision of the Board within 30 days, you are required to comply with the terms of the Enforcement Notice previously sent to you (enclosed) by removing the unpermitted structure and any new impervious surfaces. An inspection will be conducted to verify compliance with these requirements.

Respectfully,

A handwritten signature in black ink, appearing to read "David N. Peris".

David N. Peris
Zoning Administrator
City of Reading

CC: Tim Waldman, Acting City Building Official

IN RE: APPEAL OF JOSE ABREU : **BEFORE THE ZONING HEARING**
RELATIVE TO A PROPERTY LOCATED AT : **BOARD OF THE CITY OF READING,**
218 W. GREENWICH STREET, CITY OF : **PENNSYLVANIA**
READING, BERKS COUNTY, :
PENNSYLVANIA : **APPEAL NO. 2019-15**
: **VARIANCE, INTERPRETATION**
: **AND/OR SPECIAL EXCEPTION**

**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 Jose 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 Jose Abreu with a principal address of 218 W. Greenwich Street, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 218 West Greenwich 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 dimensional variances for a detached garage constructed at the rear of the Subject Property.
5. Applicant is requesting relief from Sections 600-304, 600-804, and 600-1002 of the Zoning Ordinance, and all associated Variances, Special Exceptions and Interpretations.
6. Applicant constructed the detached garage without seeking a building permit.

7. The garage as constructed intrudes into the side yard setback and does not comply with the maximum building and impervious coverage requirements of the Zoning Ordinance.
8. The side yard setback is three feet and the garage intrudes one and one-half-feet into the side yard.
9. The garage creates almost one hundred percent building and impervious coverage. Building coverage is allowed up to sixty percent and impervious coverage is allowed up to seventy-five percent.
10. Applicant submitted a zoning permit application on May 13, 2019, which was denied by the Zoning Office by letter to the Applicant dated May 24, 2019.
11. The Zoning Board finds the detached garage does not meet the requirement for side yard setbacks.
12. The Zoning Board finds the detached garage does not meet the requirements for maximum building coverage and impervious coverage.
13. A neighboring property owner presented his objection to the requested relief.
14. The Subject Property can be used in conformity with the Zoning Ordinance.
15. There is no hardship at the Subject Property.

DISCUSSION

Applicant seeks dimensional variances for a detached garage constructed at the rear of the Subject Property. Applicant seeks relief for side yard setbacks and building/impervious coverage. Applicant's proposed use will be a detriment to the health, safety and welfare of the neighborhood. The Zoning Board finds there is no hardship at the Subject Property.

CONCLUSIONS OF LAW

1. Applicant is Jose Abreu.
2. The Subject Property is located at 218 West Greenwich Street, City of Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the R-3 Residential Zoning District.

4. Applicant seeks dimensional variances for a detached garage constructed at the rear of the Subject Property.

5. The specific sections of the Zoning Ordinance appealed are 600-304, 600-804, and 600-1002 of the Zoning Ordinance, and all associated Variances, Special Exceptions and Interpretations.

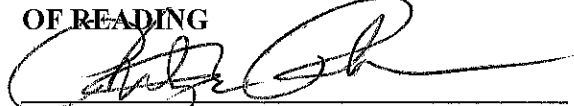
6. In order to grant the requested variance, Applicant must show he has satisfied the relevant sections of the Zoning Ordinance.

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

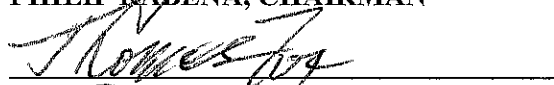
a. Applicant is hereby denied the variance because no hardship exists at the Subject Property and the proposed used is a detriment to the health, safety and welfare of the neighborhood.

The decision of this Board is by a vote of 4 to 0.

ZONING HEARING BOARD OF THE CITY
OF READING



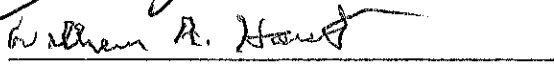
PHILIP RABENA, CHAIRMAN



THOMAS FOX



JEFFREY GATTONE



WILLIAM HARST



CITY OF READING, PENNSYLVANIA

Department of Community Development
Office of Zoning, Planning & Preservation
815 Washington Street, Suite 1-25
Reading, PA 19601-3690
(610) 655-6326

CERTIFIED MAIL & First Class
7017 3380 0000 1656 2083

April 25, 2019

RESPONSIBLE PERSON(S)

Jose Abreu
218 W Greenwich Street
Reading, PA 19601

SUBJECT LOCATION

218 W Greenwich St
Reading, PA 19601
Pin #15530764438407

RE: 218 W Greenwich Street

Dear Property Owner:

According to our records, you are the owner of the above listed address.

This letter serves as an **ENFORCEMENT NOTICE §Section (600-204)** and to inform you of an existing zoning violation occurring at the above-referenced address. There is no documented zoning permit for the garage constructed at the rear of this property.

§ 600-301. Zoning permit.

A. Scope.

(1) No person shall commence to erect, alter or convert any structure, building, lot or sign, nor alter the use of any land or structure until the Zoning Administrator has reviewed such change or construction and has issued a zoning permit or has determined that a permit is not required. Repairs and renovations (such as painting) shall not require Zoning Administrator review.

(2) Zoning permit required. A zoning permit indicates that a zoning application complies with this chapter to the best knowledge of the applicable municipal staff.

(a) A zoning permit is required to be issued prior to the start of any of the following activities:

[1] Erection, construction, movement, placement or expansion of a structure, building or sign.

§ 600-1002. Private garages.

A private garage (which may include a carport) for vehicle parking and household storage that is accessory to a dwelling is allowed within the rear setback, provided any vehicle garage door is set back a minimum of three feet from an alley and provided the following additional requirements are met:

A. The garage structure shall not exceed 25 feet in height.

B. The garage shall not exceed one story, except a second story may be used for household storage.

C. A garage that is larger than 600 square feet in building floor area shall meet the principal building setbacks.

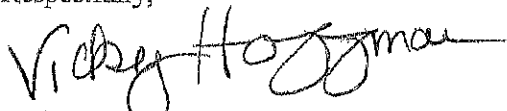
To correct these violations, a zoning permit must be obtained. You have the right to appeal this notice within 30 days upon receipt of this notice to the Zoning Hearing Board.

You must take steps to commence compliance action on or before May 2, 2019, and you must be in full compliance on or before May 25, 2019. You have the right to appeal this notice within 30 days upon receipt of this notice to the Zoning Hearing Board. The next submission deadline to timely file an appeal is May 20, 2019 for the potential to be on the Zoning Board's docket for June 12, 2019. Should you not file a timely appeal to the Zoning Hearing Board within the aforementioned 30 days, a determination of your situation will automatically default to being deemed that the violation is binding and unassailable and a local magistrate does not have the jurisdiction to hear your situation anew on merits (de novo), but to assign a fine amount.

§600-206. Enforcement Remedies. Any person, partnership or corporation who or which has violated or permitted the violation any of the provisions of this Chapter shall, upon being found liable therefore in a civil enforcement proceeding, pay a judgment of not less than **\$100, and not more than \$500**, plus all court costs, including reasonable attorney fees incurred by the City as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the City may enforce the judgment pursuant to the applicable rules of civil procedure. **Each day that a violation continues shall constitute a separate violation.** All judgments, costs and reasonable attorney fees collected for the violation of this Chapter shall be paid over to the City of Reading.

We understand that you may not have been aware of Zoning Ordinance provisions and how they apply to your situation. The above determination was made based on information that we had available to us. Should you believe that certain information in our deduction is inaccurate (e.g. wrong owner, wrong address, etc) please contact us immediately through (610) 655-6521 to discuss. We anticipate your cooperation of moving into compliance and are hopeful that we do not need to follow through implementing this official enforcement action.

Respectfully,



Vicky Hoffman-Zoning Officer
City of Reading

*** Be aware that this enforcement notice speaks only to the jurisdiction of zoning ordinance administration, but your particular situation might also be subject to other code administration and enforcement such as, but not limited to, the statewide Uniform Construction Code, the city Fire Code, and/or general Codification ordinances of the city.***