

**IN RE: APPEAL OF J & A COURT, LLC, : BEFORE THE ZONING HEARING
RELATIVE TO A PROPERTY LOCATED : BOARD OF THE CITY OF READING,
AT 1319 WAYNE STREET (A/K/A 1333 : PENNSYLVANIA
WAYNE STREET), CITY OF READING, :
BERKS COUNTY, PENNSYLVANIA : APPEAL NO. 2020-20
:
: 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 J & A Court, 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 J & A Court, LLC, a Pennsylvania Limited Liability Company, with a mailing address of 5071 Cherrywood Drive, Mohnton, Reading, Berks County, Pennsylvania 19540 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 1319 Wayne Street (a/k/a 1333 Wayne Street), City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. Applicant was represented at the hearing by Joan E. London, Esquire, of Kozloff Stoudt.
4. The Subject Property is located in the Manufacturing Commercial (M-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”).
5. The Subject Property is located on a parcel of land containing 28,314 +/- gross square feet that includes an existing building (7,500 +/- square feet) intended to be occupied by commercial,

manufacturing and/or office use.

6. The Subject Property is surrounded by commercial uses and Warren Street Bypass to the north; residential uses, an alley, and Chester Street to the east; commercial uses and Lehigh Street to the south; and commercial and industrial uses (salvage yard) and Wayne Street to the west.

7. Applicant is seeking a variance to convert the existing building from a commercial, manufacturing and office use to low rise residential apartments which will include seventeen (17) residential apartments.

8. The existing uses are permitted by right within the M-C Zoning District.

9. The proposed use of residential apartments is not permitted within the M-C Zoning District.

10. The existing use and building are considered conforming. The only exception applies to impervious surface requirements.

11. The provisions of Section 600-607 of the Zoning Ordinance which pertain to changing a nonconforming use to another nonconforming use do not apply to the Subject Property.

12. In order to grant a variance, Applicant must show a hardship at the Subject Property which would not permit the Subject Property to be used in conformity with the Zoning Ordinance.

13. Applicant did not present credible testimony that the Subject Property is incapable of being used in conformity with the Zoning Ordinance.

14. Applicant only stated he tried to sell it without any supporting written evidence regarding sales price and length of time on the market.

15. There were no objections presented at the hearing.

DISCUSSION

Applicant is seeking to convert the existing building from a commercial, manufacturing and office use to low rise residential apartments which will include seventeen (17) residential apartments. The Zoning Board finds the Subject Property is capable of being used in accordance with the Zoning Ordinance and that no hardship exists.

CONCLUSIONS OF LAW

1. Applicant is J & A Court, LLC.
2. The Subject Property is located at 1319 Wayne Street (a/k/a 1333 Wayne Street), Reading, Pennsylvania.
3. The Subject Property is located in the M-C Zoning District.
4. 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.
5. In order to grant the requested relief, a use variance, 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 denied the variance because no hardship exists at the Subject Property and the Subject Property can be used in strict conformity with the Zoning Ordinance.

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