

**IN RE: APPEAL OF BERKS COUNTY : BEFORE THE ZONING HEARING**  
**INVESTMENTS, LLC, RELATIVE TO : BOARD OF THE CITY OF READING,**  
**A PROPERTY LOCATED AT 35 : PENNSYLVANIA**  
**NORTH SIXTH STREET, CITY OF : :**  
**READING, BERKS COUNTY, : APPEAL NO. 2021-11**  
**PENNSYLVANIA : :**  
**: VARIANCE, INTERPRETATION**  
**: AND/OR SPECIAL EXCEPTION**

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

**AND NOW**, this 14th day of July, 2021, a hearing having been held on June 9, 2021, upon the application of Berks County Investments, 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 Berks County Investments, LLC, Pennsylvania limited liability company, with a principal address of 50 N. Fifth Street, Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located 35 North Sixth Street, City of Reading Berks County, Pennsylvania (hereinafter referred to as “Subject Property”).
3. The Subject Property is located in the Commercial Core (C-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”).

4. Applicant was represented by Joan E. London, Esquire, of Kozloff Stoudt.
5. The Subject Property is an existing six (6) story vacant building located on a property having an approximate area of 27,600 square feet which includes a parking lot with twenty-seven (27) parking spaces.
6. Applicant is requesting a special exception to convert the internal components of the existing building from commercial use to a mixed-use concept through adaptive reuse, including retail (food court) on the 1<sup>st</sup> and 2<sup>nd</sup> floors, and thirty-nine (39) residential apartments units on the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> floors.
7. Applicant is also requesting a variance from the maximum distance requirements for off-site parking.
8. Adaptive reuse is allowed as a special exception use within the C-C Zoning District per Sections 600-807.B.(4)(e) and 600-1202.A.(1) and (2), 600-1101.D., and 600-1102.A.
9. The Subject Property is the former Meridian Bank complex which has been vacant for many years.
10. Applicant can provide residents with additional parking at the Abraham Lincoln parking garage.
11. The proposed zoning relief is in keeping with the spirit and intent of the Zoning Ordinance and the ongoing revitalization of downtown Reading.
12. The Board finds the requested relief will not be a detriment to the health, safety and welfare of the neighborhood and will enhance the Zoning District.

### **DISCUSSION**

Applicant is seeking to convert the internal components of the existing building from commercial use to a mixed-use concept through adaptive reuse, including retail (food court) on

the 1<sup>st</sup> and 2<sup>nd</sup> floors, and thirty-nine (39) residential apartments units on the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> floors. The proposed use will not be 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 Berks County Investments, LLC.
2. The Subject Property is located at 35 North Sixth Street, Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the Commercial Core (C-C) Zoning District.
4. The specific sections of the Zoning Ordinance appealed are Sections 600-807.B.(4)(e), 600-1202.A., 600-1603, 600-1101.D., 600-1202.A.(1) and (2), 600-1101.D., and 600-1102.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 revised floor plan which complies with the requirements of Section 600-1201.A.(1) shall be submitted to the Zoning Administrator.
    - (2) A Preliminary Land Development Plan shall be submitted to the Planning Commission in order to address the provisions required by the Zoning Ordinance and

the Subdivision and Land Development Ordinance.

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

(4) The Land Development Plan shall include a revised site plan which includes appropriate notes with respect to off-site parking and which demonstrates compliance with relevant provisions of Parts 15 and 16 of the Zoning Ordinance.

(5) The Land Development Plan shall adequately address the following: vehicular and pedestrian site accessibility, off-street parking and loading, stormwater management, sanitary sewage disposal, water supply, utilities, landscaping and buffer areas, solid waste disposal, façade improvements, lighting, and other site improvements and/or supplemental requirements. All requirements for exterior lighting, landscaping, solid waste management, parking, loading and driveways shall be resolved as part of the Land Development Plan.

(6) Applicant shall comply with all other applicable provisions of the C-C Zoning District.

(7) A parking lease shall be provided to the zoning Administrator for the use of the required number of off-site parking spaces.

(8) A parking lot and driveway profile and plan shall be developed to demonstrate compliance with all pertinent requirements established by the City of Reading and all parking lots and driveways shall be subject to approval of the Public Works Department.

(9) 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. Each commercial tenant space will require its own separate zoning permit.

(10) The building shall comply with all fire, safety and accessibility

requirements specified by the City of Reading.

(11) All proposed signs require separate approval by the Zoning Hearing Board.

(12) 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.

(13) 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 3 to 0.**

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

*/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**