

**IN RE: APPEAL OF RITA RITTER** : **BEFORE THE ZONING HEARING**  
**RELATIVE TO A PROPERTY** : **BOARD OF THE CITY OF**  
**LOCATED AT 417 MCARTHUR** : **READING, PENNSYLVANIA**  
**AVENUE, CITY OF READING, BERKS** :  
**COUNTY, PENNSYLVANIA** : **APPEAL NO. 2021-12**  
: **VARIANCE, INTERPRETATION**  
: **AND/OR SPECIAL EXCEPTION**

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

AND NOW, this 9th day of June, 2021, a hearing having been held on May 12, 2021, upon the application of Rita Ritter, 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 Rita Ritter, an adult individual, residing at 417 McArthur Avenue, Reading, Berks County, Pennsylvania 19607 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of real property located at 417 McArthur Avenue, City of Reading, Berks County, Pennsylvania 19607 (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-2 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 applied for a zoning permit to build a one-story detached one-family dwelling with a private driveway on the Subject Property.

5. The proposed new one-family dwelling meets the Zoning Ordinance requirements except for the required sidewalk and clear sight triangles for driveways entering a public street.

6. The Zoning Ordinance states that sidewalks shall be provided adjacent to public streets (Section 600-1505).

7. Applicant testified there are no sidewalks on either side of McArthur Avenue in the area surrounding the Subject Property which is comprised of one-family dwellings on both sides of the street.

8. Applicant also requests relief from the provisions applicable to clear sight triangles for driveways entering a public street.

9. The Zoning Ordinance provides at Section 600-1303.B.: “On any lot where a private driveway enters a street, no obstruction between 30 inches and 10 feet above curb level shall be located within the triangular area formed by the street right-of-way line, the private driveway paving and a line connecting them at points 10 feet from their intersection.”

10. Applicant stated that the Google view indicates a tree is blocking the clear sight triangle, but that tree was cut down by the owner of the neighboring property prior to Applicant purchasing the Subject Property.

11. There were no objections to the requested relief.

12. The Zoning Board finds the requested relief is in keeping with the spirit and intent of the Zoning Ordinance and will not be detrimental to the health, safety and welfare of the neighborhood or the zoning district in general.

### **DISCUSSION**

Applicant requests relief from the sidewalk and clear sight triangles for driveways entering a public street. The Zoning Board finds the requested relief is in keeping with the spirit

and intent of the Zoning Ordinance and will not be detrimental to the health, safety and welfare of the neighborhood or the zoning district.

### **CONCLUSIONS OF LAW**

1. Applicant is Rita Ritter.
2. The Subject Property is located at 417 McArthur Avenue, City of Reading, Berks County, Pennsylvania.
3. Applicant has requested variances from Sections 600-1505 and 600-1303.B. with respect to the required sidewalk and clear sight triangles at a private driveway.
4. In order to grant the variances, Applicant must show she has satisfied the relevant sections of the Zoning Ordinance.
5. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following decision:
  - a. Applicant is granted all requested zoning relief.
  - b. A Stormwater Management Plan shall be submitted to the City of Reading in accordance with the provisions specified by the City of Reading.
  - c. A driveway profile and plan shall be developed to demonstrate compliance with all pertinent requirements established by the City of Reading and the driveway shall be reviewed and approved by the Public Works Department.
  - d. The appropriate building and zoning permits shall be prepared and submitted to address all zoning and building code requirements for the Subject Property.
  - e. Applicant shall apply for any required building trades, fire permits and submit to appropriate inspections deemed necessary.
  - f. Applicant shall comply with all relevant fire, building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

g. 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.

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 3 to 0.**

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

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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**

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**JARED BARCZ**