

**IN RE: APPEAL OF NASIR D. GOULD : BEFORE THE ZONING HEARING  
AND JILLIAN E. LYON RELATIVE TO A : BOARD OF THE CITY OF READING,  
PROPERTY LOCATED AT 1707 : PENNSYLVANIA  
MINERAL SPRING ROAD, CITY OF :  
READING, BERKS COUNTY, : APPEAL NO. 2021-04  
PENNSYLVANIA :  
: VARIANCE, INTERPRETATION  
: AND/OR SPECIAL EXCEPTION**

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

**AND NOW**, this 14th day of April, 2021, a hearing having been held on March 16, 2021, upon the application of Nasir D. Gould and Jillian E. Lyon, 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. Applicants are Nasir D. Gould and Jillian E. Lyon having a principal mailing address of 2475 W. Pecos Road, Apt. 3049, Chandler, AZ 85224 (hereinafter referred to as the “Applicants”).
2. Applicants are the fee simple owners of the property located at 1707 Mineral Spring Road, City of Reading, Berks County, Pennsylvania (hereinafter referred to as “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. Applicants were represented at the hearing by Mark H. Koch, Esquire.
5. Applicants seek relief to develop an existing vacant and wooded lot consisting of predominantly very steep slopes with a proposed single-family residence.
6. Applicants propose constructing a single-family residence on the Subject Property along with driveway access to the residence.
7. Applicants seek relief from the following sections of the Zoning Ordinance:
  - a. Section 600-802 – Rear yard setback
  - b. Section 600-819.A.(4) – Accessory use in very steep slopes
  - c. Section 600-819.C.(1)(a) – Proposed new principal building and use to be located in an area of very steep slopes
  - d. Section 600-819.E.(4) – Proposed new principal building and use to be located in an area of moderately steep slopes
  - e. Section 600-819.E.(5) – More than 10% of the moderately steep slopes to be disturbed by development
  - f. Section 600-819.F.(2) - More than 10% of the very steep slopes to be disturbed by development
  - g. Section 600-819.F.(4) – Buildings or principal uses to be located on very steep slopes
  - h. Section 600-819.F.(5) – Driveway located on very steep slopes
  - i. Section 600-819.F.(5)(c) – Driveway slope over 10% grade
  - j. Section 600-819.F(7) – Removing trees over 8” DBH on very steep slopes
  - k. Section 600-819.F.(9) – Finished slopes greater than 33% grade
  - l. Section 600-1302 – Proposed retaining wall height exceeding 6 feet
  - m. Section 600-1503 – Required clear sight triangles at private driveway

8. The Subject Property contains areas that are classified as “moderately steep slopes”, in which grade of the property is between 15% and 25% in slope, and “very steep slopes”, in which the grade of the property exceeds 25% in slope.

9. The Subject Property has access to public sanitary sewage disposal facilities and public water supply facilities.

10. Applicants testified the proposed use meets the standards for a variance as outlined in Section 600-406.D.(2) of the Zoning Ordinance as the topography of the lot is predominantly naturally existing very steep slopes with no areas of suitable land for development without disturbance of the very steep slopes.

11. The Subject Property cannot be developed in accordance with the strict terms of the Zoning Ordinance.

12. The proposed residential single-family dwelling will improve the neighborhood.

13. There were no objections to the requested relief.

14. The proposed relief will not be detrimental to the health, safety or welfare of the neighborhood.

### **DISCUSSION**

Applicants seek variances to develop an existing vacant and wooded lot consisting of predominantly very steep slopes with a proposed single-family residence. The Board finds the proposed use will not be detrimental to the health, safety or welfare of the neighborhood. The Board finds the proposed relief will be a benefit to the neighborhood.

### **CONCLUSIONS OF LAW**

1. Applicants are Nasir D. Gould and Jillian E. Lyon.

2. The Subject Property is located at 1707 Mineral Spring Road, City of Reading, Berks County, Pennsylvania.

3. The Subject Property is located in the R-1 Residential Zoning District.

4. Applicants seek relief to develop an existing vacant and wooded lot consisting of predominantly very steep slopes with a proposed single-family residence.

5. The Zoning Board is permitted to grant applications for variances and/or special exceptions and other relief as set forth in the Zoning Ordinance.

6. In order to grant the relief, Applicants must show they have satisfied the relevant sections of the Zoning Ordinance as set forth in paragraph 7 under Findings of Fact.

7. After reviewing the Applicants' request in detail, the Zoning Hearing Board enters the following Decision:

a. Applicants are hereby granted the requested variances and any other associated relief subject to the following conditions:

i. A Stormwater Management Plan shall be submitted to the City of Reading in accordance with the provisions specified by the City of Reading, Berks County Conservation District and other agencies with jurisdiction.

ii. An Erosion and Sedimentation Control Plan shall be submitted to the Berks County Conservation District for review and consideration.

iii. A driveway profile and plan shall be developed to demonstrate compliance with all pertinent requirements established by the City of Reading; all driveways and sidewalks shall be reviewed and approved by the City Engineer.

iv. All retaining walls over 4 feet in height shall be designed by a professional engineer.

v. 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.

vi. 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.

vii. Applicants shall provide documentation with the zoning permit and/or building permit that will address issues related to site accessibility, off-street parking and loading, stormwater management, sanitary sewage disposal, water supply, utilities, landscaping and buffer yard, solid waster disposal, code compliance and other supplemental requirements.

viii. Applicants shall submit any required plans and documentation, including those detailed above, to the Planning Commission for review before a zoning permit will be issued.

ix. The appropriate building and zoning permits shall be prepared and submitted to address all zoning, land use and building code requirements for the Subject Property.

x. The building shall comply with all fire, safety and accessibility requirements specified by the City of Reading.

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

xii. Applicants 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.

xiii. 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*

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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**

*/s/ Jared Barcz*

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**JARED BARCZ**