

IN RE: APPEAL OF DANIEL S. CAISAGUANO AND SOCORRO NAVARRO AGUAS RELATIVE TO A PROPERTY LOCATED AT 532, 532R AND 534 MINOR STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA : **BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA**
: **APPEAL NO. 2021-09**
: **VARIANCE, INTERPRETATION**
: **AND/OR SPECIAL EXCEPTION**

DECISION OF THE ZONING HEARING BOARD OF THE CITY OF READING

AND NOW, this 8th day of September, 2021, a hearing having been held on August 11, 2021, upon the application of Daniel S. Caisaguano and Socorro Navarro Aguas, 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 Daniel Caisaguano and Socorro Navarro Aguas, adult individuals with a principal address of 107 Ridge Street, Shillington, Berks County, Pennsylvania 19607 (hereinafter referred to as the “Applicants”).
2. Applicants are the fee simple owners of 532, 532R and 534 Minor Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-3 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 Attorney Joan London of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610.

5. On August 8, 2018, Applicant, Daniel S. Caisaguano on behalf of Mexicana Express Transportation Service, LLC, was granted a variance by the Zoning Board to operate an office and taxicab dispatching headquarters at the Subject Property subject to the following conditions:

- a. Applicant may park no more than eight vehicles at the Subject Property.
- b. Applicant and/or its employees shall not block ingress and egress to Bell Alley.
- c. There shall be no repair work, tire changing, oil changing, or vehicle washing at the Subject Property.
- d. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.
- e. 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.
- f. Failure to comply with any of these above-referenced conditions shall mean the immediate revocation of the relief granted herein.

6. On January 23, 2021, after receiving a complaint that a parking area and driveway cut had been constructed on the adjacent properties (532 & 532R Minor Street), a zoning enforcement notice was issued for creating the use without permits and for violation of the Zoning Board's 2018 Decision which had limited the parking area to eight total spaces.

7. Applicant submitted a timely appeal of the enforcement notice along with a request for a variance and related relief necessary for consolidation of the Subject Properties to provide better access to the accessory parking lot for the principal use of the properties.

8. Applicant's revised site plan submitted on August 21, 2021, shows the three lots consolidated into a single lot with one ADA-accessible parking space and seven standard parking spaces located along Bell Alley at the rear of what is now 534 Minor and 532R Minor Street. A two-way travel aisle varying in width between 18.75 and 19.7 feet is also shown. The plan does not depict any landscaping or other vegetative or non-impervious coverage. A pre-existing nonconforming building is also located on the Subject Property.

9. Neighbors testified that Applicant allows his employee's vehicles and taxi vehicles to park in front of the Subject Property which makes worse an already poor on-street parking condition.

10. The Zoning Board finds that Applicants' requested variances will not create a problem for neighboring property owners as long as no employee vehicles or taxi vehicles are parking on or along Bell Alley or Minor Street.

DISCUSSION

Applicants are appealing an enforcement notice along with a request for variances under Section 804.C.1 (requiring use of alley to access off-street parking spaces), Section 600-1602 (aisle width) and 600-1503 (driveway width), and related relief necessary for consolidation of the Subject Properties to provide better access to the accessory parking lot for the principal use of the properties.

Applicants' proposed use will not be a detriment to the health, safety and welfare of the neighborhood provided no employee vehicles or taxi vehicles are parked on or along Bell Alley or Minor Street.

CONCLUSIONS OF LAW

1. Applicants are Daniel S. Caisaguano and Socorro Navarro Aguas, adult individuals with a principal address of 107 Ridge Street, Shillington, PA 19607.

2. The Subject Property is located at 532, 532R and 534 Minor Street, City of Reading, Berks County, Pennsylvania 19601.

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

4. Applicants are appealing an enforcement notice along with a request for variances under Section 804.C.1 (requiring use of alley to access off-street parking spaces), Section 600-1602 (aisle width) and 600-1503 (driveway width), and related relief necessary for consolidation of the Subject Properties to provide better access to the accessory parking lot for the principal use of the properties.

5. In order to grant the requested variance, Applicants must show they have satisfied the relevant sections of the Zoning Ordinance.

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

a. Applicants' appeal of the determination of the Zoning Officer is denied because Applicants violated the 2018 Zoning Board Decision.

b. Applicants' request for variances are granted provided that no employee vehicles or taxi vehicles are parked on or along Bell Alley or Minor Street.

c. Applicants shall comply with all pertinent provisions for off-street parking design and construction and landscaping set forth in the Zoning Ordinance, except where relief is specifically granted by the Zoning Board.

d. An Annexation Plan and Minor Land Development Plan shall be prepared in order to address the provisions required by the Subdivision and Land Development Ordinance (Chapter 515 of the City of Reading Code) and recorded with the Berks County Recorder of Deeds prior to issuance of a zoning permit. The plans should provide emphasis on vehicular and pedestrian site accessibility, off-street parking and loading, stormwater management, utilities, landscaping and buffer yard, solid waste disposal, and other supplemental requirements.

e. Any construction of fencing and/or signage shall require the approval and appropriate permits from the Zoning Office as well as a Certificate of Appropriateness from the Historic Preservation Office.

f. The proposed driveway and parking area shall be subject to the approval of the Director of Public Works.

g. The building façade, property and adjacent walkways and alleys shall be maintained in sound and attractive condition, shall be kept free of trash, debris and unsafe conditions and shall comply with applicable City Property Maintenance, Building and Fire Codes.

h. All conditions of Appeal No. 2018-22 shall remain in force.

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

j. 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.

k. 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