

IN RE: APPEAL OF VICTOR SALES MORALES RELATIVE TO A PROPERTY LOCATED AT 367 NORTH 12TH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2019-24 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 12th day of February, 2020, a hearing having been held on January 8, 2020, upon the application of Victor Sales Morales, 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:

The Zoning Board finds the following facts:

1. The Applicant is Victor Sales Morales, an adult individual residing at 367 N. 12th Street, Reading, Berks County, Pennsylvania (hereinafter referred to as the "Applicant").
2. Applicant is the fee simple owner of the real property located at 367 N. 12th Street, City of Reading, Berks County, Pennsylvania (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 convert the existing residential space of a multi-use building into two (2) dwelling units. Zoning Ordinance Section 600-804.C(4)
5. Applicant also seeks relief to reduce the required number of parking spaces for the additional apartment to one (1) additional space. Zoning Ordinance Section 600-1603.A(31)
6. The Subject Property consists of a vacant first floor commercial unit and a residential unit consisting of eight (8) bedrooms located on the first floor rear, and the second and third floors.

7. Applicant believes the number of bedrooms in the current residential unit will make it a hardship to rent.

8. Applicant testified the first floor rear residential unit will consist of two (2) bedrooms and the second residential unit will be located on the second and third floors and consist of three bedrooms.

9. The bedrooms being eliminated will be converted into living, cooking and eating areas.

10. The Subject Property is a pre-existing nonconformity with respect to dimensional requirements.

11. Applicant testified there are three (3) available parking spaces for use by the tenants of the residential dwelling units at the Subject Property at the unpaved parking lots located at 346 and 348 N. 12th Street which are owned by the Applicant.

12. In addition, Applicant testified he will remove the roofless garage located at the Subject Property which will provide two (2) additional off-street parking spaces for the tenants of the residential dwelling units and they would be designated for the dwelling units at the Subject Property.

13. There were no objections presented at the hearing.

14. The Zoning Board finds the proposed use is in keeping with the spirit and intent of the Zoning Ordinance and will not be detrimental to the health, safety and welfare of the neighborhood or the zoning district.

DISCUSSION

Applicant seeks relief to have convert the one (1) existing dwelling unit which consists of eight (8) bedrooms into two (2) dwelling units at the Subject Property. Applicant also seeks relief from the off-street parking requirements. The Zoning Board finds the proposed use is in keeping with the spirit and intent of the Zoning Ordinance and will not be detrimental to the health, safety and welfare of the neighborhood or the zoning district.

CONCLUSIONS OF LAW

1. Applicant is Victor Sales Morales.

2. The Subject Property is located at 367 N. 12th Street, Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. The specific sections of the Zoning Ordinance appealed are 600-804.C(4), 600-406.D(2), 600-1203.D and 600-1603.A(31).
5. The Zoning Board is permitted to provide interpretation and grant applications for variances and/or special exceptions as set forth in the relevant sections of the Zoning Ordinance.
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. The Board incorporates the findings of fact and conclusions of law as though fully set forth at length herein.
8. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:
 - a. Applicant is hereby granted permission for two (2) dwelling units at the Subject Property.
 - b. Applicant shall not rent to more than three (3) unrelated persons for each unit.
 - c. Applicant shall provide to the Zoning Administrator written proof that he has obtained two (2) additional parking spaces.
 - d. Applicant shall also provide to the Zoning Administrator a parking plan for the lots located at 346 and 348 N. 12th Street showing designated parking spaces for the tenants at the Subject Property.
 - e. Before a Certificate of Occupancy can be issued, Applicant must provide to the Zoning Administrator sufficient documentation that all plumbing, heating and electrical equipment and facilities are adequate and appropriate for the proposed use and make the entire building available for inspection by the Property Maintenance Division.
 - f. Applicant shall attend a One Stop meeting with the Building and Fire Inspectors

to ensure compliance with all applicable Building and Fire Codes.

g. Applicant shall apply for any required building trades, fire permits and submit to appropriate inspections deemed necessary.


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


i. 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.

j. 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 4 to 0.

ZONING HEARING BOARD OF THE CITY
OF READING


PHILIP RABENA, CHAIRMAN


THOMAS FOX


JEFFREY GATTONE


WILLIAM HARST

JARED BARCZ