

**IN RE: APPEAL OF ALVERNIA** : **BEFORE THE ZONING HEARING**  
**UNIVERSITY RELATIVE TO A** : **BOARD OF THE CITY OF READING,**  
**PROPERTY LOCATED AT 401 PENN** : **PENNSYLVANIA**  
**STREET, CITY OF READING, BERKS** :  
**COUNTY, PENNSYLVANIA** : **APPEAL NO. 2020-19**  
: **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 Alvernia University, 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 Alvernia University with a principal address 400 St. Bernardine Street, Reading, Berks County, Pennsylvania 19607 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located 401 Penn Street, City of Reading Berks County, Pennsylvania (hereinafter referred to as “Subject Property”).
3. The Subject Property is located in the Commercial Core (C-C) 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 by Brian Stahl, Esquire, of Hourigan, Kluger & Quinn, 600 Third Avenue, Kingston, PA 18704.
5. The Subject Property is located on a parcel of land containing 55,670 +/- cumulative square feet that includes an existing five (5) story building that was previously occupied by commercial, educational and/or institutional uses.

6. Applicant is seeking to convert a portion of the building, namely the fourth and fifth floors, from a commercial or professional office use to a dormitory use to be occupied by students attending Alvernia University.

7. The ground floor through the third floor is also owned and operated by Applicant for commercial, educational, and institutional uses as part of the “CollegeTowne” Project.

8. Applicant’s Zoning Permit #2020-483 application was denied on October 17, 2020, since dormitories within the existing building require special exception approval within the C-C Zoning District and variances may also be required. See Zoning Ordinance Sections 600-807.B.(4)(b), 600-2202 and 600-609.

9. Applicant is required to provide off-street parking for students and employees.

10. Applicant presented testimony that vehicular congestion and a lack of off-street parking for students is not an issue because students, etc. shall use college shuttles or public transportation.

11. In addition, there are public parking garages located near the Subject Property.

12. Applicant agreed to provide at least twenty-two (22) off-street parking spaces at the Chiarelli Plaza Garage.

13. Applicant presented testimony which satisfied all the special exception requirements.

14. 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 District.

15. The Board finds the proposed use will enhance the C-C Zoning District and the City of Reading in general.

### **DISCUSSION**

Applicant is seeking to convert a portion of the building, namely the fourth and fifth floors, from a commercial or professional office use to a dormitory use to be occupied by students attending Alvernia University. 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 Alvernia University.
2. The Subject Property is located at 401 Penn Street, Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the Commercial Core (C-C) Zoning District.
4. The specific sections of the Zoning Ordinance appealed are Sections 600-807.B.(4), 600-609, and 600-1603-A.(41)(a).
5. The Zoning Board is permitted to provide interpretation and grant applications for variances and special exceptions 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) Any planning/land development approvals that are determined by the Planning Office staff to be required shall be obtained and duly recorded.
    - (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) Satellite or off-site parking opportunities shall be considered in order to accommodate the students, employees, visitors, and patrons during peak hours of operation. A minimum

of twenty-two (22) parking spaces shall be reserved or leased at the Chiarelli Plaza Garage or other public parking facility within five hundred (500) feet of the Subject Property.

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

(6) The Historic Preservation Officer should review the proposed plans to determine if approval by the Historical Architectural Review Board is required; and if so, a Certificate of Appropriateness (COA) must be obtained prior to any work requiring said approval.

(7) Applicant shall provide the City of Reading with a complete list of all existing and proposed tenants within the building that are not affiliated with Alvernia University.

(8) Applicant shall provide the City of Reading with a construction schedule for all proposed building renovations.

(9) The appropriate building and zoning permits shall be prepared and submitted to address all building code requirements for the permitted uses on the ground through third floors.

(10) The appropriate building and zoning permits shall be prepared and submitted to address all building code requirements for the proposed dormitory use on the fourth and fifth floors.

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

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

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

(14) 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**