

IN RE: APPEAL OF READING PARKING AUTHORITY RELATIVE TO PROPERTY LOCATED AT 627, 629, 631, 633 and 635 MULBERRY STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2406-0014 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
 BOARD OF THE CITY OF READING**

AND NOW, this 14th day of August, 2024, a hearing having been held on July 10, 2024, upon the application of the Reading Parking Authority, 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 the Reading Parking Authority with a principal mailing address of 430 South Fourth Street, Reading, Berks County, Pennsylvania 19602 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located at 627, 629, 631, 633, and 635 Mulberry Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-3 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 by Mahlon J. Boyer, Esquire, of Bingaman Hess, Treeview Corporate Center, Suite 100, Two Meridian Boulevard, Wyomissing, PA 19610.
5. Applicant is seeking variances for exceeding percentage of impervious coverage, to be able to provide surface parking for permit holders, to eliminate the requirement for compliance with the buffering requirements, to allow the buffer strip along Mulberry Street to be reduced to two and one-half

feet in width, to eliminate the requirement for landscaping/plantings within the proposed buffer strips, to eliminate the requirement for screening within the proposed buffer strip along Mulberry Street, to eliminate the requirement for clear sight triangles, to eliminate the parking lot setback from an existing dwelling, and to reduce the dimensional requirement for the ADA parking spaces.

6. Applicant requests relief from the following sections of the Zoning Ordinance:
 - a. Section 600-804.A. and B. – Allowed Uses.
 - b. Section 600-1008 – Off-premises parking areas in the R-3 and C-C Districts.
 - c. Section 600-1401.A(4) and 1401.C. – Buffer Strips.
 - d. Section 600-1402.A. – Screening.
 - e. Section 600-1503.A. – Private Driveways.
 - e. Section 600-1602.I. – Design and Construction.
 - f. Section 600-1603.J. – Off-street Parking Standards.
7. The Subject Property is approximately 59.5 feet by 100 feet and a vacant lot.
8. The Subject Property is bounded by Mulberry Street and a 10' wide concrete alley known as Deharts Court.
9. Applicant wants to construct a surface parking lot at the Subject Property as part of the city-wide parking relief program which is meant to create available parking to city residents throughout the city and alleviate the parking crisis in the city.
10. Applicant will use PerkEpave for the parking lot surface.
11. Applicant anticipates the proposed parking lot will be used by residents living in the surrounding area via the use of monthly residential parking permits.
12. The proposed parking lot will accommodate 20 parking spaces.
13. Applicant proposes a single entry and exit point at Mulberry Street with the use of a concrete apron.
14. Applicant stated new lighting will be installed and it will be monitored remotely by cameras.

15. Applicant states the existing parking lot, although vacant, is already a stone lot with some trees scattered throughout.

16. Applicant stated that when the parking lot is repaved it will be exceeding the 80% coverage allowed in the R-3 Zoning District by 12%.

17. Section 600-804.B. allows a surface parking area as a principal or accessory use if it serves a use allowed in the R-3 Zoning District and does not serve the general public.

18. Applicant stated the proposed parking lot will be open to the general public but is meant to accommodate residents living in the area.

19. Applicant stated when the lot is open, the nearby residents will be able to apply for parking passes prior to making spaces available for the general public.

20. Applicant stated that due to the small size of the lot, it has asked for the minimum reliefs with respect to buffering and landscaping within the proposed buffer strips that it would need in order not to eliminate parking spaces.

21. Applicant states the elimination of the requirement for screenings within the proposed buffer strip will create an open view of the parking lot for safety and police patrols.

22. Applicant states the required clear sight triangle would force the elimination of at least 4 of the proposed 20 parking spaces.

23. Applicant is proposing shrubbery and trees along the Subject Property but cannot comply with the requirements of the Zoning Ordinance.

24. Applicant intends to install security cameras at the parking lot and the required shade trees would reduce visibility and decrease safety.

25. Applicant will provide ADA parking spaces based on the federal design guidelines rather than the city guidelines which would eliminate an additional space or two in the parking lot.

26. Applicant was questioned by the Zoning Administrator as to why the 10 foot alley at the rear of the Subject Property was not being used as an entrance to the parking lot because the Zoning Ordinance at Section 600-1602.B. says that if there is a minimum 10 foot alley, the alley is to be utilized

as the entrance and not create a new driveway cut.

27. Following a discussion on the record, Applicant asked to amend its Application to include a variance from Section 600-1602.B. of the Zoning Ordinance.

28. Opposition by various neighboring property owners to the requested relief was presented to the Zoning Office prior to the hearing.

DISCUSSION

Applicant is seeking variances for exceeding percentage of impervious coverage, to be able to provide surface parking for permit holders, to eliminate the requirement for compliance with the buffering requirements, to allow the buffer strip along Mulberry Street to be reduced to two and one-half feet in width, to eliminate the requirement for landscaping/plantings within the proposed buffer strips, to eliminate the requirement for screening within the proposed buffer strip along Mulberry Street, to eliminate the requirement for clear sight triangles, to eliminate the parking lot setback from an existing dwelling, and to reduce the dimensional requirement for the ADA parking spaces. Applicant requests relief from Sections 600-804.A. and B., 600-1008, 600-1401.A(4) and 1401.C., 600-1402.A., 600-1503.A., 600-1602.I. and 600-1603.J. of the Zoning Ordinance.

The proposed use of the Subject Property will be a detriment to the health, safety and welfare of the neighborhood and the zoning district in general.

CONCLUSIONS OF LAW

1. Applicant is the Reading Parking Authority.
2. The Subject Property is located at 627, 629, 631, 633, and 635 Mulberry Street, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant requests relief to allow a 20 space parking lot at the Subject Property.
5. The Zoning Board is permitted to grant applications for variances and/or special exceptions and other relief as set forth in the Zoning Ordinance.

6. The Zoning Board incorporates the findings of fact as though fully set forth at length herein.

7. In order to grant the relief, 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 denied the requested variances.

The decision of this Board is by a vote of 3 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

Abstained

CHARLES JONES