

<p>IN RE: APPEAL OF READING STORAGE, LLC, RELATIVE TO A PROPERTY LOCATED AT 1128 PIKE STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA</p>	<p>: BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA</p> <p>: APPEAL NO. 2020-09</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 12th day of August, 2020, a hearing having been held on July 8, 2020, upon the application of Reading Storage, 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:

The Zoning Board finds the following facts:

1. Applicant is Reading Storage, LLC, a Pennsylvania limited liability company, with a principal mailing address of 500 N. 13th Street, Reading, Berks County, PA 19604, (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located at 1128 Pike Street, City of Reading, Berks County, Pennsylvania 19604 (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 a special exception to change the nonconforming commercial storefront office space use to a small restaurant under Sections 600-406(E), 600-607(D)(6&7), 600-804((B)(1), 600-1603(A)(32) of the Zoning Ordinance.

5. The storefront is located at the corner of Pike Street and Locust Street and the rest of the property consists of one-story brick garages which function as a self-storage facility for which Applicant has previously received zoning relief. Applicant stated there will be no changes to the self-storage facilities.

6. The commercial storefront had been used by a youth organization for approximately ten years and previous to that it was used as a sandwich shop.

7. Applicant stated the hours of operation would be seven days a week from 9:00 a.m. to 8:00 p.m., prevailing time.

8. Applicant stated there would be seating for up to twelve persons.

9. Applicant stated there would be four employees who could use the on-site garage/storage facilities to park their vehicles.

10. Applicant stated most of the restaurant customers will be from the neighborhood and therefore will not create an excessive amount of drive up traffic.

11. Applicant stated there is sufficient on-street parking.

12. Applicant stated there would be minimal increase of vehicular traffic, no change in nuisance factors, and minimal impact to on-street parking.

13. There were no objections presented at the hearing.

14. The Board finds the proposed use will not be a detriment to the health, safety and welfare of the neighborhood and is in keeping with the spirit and intent of the Ordinance.

DISCUSSION

Applicant seeks a special exception to change the nonconforming commercial storefront office space use to a small restaurant under Sections 600-406(E), 600-607(D)(6&7), 600-804((B)(1), 600-1603(A)(32) of the Zoning Ordinance. The proposed use will not be a detriment to the health, safety and welfare of the neighborhood and is in keeping with the spirit and intent of the Ordinance.

CONCLUSIONS OF LAW

1. Applicant is Reading Storage, LLC.

2. The Subject Property is located at 1128 Pike Street, City of Reading, Berks County, Pennsylvania 19604.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. The specific sections of the Zoning Ordinance appealed are 600-406(E), 600-607(D)(6&7), 600-804((B)(1), 600-1603(A)(32).
5. The Zoning Board is permitted to provide interpretation and grant applications for special exceptions and/or variances as set forth in the Zoning Ordinance.
6. In order to grant the requested special exception and/or variance, 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 hereby granted a special exception to operate a restaurant in the commercial storefront portion of the Subject Property.
 - b. Applicant's hours of operation will be limited from 9:00 a.m. to 8:00 p.m., prevailing time, seven days a week.
 - c. Applicant shall not allow video machines, soda machines, vending machines, jukeboxes, ATM machines, or clothing receptacles at or on the Subject Property.
 - d. Applicant must provide appropriate trash receptacles on the interior and exterior of the Subject Property.
 - e. Applicant is prohibited from selling alcohol at the Subject Property.
 - f. If on-street parking adversely affects the neighborhood, Applicant must provide additional off-street parking.
 - g. Applicant shall attend a One Stop meeting with City of Reading Building & Fire Inspectors to ensure compliance with all applicable Building and Fire Code requirements.
 - h. Applicant shall provide signage specifications to the Zoning Administrator in compliance with Sections 600-1703 and 600-1712 of the Zoning Ordinance.

i. Applicant shall apply for all required building, trades, and fire permits and submit to all required inspections deemed necessary.

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

k. 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.

l. 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**

/s/ Philip Rabena

PHILIP RABENA, CHAIRMAN

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

/s/ William Harst

WILLIAM HARST

/s/ Jared Barcz

JARED BARCZ