

IN RE: APPEAL OF SCOTT FISHER : **BEFORE THE ZONING HEARING**
RELATIVE TO A PROPERTY LOCATED AT : **BOARD OF THE CITY OF READING,**
2220 DOWNING STREET, CITY OF : **PENNSYLVANIA**
READING, BERKS COUNTY, :
PENNSYLVANIA : **APPEAL NO. 2020-23**
: **VARIANCE, INTERPRETATION**
: **AND/OR SPECIAL EXCEPTION**

**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 10th day of March, 2021, a hearing having been held on February 16, 2021, upon the application of Scott Fisher, 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 Scott Fisher, an adult individual residing at 2162 Downing Street, Reading, Berks County, Pennsylvania 19605 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 2220 Downing Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-1 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 seeks a variance to convert two existing pigeon coops into storage sheds at the Subject Property which exceed the maximum allowed size.
5. Applicant also owns the adjacent properties known as 2162 Downing Street and 2237 Berkley Street.

6. Applicant resides at 2162 Downing Street in a one-family semi-detached dwelling and 2237 Berkley Street is a vacant lot.

7. Applicant testified that when he purchased the Subject Property a few years ago it did not have any structures located on it but was overgrown with vines, trees, dead trees and was littered with trash and he subsequently cleaned up the property.

8. On July 23, 2020, Applicant was issued a zoning enforcement notice for the construction of two pigeon coops built at the Subject Property without zoning permits.

9. Subsequent thereto, Applicant submitted a zoning permit application to convert the two pigeon coops into storage sheds and Applicant's request was again denied.

10. Over the last several years, Applicant also received zoning violations because he was allegedly raising goats, calves and pigeons on the Subject Property.

11. Applicant testified he only ever had pigeons on his properties.

12. Applicant testified he no longer has pigeons as the pigeon coops were converted to the accessory sheds for which he is seeking zoning relief.

13. Applicant is requesting a dimensional variance for 53 square feet that exceeds the amount allowed for the accessory structures.

14. Applicant testified he will use the accessory sheds to store his tools, lawn equipment, firewood, and camping supplies.

15. Applicant testified he has improved the neighborhood by cleaning up the Subject Property.

16. Applicant testified due his financial situation it would be difficult to move or remove the sheds.

17. Applicant testified he would be willing to combine the Subject Property with his property at 2162 Downing Street into one deed.

18. 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 subject to the conditions imposed by the Board.

19. There were no objections to the proposed relief.

DISCUSSION

Applicant seeks a variance to convert two existing pigeon coops into storage sheds 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, subject to the conditions imposed by the Board as set forth below.

CONCLUSIONS OF LAW

1. Applicant is Scott Fisher.
2. The Subject Property is located at 2220 Downing Street, City of Reading, Berks County, Pennsylvania 19605.
3. The Subject Property is located in the R-1 Residential Zoning District.
4. Applicant seeks a variance to convert two existing pigeon coops into storage sheds at the Subject Property.
5. In order to grant the requested relief, Applicant must show he 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 variances subject to the following conditions.
 - b. 2162 Downing Street and the Subject Property shall be consolidated as a single parcel subject to approval of a lot annexation plan by the City of Reading Planning Commission.
 - c. A landscaped area, which complies with Part 14, shall be installed to provide a visual barrier between the Subject Property and adjacent properties not in common ownership, subject to approval of the Planning Commission and/or Zoning Administrator.
 - d. Applicant is prohibited from owning pigeons, goats, or other livestock on the Subject Property and any adjacent property owned by the Applicant.

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

f. 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.

g. A site inspection shall be conducted by the Zoning Administrator to verify compliance with these conditions prior to the issuance of a zoning permit.

h. 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 5 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

/s/ Jared Barcz

JARED BARCZ