

**IN RE: APPEAL OF JOHN’S NEXT : BEFORE THE ZONING HEARING  
GENERATION, LLC, RELATIVE TO : BOARD OF THE CITY OF READING,  
A PROPERTY LOCATED AT 1138 : PENNSYLVANIA  
LANCASTER AVENUE, CITY OF :  
READING, BERKS COUNTY, : APPEAL NO. 2021-13  
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 John’s Next Generation, LLC, notice of such hearing having first been 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 John’s Next Generation, LLC, a Pennsylvania Limited Liability Company, with a principal mailing address of 1133 Lancaster Avenue, Reading, Berks County, Pennsylvania 19607 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located at 1138 Lancaster Avenue, City of Reading, Berks County, Pennsylvania 19607 (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the Commercial Highway (C-H) 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 is seeking relief to operate an automobile repair/service station in the Commercial Highway Zoning District under Sections 600-810.B.4.c., 600-1505.B. and 600-1105.C. of the Zoning Ordinance.
5. Applicant was represented by Keith Mooney, Esquire, of Barley Snyder.
6. Testimony was also presented by Applicant's witness, Timothy Royer of Timber Tech Engineering, 22 Denver Road, Denver, Pennsylvania.
7. The Subject Property is currently a vacant parking lot.
8. An automotive repair shop previously existed at the Subject Property.
9. Auto repair is a special exception use in the C-H Zoning District.
10. Applicant seeks to develop the Subject Property with a 6,500 square foot auto repair shop with five (5) automotive work bays and a small office area.
11. There will be sixteen (16) parking spaces.
12. Applicant will have six (6) employees.
13. Applicant's hours of operation will be Monday through Friday from 8:00 a.m. to 5:00 p.m., prevailing time.
14. All repair and servicing of motor vehicles will be performed in a fully enclosed building.
15. All motor vehicle parts or partially dismantled motor vehicles will be stored inside the enclosed building.
16. Applicant is also seeking a dimensional variance to permit less than the required amount of vegetative cover (Section 600-1105.C.)
17. There is an existing concrete retaining wall between the Subject Property and the residential properties that is between eight (8) and fourteen (14) feet high and extends across the back of the lot line.

18. Applicant does not believe the remaining area allows for the installation of the required vegetative cover nor would it have the desired effect due to the location and height of the retaining wall.

19. Applicant further seeks a dimensional variance with respect to sidewalks (Section 600-1505.A).

20. Section 600-1505.A. requires that sidewalks shall be provided adjacent to public streets and from any adjacent arterial street to a pedestrian entrance of the use and at least one ADA accessible pedestrian path shall be provided from a main pedestrian entrance through the main on-site parking area.

21. There is an issue with the ADA accessibility of the pedestrian path due to the slope of the Subject Property.

22. Applicant believes the proposed use of the Subject Property will not:

- a. create an undue concentration of population;
- b. does not create a threat to the public health or safety;
- c. is consistent with the uses located in this section of Lancaster Avenue as many car dealerships and automotive repair shops are located in the general vicinity of the Subject Property;
- d. does not impair an adequate supply of light and air to adjacent properties;
- e. will not substantially increase traffic congestion along the surrounding streets or create a traffic safety hazard.

23. Applicant stated the unnecessary hardships at the Subject Property were not created by Applicant since it had no control of the lot location, configuration and size, and did not construct the improvements located on the Subject Property.

24. Applicant stated the proposed use will not alter the essential character of the zoning district nor impair the use of adjacent properties nor be detrimental to the public welfare.

25. There were no objections to the requested zoning relief.

### **DISCUSSION**

Applicant desires to operate an automotive repair/service shop at the Subject Property. The Board finds as a fact and concludes as a matter of law that the proposed use is a reasonable use of the Subject Property and will not be detrimental to the health, safety and welfare of the neighborhood or the zoning district in general.

### **CONCLUSIONS OF LAW**

1. The Applicant is John's Next Generation, LLC.
2. The Subject Property is located at 1138 Lancaster Avenue, Reading, Berks County, Pennsylvania 19602.
3. The Subject Property is located in the Commercial Highway (C-H) Zoning District.
4. Applicant seeks relief to allow an automobile repair/service shop at the Subject Property.
5. The specific sections of the Zoning Ordinance appealed are Sections 600-1505.B, 600-1105.C., and 600-810.B.4.c. of the Zoning Ordinance.
6. The Zoning Board is permitted to grant special exceptions and/or variances as set forth under the relevant sections stated above.
7. In order to grant a special exception and/or variance, the Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.
8. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:

a. Applicant is hereby granted the requested special exception and dimensional variances, subject to the following conditions:

(1) Applicant shall not store any automotive parts or dismantled vehicles on or about the outside of the building or on the outside of the Subject Property.

(2) Applicant shall not allow video machines, soda machines, vending machines, jukeboxes, and ATM machines at or on the Subject Property.

(3) All auto repair and service work will be conducted in the interior of the building on the Subject Property and shall not create noxious fumes or noise problems in the neighborhood.

(4) 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.

(5) A Final Land Development Plan shall be prepared for review by the City of Reading and must be approved and recorded with the Berks County Recorder of Deeds prior to zoning approval.

(6) The Land Development Plan should provide emphasis on the following: vehicular and pedestrian site accessibility, off-street parking and loading, driveways, stormwater management, sanitary sewage disposal, water supply, utilities, landscaping and buffer yard, solid waste management, exterior lighting, and other supplemental requirements.

(7) Applicant shall comply with all pertinent provisions in the C-H Zoning District.

(8) A Stormwater Management Plan shall be submitted to the City of Reading in accordance with the provisions specified by the City of Reading.

(9) An Erosion and Sedimentation Control Plan shall be submitted to the Berks County Conservation District for their review and consideration.

(10) 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 reviewed and approved by the Public Works Department.

(11) 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.

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

(13) 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.

(14) 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**