

**IN RE: APPEAL OF EAGLE RUN HOLDINGS, LLC, RELATIVE TO A PROPERTY LOCATED AT 1916 OLIVE STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA** : **BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA**  
 : **APPEAL NO. 2020-14**  
 : **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 Eagle Run Holdings, 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:

**FINDINGS OF FACT**

The Zoning Board finds the following facts:

1. Applicant is Eagle Run Holdings, LLC, a Pennsylvania Limited Liability Company, with a mailing address c/o Gabriel Dalfin, P.O. Box 591, Lakewood, New Jersey 08701 (hereinafter referred to as the “Applicant”).

2. Applicant is the fee simple owner of property located at 1916 Olive Street, Reading, Berks County, Pennsylvania 19604.

3. The Subject Property is located in the R-1 Residential Zoning District and the Heights Conservation District as those terms and districts are 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 Thomas L. Klonis of Hoffert and Klonis, P.C.

5. Applicant seeks an appeal of the Zoning Administrator's determination issued on April 9, 2020.

6. A zoning permit application was submitted on March 24, 2020 (#2020-196), requesting zoning approval for a group home for two (2) residents at the Subject Property.

7. The Zoning Administrator issued a denial of the zoning permit on April 9, 2020, and Applicant had until May 9, 2020, to file an Appeal. Group homes are not allowed in the R-1 Residential Zoning District.

8. Applicant testified he was unable to find a local attorney that practiced zoning law within the thirty-day time period to file an appeal because law offices were closed due to the pandemic and the Governor's Orders.

9. Applicant testified he was not able to obtain local counsel until July 2020.

10. Applicant filed its initial appeal with the City of Reading Zoning Office on July 31, 2020.

11. On October 2, 2020, Applicant by and through his attorney, Thomas L. Klonis, filed a Motion for Reconsideration of Zoning Appeal Nunc Pro Tunc asking the Zoning Board to extend the time within which it could appeal the Zoning Administrator's determination.

12. At the hearing, the Zoning Board unanimously voted to hear Applicant's appeal nunc pro tunc.

13. Applicant or an affiliated entity has been operating a group home at the Subject Property prior to March 2020.

14. Group homes are permitted in other zoning districts.

15. Numerous neighbors and civil representatives testified that there are more than two (2) residents and multiple staff at the Subject Property at various times.

16. Numerous neighbors and civic representatives testified that multiple cars are parked in the driveway and across the sidewalk preventing pedestrian's safe passage.

17. Numerous neighbors and civic representatives testified the Subject Property is maintained in a slovenly condition.

18. The sole basis for the requested relief is financial.

19. The Subject Property can be used in accordance with the strict terms of the Zoning Ordinance.

### **DISCUSSION**

Applicant seeks an appeal of the Zoning Administrator's determination on April 9, 2020, denying the use of the Subject Property for a group home for two (2) residents. Due to the pandemic, Applicant's appeal was not timely filed. At the hearing, the Zoning Board unanimously agreed to hear Applicant's appeal nunc pro tunc.

Based upon the testimony and evidence produced at the hearing, the Zoning Board finds as a fact and concludes as a matter of law that the proposed use will be a detriment to the health, safety and welfare of the neighborhood and is not in keeping with the spirit and intent of the Ordinance. Further, the sole reason for the requested relief is financial.

### **CONCLUSIONS OF LAW**

1. Applicant is Eagle Run Holdings, LLC
2. The Subject Property is located at 1916 Olive Street, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-1 Residential Zoning District.
4. Applicant filed an appeal of the determination of the Zoning Administrator issued on April 9, 2020, and the Zoning Board unanimously voted at the hearing to hear Applicant's appeal nunc pro tunc.

5. The Zoning Board is permitted to hear appeals as set forth in the Zoning Ordinance.

6. The Zoning Board hereby incorporates the findings of fact previously set forth herein.

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

a. The Zoning Administrator's Determination is upheld, and Applicant is hereby denied the requested relief to operate a group home at the Subject Property.

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

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

*/s/ Philip Rabena*

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**PHILIP RABENA, CHAIRMAN**

*/s/ Thomas Fox*

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**THOMAS FOX**

*/s/ Jeffrey Gattone*

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**JEFFREY GATTONE**

*/s/ William Harst*

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**WILLIAM HARST**