

IN RE: APPEAL OF OVERLORD REAL ESTATE HOLDINGS, LLC, RELATIVE TO A PROPERTY LOCATED AT 916 NORTH NINTH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA

 : **BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA**
 :
 : **APPEAL NO. 2020-15**
 :
 : **VARIANCE, INTERPRETATION AND/OR SPECIAL EXCEPTION**

DECISION OF THE ZONING HEARING BOARD OF THE CITY OF READING

AND NOW, this 18th day of November, 2020, a hearing having been held on October 14, 2020, upon the application of Overlord Real Estate 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 Overlord Real Estate Holdings, LLC, with a principal address of 905 North Ninth Street, City of Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant has an equitable interest in the real property located 916 North Ninth Street, City of Reading Berks County, Pennsylvania (hereinafter referred to as “Subject Property”).
3. The fee simple owner of the Subject Property, Estate of Joseph J. Spevak, has granted Applicant permission to seek the requested relief.
4. The Subject Property located in the Commercial Neighborhood (C-N) Zoning District as that terms and district is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
5. The Subject Property is located on a parcel of land containing 8,611 +/- square feet and contains an existing 3.5 story building that was previously occupied by a commercial use (Outlet Mart)

and is now vacant.

6. Applicant is seeking to convert the existing building from commercial use to a mixed use concept that may include a commercial use on the first floor and twelve (12) residential apartment units on the 2nd and 3rd floors.

7. Applicant is proposing fourteen (14) off-street parking spaces on the basement level for the apartment units.

8. Specifically, Applicant seeks relief from Sections 600-807.B.(4)(e) and 600-1202.A. of the Zoning Ordinance.

9. Applicant testified the proposed use would not exacerbate the congested parking conditions in the neighborhood.

10. The Zoning Ordinance requires twenty-six (26) parking spaces for the combined residential and commercial uses.

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

12. Neighbors testified to inadequate street parking and objected to the proposed relief due to its impact upon safety and quality of life.

13. The proposed use and its intensity is solely based upon financial considerations.

14. Applicant failed to satisfy any of the special exception requirements.

15. The Board finds the requested relief will be a detriment to the health, safety and welfare of the neighborhood and will not enhance the Zoning Districts.

DISCUSSION

Applicant is seeking to convert the existing building from commercial use to a mixed use concept that may include a commercial use on the first floor and twelve (12) residential apartment units on the 2nd and 3rd floors. Applicant is also proposing fourteen (14) off-street parking spaces on the basement level for the apartment units. 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.

CONCLUSIONS OF LAW

1. Applicant is Overlord Real Estate Holdings, LLC.
2. The Subject Property is located at 916 North Ninth Street, Reading, Berks County, Pennsylvania 19604.
3. The Subject Property is located in the Commercial Neighborhood (C-N) Zoning District.
4. The specific sections of the Zoning Ordinance appealed are Sections 600-807.B.(4), 600-1202.A., and 600-1202-A.(3).
5. The Zoning Board is permitted to provide interpretation and grant applications for variances, special exceptions and adaptive reuse as set forth in the relevant sections of the Zoning Ordinance.
6. In order to grant the requested relief, 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 denied all of the relief requested.

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