

IN RE: APPEAL OF O’NEILL & O’NEILL PARTNERSHIP, RELATIVE TO A PROPERTY LOCATED AT 1403 CHESTER STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA : **BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA**
: **APPEAL NO. 2020-16**
: **VARIANCE, INTERPRETATION AND/OR SPECIAL EXCEPTION**

DECISION OF THE ZONING HEARING BOARD OF THE CITY OF READING

AND NOW, this 16th day of February, 2021, a hearing having been held on January 20, 2021, upon the application of O’Neill & O’Neill Partnership, 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 O’Neill & O’Neill Partnership with a mailing address of 175 Forge Road, Womelsdorf, Berks County, Pennsylvania 19567 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 1403 Chester Street, City of Reading, Berks County, Pennsylvania (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 was represented at the hearing by Mark Koch, Esquire, of Koch & Koch, 217 N. Sixth Street, P.O. Box 8514, Reading, PA 19603.
5. Applicant operates a pre-existing, non-conforming storage facility at the Subject Property.
6. The Subject Property contains a few structures including a manufactured office building (trailer) and four (4) portable storage containers.

7. Applicant was in the process of renovating and cleaning up the Subject Property and was issued a Notice of Violation dated July 14, 2020.

8. Applicant is appealing the Notice of Violation and requesting the following relief from the requirements of the Zoning Ordinance:

- a. Section 600-607 – Nonconforming uses, buildings, structures and lots;
- b. Section 804 – R-3 Residential District;
- c. Section 600-804.A. – Dimensional requirements; and
- d. Section 600.819 – Steep Slope Overlay District;

9. Applicant is proposing to improve and expand the storage facilities by adding several storage units or containers that will total 3,455 cumulate square feet which represents an increase of 205% in building coverage.

10. Applicant has submitted a special exception to verify the compatibility or replacement of the nonconforming use and a variance to exceed the 20% maximum allowed increase of a nonconformity building or use.

11. Applicant seeks to modify the dimensional requirements of Section 600-804.A. as follows:

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Building Coverage	60%	7.33%	22.7%
Impervious Coverage	80%	45.67%	69.5%
Front Yard	5 ft.	12.2 ft.	13.5 ft.
Rear Yard	20 ft.	7.7 ft.	21.0 ft.
Side Yard	6 ft.	16.7 ft.	6.5 ft.

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

13. There were no objections to the proposed relief.

DISCUSSION

Applicant seeks zoning relief to expand a nonconforming storage facility located at the Subject Property. The proposed relief is reasonable and is in keeping with the spirit and intent of the Zoning Ordinance and will not be a detriment to the health, safety and welfare of the neighborhood, the zoning district, or the City of Reading.

CONCLUSIONS OF LAW

1. Applicant is O'Neill & O'Neill Partnership.
2. The Subject Property is located at 1403 Chester Street, City of Reading, Berks County, Pennsylvania 19604.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant seeks zoning relief to expand a nonconforming storage facility located at the Subject Property.
5. In order to grant the requested relief, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.
6. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following decision:
 - a. Applicant is hereby granted the requested special exception and variances.
 - b. Applicant shall submit a Preliminary Land Development Plan to the City of Reading in order to address the provisions required by the Subdivision and Land Development Ordinance and the Steep Slopes Ordinance.
 - c. Applicant shall submit a Final Land Development Plan for approval by the City of Reading, which approved Plan shall be recorded with the Berks County Recorder of Deeds.
 - d. The Land Development Plan shall provide emphasis on the following: neighborhood compatibility, vehicular and pedestrian site accessibility, off-street parking and loading, stormwater management, sanitary sewage disposal, water supply, utilities, landscaping and buffer yard, solid waste disposal, exterior lighting and other supplemental requirements.
 - e. A Stormwater Management Plan shall be submitted to the City of Reading in accordance with the provisions specified by the City of Reading and agencies with jurisdiction.
 - f. All sanitary sewage disposal issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements.

- g. All water supply issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements.
- h. All proposed signed shall be located, designed, permitted and installed in accordance with the provisions specified by the City of Reading.
- i. The building shall comply with all fire, safety and accessibility requirements specified by the City of Reading.
- j. All proposed buildings for the storage facility on the Subject Property shall comply with the building code requirements adopted by the City of Reading.
- k. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.
- l. 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.
- m. 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/ Jared Barcz

JARED BARCZ