

IN RE: APPEAL OF READING PARKING AUTHORITY RELATIVE TO PROPERTY LOCATED AT 501, 503, 507, 509, 511, 513 and 515 NORTH NINTH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2406-0015 : : 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 501, 503, 507, 509, 511, 513 and 515 North Ninth 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 reduce the required buffer strip along Green Street to be three feet in width, to

eliminate the requirements for landscaping/plantings within the proposed buffer strips, to eliminate the requirement for screening within the proposed buffer strip along N. 9th Street, to eliminate the requirement for clear sight triangles, to reduce the parking lot setback to three feet 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.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.A. and I. – Design and Construction.
7. The Subject Property is approximately 110 feet by 123.5 feet and a vacant lot.
8. The Subject Property is bounded by Green Street, North Ninth Street and a 10' wide Brick Alley.
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 35 parking spaces.
13. Applicant proposes one entry lane and one exit lane from the parking lot.
14. Applicant states an increase in the maximum impervious coverage to 92% will maximize the number of parking spaces at the Subject Property.
15. 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.

16. Applicant states the buffering requirement would eliminate at least 10 parking spaces.
17. Applicant states the required clear sight triangle for the drive access onto Green Street would force the elimination of 4 of the proposed 35 parking spaces.
18. Applicant is proposing shrubbery and trees along the Subject Property but cannot comply with the requirements of the Zoning Ordinance.
19. Applicant intends to install security cameras at the parking lot and the required shade trees would reduce visibility and decrease safety.
20. 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.
21. There were no objections to the requested relief.
22. The Board finds the proposed use of the Subject Property will not be a detriment to the health, safety and welfare of the neighborhood or the zoning district in general.

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 reduce the required buffer strip along Green Street to be three feet in width, to eliminate the requirements for landscaping/plantings within the proposed buffer strips, to eliminate the requirement for screening within the proposed buffer strip along N. 9th Street, to eliminate the requirement for clear sight triangles, to reduce the parking lot setback to three feet from an existing dwelling, and to reduce the dimensional requirement for the ADA parking spaces. Applicant requests relief from Sections 600-804(b), 600-1008, 600-1401.A(4) and 1401.C., 600-1402.A., 600-1503.A., 600-1602.A. and I. of the Zoning Ordinance. The proposed use of the Subject Property will not be a detriment to the health, safety and welfare of the neighborhood or the zoning district in general.

CONCLUSIONS OF LAW

1. Applicant is the Reading Parking Authority.
2. The Subject Property is located at 501, 503, 507, 509, 511, 513 and 515 North Ninth

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 35 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 hereby granted all of the requested variances for a 35 space parking lot at the Subject Property.
 - b. A lighting plan must be submitted depicting the type of lighting for shielding, the height of the light standards and a photo-metrics plan showing the foot candles for spill over to the Zoning Administrator.
 - c. All parking areas of more than 10 spaces shall be approved by the Department of Public Works and the City of Reading Planning Commission.
 - d. Applicant shall submit a plan in writing to the Zoning Office prior to the permit being issued that states (1) how and for what distance from the parking lot the Applicant will notify the local population of the availability of parking spaces at the Subject Property, (2) how will Applicant keep people from taking an excessive number of spaces, and (3) will this be the process Applicant will use for all local lots going forward.
 - e. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.
 - f. 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.

g. 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/ Philip Rabena

PHILIP RABENA, CHAIRMAN

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

Abstained

CHARLES JONES