

<p>IN RE: APPEAL OF HOLY TRINITY CHURCH OF GOD, RELATIVE TO A PROPERTY LOCATED AT 1541 MONTGOMERY STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA</p>	<p>: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2020-10 : : 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 14th day of October, 2020, a hearing having been held on September 16, 2020, upon the application of Holy Trinity Church of God, 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. The Applicant is Holy Trinity Church of God, having a principal mailing address of 130 West Buttonwood Street, Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Holy Trinity Church of God is the fee simple owner of the real property located at 1541 Montgomery Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Applicant was represented by Mark H. Koch, Esquire.
4. The Subject Property is located in the R-3 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”).
5. Applicant seeks a special exception under Section 600-804.B.4 (places of worship

permitted by special exception) and requests variances from Sections 600-1202.N.3. (no new place of worship with a seating capacity of three hundred (300) persons or more shall front a minor street), 600-902.A. (limit of one principal use), 600-819.C(1)(a) (principal building and use shall not be located within steep slope), 600-819.E(4) (principal building prohibited on area containing moderately steep slopes), 600-819.F(4) (buildings or principal uses shall not be located on very steep slopes) and 600-819.E(8) (no removal of trees having a diameter at breast height of eight inches (8”) or more from moderately steep slopes) of the Zoning Ordinance to allow the construction of a place of worship, with an eight hundred (800) person sanctuary, all-purpose room, administrative office, accessory parking and accessory chapel (collectively the “Proposed Place of Worship”) on the Subject Property.

6. The Subject Property is approximately six and four tenths (6.4) acres.

7. The Subject Property’s northwestern boundary line borders land within Bern Township.

8. The Subject Property is located at the intersection of Lackawanna Street and Monroe Street.

9. To the east and south of the Subject Property are residential neighborhoods.

10. To the west of the Subject Property is the Tulpehocken Creek and walking/bike trail.

11. The main access point to the Subject Property is at the corner of Lackawanna and Monroe Streets.

12. A secondary access point to the Subject Property is located at the northeastern corner of the Subject Property which connects to Mercer Road a/k/a Wayne Street (“Mercer Street”) in Bern Township.

13. The Subject Property currently contains a farmhouse built in approximately 1867 (“Existing Farmhouse”), which applicant proposes to use as a parsonage, and a blacksmith’s shop (“Blacksmith’s Shop”), which the applicant desires to preserve.

14. Applicant’s witness, Gregg Bogia of Bogia Engineering, was accepted as an expert in land planning and traffic planning.

15. Applicant states compliance with the parking requirements of the Zoning Ordinance.
16. Applicant states church services occur on Sundays at 8:00 a.m. and 10:15 a.m., non-church service activities occur Wednesday and Thursday evenings and various youth activities occur in the evenings during the week.
17. Applicant states the current congregation consists of approximately two hundred (200) members, but the Applicant's various ministries currently involve approximately five hundred (500) to six hundred (600) participants.
18. Applicant requests relief to be permitted more than one (1) principal use to retain the Existing Farmhouse as a residence and to permit the construction of the Proposed Place of Worship.
19. Applicant requests relief to construct the Proposed Place of Worship on steep slopes, moderately steep slopes and very steep slopes.
20. Applicant seeks permission to remove, if necessary, for the purposes of constructing the Proposed Place of Worship, mature trees in excess of eight inches (8") in diameter at breast height,
21. Bern Township was represented by its solicitor, Keith Mooney, and its township manager, Brian Potts.
22. Bern Township was granted party status.
23. Bern Township, by and through Mr. Mooney and Mr. Potts, states it has never accepted dedication of Mercer Road and is planning on vacating any right, title and interest it may have in the portion of Mercer Road which connects to the Subject Property.
24. Bern Township, by and through Mr. Mooney and Mr. Potts, opposed the requested relief and Applicant's proposed use of Mercer Road due to the narrowness of the roads onto which Mercer Road empties as well as increased traffic congestion and lack of suitable access for emergency vehicles over Mercer Road.
25. Margaret Yevics of 1529 Darien Street, Reading, Pennsylvania, opposed the requested relief due to the increased traffic, increased water runoff and loss of existing environmental habitat.

26. Danielle Motze of 107 Mercer Street, Reading, Pennsylvania, opposed the requested relief due to the increased traffic, increased noise and degraded view.
27. Steve Detwiler of 302 South Tulpehocken Road, Reading, Pennsylvania, opposed the requested relief due to loss of wildlife and increased traffic.
28. Howard Emerson of 2 Tully Lane, Reading, Pennsylvania, opposed the requested relief due to the detriment to the historic structures on the Subject Property as well as the negative impact on the wildlife and the increased traffic.
29. Michael Schnitter of 207 Mercer Street, Reading, Pennsylvania, opposed the requested relief because of the negative impact on the ecology, increased noise and increased traffic.
30. The Board finds Lackawanna Street is a minor street.
31. The Board finds granting the requested relief would substantially increase traffic congestion and create a traffic safety hazard.
32. The Board finds granting the requested relief would create an undue concentration of population because of the increased traffic.
33. The Board finds granting the requested relief would create a significant threat to the public health and safety because of the increased traffic.
34. The Board finds granting the requested relief is detrimental to the appropriate use of adjacent property because of the generation of significant hazards associated with the increased traffic.
35. The Board finds there is no hardship at the Subject Property which prohibits it from being used in conformity with the Zoning Ordinance.

DISCUSSION

Applicant seeks a special exception and multiple variances from the Zoning Ordinance to allow the construction of a place of worship, with an eight hundred (800) person sanctuary, all-purpose room, administrative office, accessory parking and accessory chapel on the Subject Property. The proposed use will substantially increase traffic congestion and create a traffic safety hazard, will create an undue

concentration on the population, create a significant threat to the public health and safety and the requested relief is detrimental to the appropriate use of adjacent property because of the generation of significant hazards. In addition, there is no hardship.

CONCLUSIONS OF LAW

1. Applicant is Holy Trinity Church of God.
2. The Subject Property is located in the R-3 Zoning District.
3. Applicant seeks a special exception under Section 600-804.B.4 (places of worship permitted by special exception) and requests variances from Sections 600-1202.N.3. (no new place of worship with a seating capacity of three hundred (300) persons or more shall front a minor street), 600-902.A. (limit of one principal use), 600-819.C(1)(a) (principal building and use shall not be located within steep slope), 600-819.E(4) (principal building prohibited on area containing moderately steep slopes), 600-819.F(4) (buildings or principal uses shall not be located on very steep slopes) and 600-819.E(8) (no removal of trees having a diameter at breast height of eight inches (8”) or more from moderately steep slopes) of the Zoning Ordinance to allow the construction of a place of worship, with an eight hundred (800) person sanctuary, all-purpose room, administrative office, accessory parking and accessory chapel on the Subject Property.
4. The Zoning Board is permitted to grant applications for variances and/or special exceptions and other relief as set forth in the Zoning Ordinance.
5. In order to grant the requested relief, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.
6. After reviewing Applicant’s request in detail, the Zoning Hearing Board enters the following Decision:
 - a. Applicant is hereby denied the requested special exception and variances because the proposed relief will substantially increase traffic congestion and create a traffic safety hazard, will create an undue concentration on the population, create a significant threat to the public health and safety,

the requested relief is detrimental to the appropriate use of adjacent property because of the generation of significant hazards, and there is no hardship for all the reasons set forth in the Findings of Fact.

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