

IN RE: APPEAL OF CTF : **BEFORE THE ZONING HEARING**
ENTERPRISES, LP, RELATIVE TO A : **BOARD OF THE CITY OF READING,**
PROPERTY LOCATED AT 125 : **PENNSYLVANIA**
MORGANTOWN ROAD, CITY OF :
READING, BERKS COUNTY, : **APPEAL NO. 2020-07**
PENNSYLVANIA :
: **VARIANCE, INTERPRETATION**
: **AND/OR SPECIAL EXCEPTION**

DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING

AND NOW, this 9th day of December, 2020, a hearing having been held on November 18, 2020, upon the application of CTF Enterprises, LP, 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. Applicant is CTF Enterprises, LP, a Pennsylvania Limited Partnership, with a mailing address of 305 Rose Glenn Lane, Kennett Square, PA 19348 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 125 Morgantown Road, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the Manufacturing Commercial (M-C) 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 at the hearing by Mark J. Merolla, Esquire, of Brumbach, Mancuso & Fegley, P.C.
5. The Subject Property is located on a parcel of land containing 1.13 acres (0.96 net acres).
6. The existing uses on the Subject Property include: Enterprise Car Rental (commercial/retail), the Pillar Lounge (food and beverage establishment), Reading CB Shop (electronics and retail), and a self-storage facility.
7. The uses were all present when Applicant purchased the Subject Property.
8. The Subject Property is surrounded by undeveloped and passive recreation (Schuylkill River Greenways Association) to the north, Summit Avenue (unopened and/or unimproved), commercial and professional offices (UGI) to the east, Morgantown Road (State Route 10), commercial and residential uses to the south, and residential uses and undeveloped and passive recreation (Schuylkill River Greenways Association) to the west.
9. Applicant seeks a variance to permit twenty-eight (28) existing storage containers or units within the building setback requirements and/or on the adjacent properties located to the north and east of the Subject Property.
10. Applicant requests variances from the ten (10) foot side yard and twenty (20) foot rear yard setback requirements in the M-C Manufacturing Commercial District as set forth in Section 600-811.A. of the Zoning Ordinance.
11. Applicant purchased the Subject Property on November 12, 2008, and the storage units were on the Subject Property at the time of purchase.
12. Applicant has not moved or added any storage units or containers.
13. Applicant has not changed the improvements or the use of the Subject Property.

14. Applicant is in ongoing negotiations to obtain a lease or easement with respect to any storage units which are on any real property owned by the Schuylkill River Greenways Association.

15. Due to the pandemic, this process has not been completed.

16. Applicant is unable to move the storage units into any other configuration due to fire safety concerns.

17. The proposed variances will not alter the character of the neighborhood.

18. The Board finds the requested relief will not be a detriment to the health, safety and welfare of the neighborhood or the zoning district.

19. There were no objections presented at the hearing.

DISCUSSION

Applicant seeks a variance to permit twenty-eight (28) existing storage containers or units within the building setback requirements and/or on the adjacent properties located to the north and east of the Subject Property. The proposed use is in keeping with the spirit and intent of the Ordinance. Applicant's 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 CTF Enterprises, LP.

2. The Subject Property is located 125 Morgantown Road, Reading, Berks County, Pennsylvania.

3. The Subject Property is located in the Manufacturing Commercial (M-C) Zoning District.

4. The specific section of the Zoning Ordinance appealed is 600-811.A.

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 it 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 granted a variance from the dimensional requirements of Section 600-811.A for twenty-eight (28) storage units at the Subject Property.

b. Applicant shall review land acquisition or land swap options with the Schuylkill River Greenway Association in order to resolve the encroachment of nonauthorized site improvements or uses onto an adjacent property.

c. Applicant shall review land acquisition options with UGI in order to resolve the encroachment of nonauthorized site improvements or uses onto an adjacent property.

d. Applicant shall coordinate efforts with the City of Reading and UGI to determine the legal status of the unopened segment of Summit Avenue.

e. If a resolution can be secured to legally resolve the encroachment issues, an Annexation Plan and any other approvals determined necessary by the Planning Office shall be submitted to the City of Reading for review and approval before a Zoning Permit is issued.

f. If a resolution cannot be secured to legally resolve the encroachment issues, the storage units or containers shall be relocated in a manner that complies with the provisions established for the M-C Zoning District.

g. Applicant shall submit a final photometrics plan to the Zoning Office prior to the release of the zoning permit.

h. The relief granted is conditioned upon the Planning Commission and

Public Works approval prior to the issuance of a zoning permit.

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 4 to 0.

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

/s/ Philip Rabena

PHILIP RABENA, CHAIRMAN

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

/s/ William Harst

WILLIAM HARST