

IN RE: APPEAL OF SOLLANLLY TINEO : **BEFORE THE ZONING HEARING**
RELATIVE TO A PROPERTY LOCATED : **BOARD OF THE CITY OF READING,**
AT 1527 NORTH FIFTH STREET, CITY : **PENNSYLVANIA**
OF READING, BERKS COUNTY, :
PENNSYLVANIA : **APPEAL NO. 2021-19**
: **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, a hearing having been held on October 20, 2021, upon the application of Sollanlly Tineo, 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 Sollanlly Tineo, an adult individual residing at 1052 Perry Street, Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the property located at 1527 North Fifth Street, in the City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Andy Roland, has granted Applicant permission to seek the requested relief.
4. The Subject Property is located in the Manufacturing Commercial (M-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”).
5. Applicant was represented by John W. Roland, Esquire, of Kozloff Stoudt, 2640 Westview Drive, Suite 1, Wyomissing, PA 19610.
6. Applicant seeks a variance to permit a second principal use which includes a “food truck”

for the purpose of selling prepared food and beverages within a portable structure or mobile vehicle at the Subject Property.

7. Applicant is seeking relief from Sections 600-811.B.(1), 600-811.C.(2) and 600-1105.F. of the Zoning Ordinance.

8. The Subject Property is located on a 39,200 +/- square foot commercial property (UPI 14530708881844).

9. The existing commercial use of the Subject Property is a car wash which is permitted by right in the M-C Zoning District.

10. Applicant proposes to operate a "food truck" on the northwest corner of the Subject Property.

11. A food truck is not a specifically allowed use within the M-C Zoning District nor are food trucks allowed as accessory to the principal use, a car wash.

12. Applicant testified the hours of operation would be from 3:00 p.m. to 11:00 p.m. on Monday through Wednesday, and 3:00 p.m. to 2:00 a.m. on Thursday and Friday.

13. Applicant and Mr. Roland testified there will be a sufficient number of trash dumpsters located near the food truck.

14. The pedestrian and automotive traffic generated by the proposed use will not be a detriment to the health, safety and welfare of the neighborhood.

15. There were no objections presented at the hearing.

DISCUSSION

Applicant seeks a variance to permit a second principal use which includes a "food truck" for the purpose of selling prepared food and beverages within a portable structure or mobile vehicle at the Subject Property. The Subject Property is located in the M-C Zoning District. The Board finds that the proposed use will not be a detriment to the health, safe and welfare of the neighborhood and is in keeping with the spirit and intent of the Zoning Ordinance.

CONCLUSIONS OF LAW

1. Applicant is Sollanly Tineo.
2. The Subject Property is located at 1527 North Fifth Street, Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the M-C Zoning District.
4. Applicant seeks to operate a food truck on a portion of the Subject Property.
5. The Zoning Board is permitted to grant applications for variance(s) and other relief as set forth in the Zoning Ordinance.
6. In order to grant the relief, the Applicant must show that she has satisfied Sections 600-811.B.(1), 600-811.C.(2) and 600-1105.F. of the Zoning Ordinance.
7. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:
 - a. Applicant is hereby granted a variance under Sections 600-811.B.(1), 600-811.C.(2) and 600-1105.F. of the Zoning Ordinance to operate a food truck on a portion of the Subject Property subject to the following conditions:
 - b. The food truck may not be operated after 11:00 p.m. Monday through Wednesday or after 2:00 a.m. Thursday and Friday, prevailing time.
 - c. No music is allowed other than what is currently in place at the car wash on the Subject Property.
 - d. Prior to approval of a zoning permit, all trash accumulation on the Subject Property must be removed to the satisfaction of the Property Maintenance and Zoning Offices. Compliance with property maintenance codes shall be a condition of ongoing zoning approval.
 - e. Applicant shall comply with all pertinent provisions for the permitted commercial uses on the Subject Property as specified in the Zoning Ordinance.
 - f. The appropriate zoning and building permits shall be submitted to address all building code requirements for the proposed food truck.

- g. The food truck shall comply with all fire, safety and accessibility requirements specified by the City of Reading prior to occupancy.
- h. The food truck shall be licensed and permitted by the designated agencies authorized by the City of Reading and/or Commonwealth of Pennsylvania.
- i. A Minor Land Development or Revised Plan of Record Plan shall be prepared on behalf of the Applicant in order to address the provisions required by the Zoning Ordinance and the Subdivision and Land Development Ordinance with emphasis on neighborhood compatibility, driveway consolidation, off-street parking and loading, stormwater management, sanitary sewage disposal, water supply, utilities, landscaping, solid waste disposal, and other supplemental requirements that may apply to the proposed use.
- j. If required by the Department of Public Works, a Stormwater Management Plan should be submitted to the City of Reading in accordance with the provisions specified by the City of Reading, Berks County Conservation District and other agencies with jurisdiction.
- k. All sanitary sewage disposal issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements.
- l. All water supply issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the water supply improvements.
- m. All proposed signs shall be located, designed, permitted and installed in accordance with the provisions specified by the City of Reading.
- n. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.
- o. 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.

p. 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 4 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