

**IN RE: APPEAL OF FIFTH STREET** : **BEFORE THE ZONING HEARING**  
**HOLDINGS, LLC, RELATIVE TO A** : **BOARD OF THE CITY OF READING,**  
**PROPERTY LOCATED AT 226 AND 230** : **PENNSYLVANIA**  
**NORTH FIFTH STREET, CITY OF** :  
**READING, BERKS COUNTY,** : **APPEAL NO. 2020-17**  
**PENNSYLVANIA** :  
: **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 Fifth Street 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 Fifth Street Holdings, LLC, a Pennsylvania limited liability company, with a principal address of 50 North Fifth Street, Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located 226 North Fifth Street, City of Reading Berks County, Pennsylvania (hereinafter referred to as “Subject Property No. 1”).
3. Applicant has an equitable interest in the real property located at 230 North Fifth Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as “Subject Property No. 2”).
4. The fee simple owners of Subject Property No. 2, William and Judith McMahon, have granted Applicant permission to seek the requested zoning relief.
5. Subject Property No. 1 is located in the Commercial Core (C-C) Zoning District and Subject Property No. 2 is located in the Commercial Residential (C-R) Zoning 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”).

6. Applicant was represented by Paul F. Troisi Esquire, of Leisawitz Heller.

7. Subject Property No. 1 is known as a 12-story art deco building known as the Medical Arts Building and Subject Property No. 2 is an adjacent parking lot.

8. Subject Property No. 1 has been occupied by commercial and professional office uses over the last fifty (50) years and is currently vacant.

9. With respect to Subject Property No. 1, Applicant seeks a special exception for adaptive reuse to a mixed use commercial and residential building from its current commercial use pursuant to Sections 600-807.B.(4)(e) and 600-1202.A. of the Zoning Ordinance.

10. With respect to Subject Property No. 2, Applicant seeks a special exception for adaptive reuse.

11. Applicant proposes an addition to the medical arts building.

12. Applicant will provide thirty-five (35) on-site parking spaces and additional spaces at 147 N. Fifth Street.

13. Applicant will construct thirty-one (31) apartment units including six (6) studio units.

14. All the proposed units meet the minimum square footage requirements.

15. Applicant has satisfied all of the special exception requirements.

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

### **DISCUSSION**

Applicant seeks a special exception, adaptive reuse, and a partial parking waiver to convert an existing twelve story building, known as the Medical Arts Building (Subject Property No. 1) and an adjacent property (Subject Property No. 2) to a mixed use commercial and residential development. 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 Fifth Street Holdings, LLC.
2. Subject Property No. 1 is located at 226 North Fifth Street, Reading, Berks County, Pennsylvania 19601, and Subject Property No. 2 is located at 230 North Fifth Street, Reading, Berks County, Pennsylvania 19601.
3. Subject Property No. 1 is located in the Commercial Core (C-C) Zoning District and Subject Property No. 2 is located in the Commercial Residential (C-R) 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 special exceptions and modifications 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 granted relief from all relevant sections of the Zoning Ordinance subject to the following conditions:
    - (1) A Final Land Development Plan shall be prepared on behalf of the Applicant in order to be approved by the City of Reading and recorded with the Berks County Recorder of Deeds.
    - (2) 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.
    - (3) 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 water supply improvements.

(4) A Stormwater Management Plan shall be prepared and submitted as part of the Land Development Plan.

(5) A Traffic Impact Study and Circulation Plan shall be prepared and submitted as part of the Land Development Plan in order to consider vehicular and pedestrian traffic patterns considering the driveway closure along North Fifth Street.

(6) All requirements for exterior lighting, landscaping, solid waste, curbing, sidewalks, parking, loading and driveways shall be resolved as part of the Land Development Plan.

(7) The HARB should review the proposed plans to determine if they are acceptable considering the provisions established for the Callowhill Historic District. A Certificate of Appropriateness (COA) should be issued by the HARB prior to the building renovations.

(8) All proposed residential apartment units and common areas shall be designed in order to comply with the provisions specified for site accessibility, habitable area, and common facilities, as further prescribed by the City of Reading.

(9) The appropriate building and zoning permits shall be prepared and submitted to address all building code requirements for the proposed residential apartment units and commercial units.

(10) The building shall comply with all fire, safety and accessibility requirements specified by the City of Reading prior to occupancy.

(11) All proposed signs shall be located, designed, permitted, and installed in accordance with the provisions specified by the City of Reading.

(12) The two (2) parcels of land shall be combined as part of an Annexation Plan so the property can be accurately described under one (1) recorded deed.

(13) Applicant shall submit an application to City Council requesting a Zoning Map Amendment to combine the two parcels comprising the Subject Property into a single zoning district (C-C or C-R). This should be accomplished as part of the Annexation Plan and/or Land Development Plan.

(14) Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

(15) 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.

b. 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*

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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**