

IN RE: APPEAL OF AMERICAN DEVELOPERS AND INVESTORS, LLC, RELATIVE TO A PROPERTY LOCATED AT 527, 529 AND 531 UPLAND AVENUE, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2021-20 : : 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 13, 2021, upon the application of American Developers and Investors, 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 American Developers and Investors, LLC, having a principal address at 3361 Hardwood Lane, Sinking Spring, Berks County, Pennsylvania 19608 (hereinafter referred to as “Applicant”).
2. Applicant is the fee simple owner of 527, 529 and 531 Upland Avenue, City of Reading, Berks County, Pennsylvania (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 was represented at the hearing by Salvatore Folino, Esquire, of Brennan and Associates, 2 Woodland Road, Wyomissing, PA 19610.
5. Testimony was presented by Massimo Grande and Craig Bonenberger from McCarthy

Engineering Associates, Inc. on behalf of the Applicant.

6. Applicant seeks a variance to: (a) permit the demolition of an existing one-family detached dwelling, (b) combine three (3) existing lots through annexation, (c) construct a low-rise apartment building containing six (6) residential units with ten (10) off-street parking spaces, and (4) any other related site improvements.

7. The existing single family home is in disrepair.

8. The Subject Property consists of the following three (3) adjoining parcels:

a. 527 Upland Avenue (UPI 18530666731245) which is a 5,200 +/- square foot undeveloped lot;

b. 529 Upland Avenue (UPI 18530666730291) which is a 4,700 +/- square foot lot with an existing single-family detached dwelling currently unoccupied.

c. 531 Upland Avenue (UPI 18530666731213) which is a 2,600 +/- square foot undeveloped lot.

9. The cumulative area of the three (3) lots is 12,500 +/- square feet and are considered as conforming lots that could be developed as per the R-2 Zoning District. See Sections 600-803.A and 600-803.B.

10. The proposed use of low-rise apartments is not permitted in the R-2 Zoning District. See Sections 600-406.D., 600-803.B. and 600-1101.

11. The Subject Property is bounded by a partially improved alley and residential uses to the north, residential and commercial uses to the east, Upland Avenue and institutional uses (Alvernia College) to the south, and residential uses to the west.

12. The Subject Property has frontage along Upland Avenue and access to a partially improved alley along the rear of the property.

13. The proposed use of the Subject Property 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 Zoning Ordinance.

14. Several neighbors objected to the proposed relief.

DISCUSSION

Applicant requests relief to: (a) permit the demolition of an existing one-family detached dwelling, (b) combine three (3) existing lots through annexation, (c) construct a low-rise apartment building containing six (6) residential units with ten (10) off-street parking spaces, and (4) any other related site improvements. The proposed relief is necessary to allow this redevelopment. 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 American Developers and Investors, LLC.
2. The Subject Property is located at 527, 529 and 531 Upland Avenue, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-2 Residential Zoning District.
4. Applicant seeks relief under Sections 600-406.D., 600-803.B., and 600-1101.
5. The Zoning Board is permitted to grant applications for variance(s) and/or special exception(s) and other relief as set forth in the Zoning Ordinance.
6. In order to grant the relief, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.
7. After reviewing Applicant's request in detail, the Zoning Hearing Board enters the following Decision:
 - a. Applicant is hereby granted the requested relief.
 - b. The Applicant shall comply with all pertinent provisions for a low-rise residential apartment use as specified by the Zoning Ordinance.
 - c. A Sketch Plan shall be prepared and submitted to the City of Reading Planning Commission in order to demonstrate compliance with the Zoning Ordinance and this Decision.
 - d. A Preliminary Annexation and Land Development Plan shall be prepared and submitted to the City of Reading Planning Commission in order to address the provisions required by the

Zoning Ordinance and the Subdivision and Land Development Ordinance.

e. A Final Annexation and Land Development Plan shall be prepared and submitted to the City of Reading Planning Commission in order to address the provisions required by the Zoning Ordinance and the Subdivision and Land Development Ordinance.

f. Applicant shall provide evidence that the 10 foot wide alley can be utilized and improved to provide a viable option for site accessibility and off-street parking.

g. Applicant shall be required to demonstrate to the satisfaction of the City of Reading that ongoing maintenance of the property will be provided, including but not limited to snow removal, paving, and drainage of all paved areas including alleyways between the Subject Property and the nearest public street.

h. Architectural plans, renderings and/or elevations shall be submitted in order to demonstrate compliance with zoning and building code requirements.

i. 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.

j. 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.

k. 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.

l. The Land Development Plan should provide emphasis on neighborhood compatibility, architectural enhancements, vehicular and pedestrian site accessibility, curbs and sidewalks, driveways, off-street parking and loading, stormwater management, sanitary sewage disposal, water supply, utilities, landscaping and buffer yards, solid waste disposal, and other supplemental requirements that may apply to the proposed use.

- m. The appropriate building and zoning permits shall be prepared and submitted to address all building code requirements for the proposed residential apartment units.
- n. The proposed residential apartment building shall comply with all fire, safety and accessibility requirements specified by the City of Reading prior to occupancy.
- o. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.
- p. 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.
- q. 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