

**IN RE: APPEAL OF HECTOR PORTILLO : BEFORE THE ZONING HEARING  
AND JONATHAN YEPEZ-GUZMAN : BOARD OF THE CITY OF READING,  
RELATIVE TO A PROPERTY LOCATED : PENNSYLVANIA  
AT 823 NORTH 8TH STREET, CITY OF :  
READING, BERKS COUNTY, : APPEAL NO. 2021-16  
PENNSYLVANIA :  
: VARIANCE, INTERPRETATION  
: AND/OR SPECIAL EXCEPTION**

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

AND NOW, this 10th day of November, 2021, hearings having been held on August 11, 2021, September 8, 2021, and October 13, 2021, upon the application of Hector Portillo and Jonathan Yopez-Guzman, 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:

The Zoning Board finds the following facts:

1. Applicants are Hector Portillo and Jonathan Yopez-Guzman, adult individuals residing at 313 Governor Drive, Reading, Berks County, Pennsylvania (hereinafter referred to as “Applicants”).
2. Applicants are the fee simple owners of property located at 823 N. 8<sup>th</sup> Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the Commercial Neighborhood (C-N) 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 seeks relief to convert an existing one-family dwelling into two dwelling units and associated relief from dimensional and off-street parking requirements.
5. The C-N Zoning District allows the same residential uses as those permitted in the R-3 Zoning District.

6. The conversion of a one-family dwelling into two or more dwelling units is prohibited in the R-3 Zoning District. See Section 600-804.C.(4).

7. Due to this section of the Zoning Ordinance, Applicants' zoning permit was denied by the Zoning Office; and Applicants are, therefore, requesting a variance from this provision.

8. Applicants testified that the Subject Property was already configured as a two-unit property when they purchased it in 2020.

9. Applicants did not provide any other evidence to support their testimony as to the status of the Subject Property as a prior non-conforming two-unit residential use.

10. The Subject Property can be used in accordance with the strict terms of the Zoning Ordinance.

11. There is no hardship.

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

### **DISCUSSION**

Applicants seek relief to convert an existing one-family dwelling into two dwelling units. The Zoning Board finds the proposed use is not in keeping with the spirit and intent of the Zoning Ordinance and will be detrimental to the health, safety and welfare of the neighborhood or the zoning district.

### **CONCLUSIONS OF LAW**

1. Applicants are Hector Portillo and Jonathan Yopez-Guzman.
2. The Subject Property is located at 823 N. 8<sup>th</sup> Street, Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the Commercial Neighborhood (C-N) Zoning District.
4. The specific sections of the Zoning Ordinance appealed are Section 600-804.C.4.
5. The Zoning Board is permitted to provide interpretation and grant applications for variances and/or special exceptions as set forth in the relevant sections of the Zoning Ordinance.

6. In order to grant the requested variance and/or special exception, Applicants must show they have satisfied the relevant sections of the Zoning Ordinance.

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

a. Applicants are hereby denied the variance to convert the one-family dwelling to a two unit dwelling because:

(1) Applicants can use the Subject Property within the strict terms of the Zoning Ordinance;

(2) There is no hardship; and

(3) The creation of two units is detrimental to the neighborhood.

**The decision of this Board is by a vote of 4 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**