

**IN RE: APPEAL OF OVERLORD REAL ESTATE HOLDINGS, LLC, RELATIVE TO A PROPERTY LOCATED AT 916 NORTH NINTH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA** : **BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA**  
 : **APPEAL NO. 2021-06**  
 : **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 Overlord Real Estate 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 Overlord Real Estate Holdings, LLC, a Pennsylvania Limited Liability Company, with a principal address of 905 North Ninth Street, City of Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant has an equitable interest in the real property located 916 North Ninth Street, City of Reading Berks County, Pennsylvania (hereinafter referred to as “Subject Property”).
3. The fee simple owner of the Subject Property, Estate of Joseph J. Spevak, has granted Applicant permission to seek the requested relief.
4. The Subject Property located in the Commercial Neighborhood (C-N) Zoning District as that terms 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 8,611 +/- square feet and contains an existing 4 story building that was previously occupied by a commercial use (Outlet Mart) and

is now vacant.

6. Applicant is seeking a special exception and variances to permit adaptive reuse of an existing building located at the Subject Property.

7. Applicant is seeking to convert the existing building from commercial use to a residential use (apartments) that will include 5 apartment units on the 1<sup>st</sup> and 2<sup>nd</sup> floors, 4 apartment units on the 3<sup>rd</sup> and 4<sup>th</sup> floors, a common area (1,050 square feet) on the first floor, and 14 off-street parking spaces on the basement level to be utilized by the apartment tenants.

8. Applicant's previous request to the Zoning Board (Appeal No. 2020-15) for a mixed-use adaptive reuse proposal at the Subject Property was denied by the Zoning Board on November 18, 2020.

9. Applicant's new proposal reduces the number of apartment units from 12 to 9, eliminates the commercial uses, and decreases the total required number of off-street parking spaces.

10. Applicant submitted a revised site plan, floor plans and other documents to support the within application to the Zoning Board.

11. The existing building shall be renovated to provide 9 apartments.

12. In order to provide parking for the proposed 9 units, the lower floor of the building shall be converted to a parking area and shall provide 14 parking spaces.

13. Applicant seeks relief from Sections 600-1503.B, 600-1602.F., 600-809.B.(4)(b), 600-1202.A. of the Zoning Ordinance.

14. Applicant testified the proposed use would not exacerbate the congested parking conditions in the neighborhood.

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

### **DISCUSSION**

Applicant is seeking a special exception and variances to permit adaptive reuse of an existing building located at the Subject Property. Applicant is seeking to convert the existing building from commercial use to a residential use (apartments) that will include 5 apartment units on the 1<sup>st</sup> and 2<sup>nd</sup>

floors, 4 apartment units on the 3<sup>rd</sup> and 4<sup>th</sup> floors, a common area (1,050 square feet) on the first floor, and 14 off-street parking spaces on the basement level to be utilized by the apartment tenants. The proposed use will be not 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 Overlord Real Estate Holdings, LLC.
2. The Subject Property is located at 916 North Ninth Street, Reading, Berks County, Pennsylvania 19604.
3. The Subject Property is located in the Commercial Neighborhood (C-N) Zoning District.
4. The specific sections of the Zoning Ordinance appealed are Sections 600-1503.B, 600-1602.F., 600-809.B.(4)(b), 600-1202.A.
5. The Zoning Board is permitted to provide interpretation and grant applications for variances, special exceptions and adaptive reuse 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 separate zoning permit shall be obtained prior to installation of any signage.
    - (2) Applicant shall obtain any land development approvals determined by the Planning Office to be necessary.
    - (3) Applicant shall submit a site plan showing the location of any garbage dumpster and required screening in accordance with Section 600-916 of the Zoning Ordinance.

(4) Applicant shall provide a photometric lighting plan to the Zoning Administrator to establish adequate lighting will be provided and will not adversely affect neighboring residents, pedestrians, or motorists in compliance with Section 600-912.

(5) Applicant shall apply for all required building, trades and fire permits and submit to all inspections deemed necessary.

(6) Applicant shall apply for housing permits and submit to the required property maintenance inspections.

(7) Applicant shall comply with all pertinent provisions for Adaptive Reuse considering the Residential Apartment Uses, as prescribed by the Zoning Ordinance.

(8) A Preliminary Land Development Plan shall be prepared to address the provisions required by the Subdivision and Land Development Ordinance (Chapter 515 of the City of Reading Code).

(9) A Final Land Development Plan shall be prepared for approval by the City of Reading and recorded with the Berks County Recorder of Deeds.

(10) 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.

(11) 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.

(12) 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.

(13) The Land Development Plan shall provide emphasis on neighborhood revitalization, architectural enhancement, vehicular and pedestrian site accessibility, off-street parking and loading, stormwater management, sanitary sewage disposal, water supply, utilities, landscaping and

buffer yard, solid waste disposal, and other supplemental requirements.

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

(15) The appropriate building and zoning permits shall be prepared and submitted to address all building code requirements for the proposed residential apartment units (Floors 1 through 4) and off-street parking and garage improvements (Basement Level).

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

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

(18) 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.

(19) 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**