

IN RE: APPEAL OF AZTECAS PLUMBING AND HEATING A.C., LLC, RELATIVE TO A PROPERTY LOCATED AT 832 NORTH 8TH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2406-0016 : : 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 Aztecas Plumbing and Heating A.C., 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 Aztecas Plumbing and Heating A.C., LLC, a Pennsylvania Limited Liability Company, with a principal mailing address of 115 North Brobst Street, Shillington, Berks County, Pennsylvania 19607 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located 832 N. 8th Street, City of Reading Berks County, Pennsylvania (hereinafter referred to as “Subject Property”).
3. The Subject Property is located in the C-N Commercial Neighborhood 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 Osmer Deming, Esquire, of 38 North 6th Street Reading, Pennsylvania 19601.
5. Applicant is seeking a special exception under Section 600-1202.A. of the Zoning

Ordinance for adaptive reuse to establish a residential dwelling unit on the second floor of the Subject Property and an appeal from the Zoning Officer's determination letter.

6. Applicant stated that when it purchased the Subject Property in 2021 there was a vacant commercial space on the first floor and the second floor was tenant occupied but they moved out after Applicant purchased the Subject Property.

7. Applicant stated at the time he purchased the Subject Property the second floor had all the requirements for a residential dwelling unit and only cosmetic improvements have been made to the second floor dwelling unit.

8. After purchasing Subject Property, Applicant was informed the Subject Property was not zoned for residential use.

9. Applicant states there are three off-street parking spaces available for the residential dwelling unit.

10. The Zoning Board finds the proposed zoning relief is in keeping with the spirit and intent of the Zoning Ordinance.

11. The Zoning Board finds the requested relief will not be a detriment to the health, safety and welfare of the neighborhood.

DISCUSSION

Applicant is seeking a special exception under Section 600-1202.A. of the Zoning Ordinance for adaptive reuse to establish a residential dwelling unit on the second floor of the Subject Property and an appeal from the Zoning Officer's determination letter.

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 as long as Applicant complies with the conditions hereinafter set forth.

CONCLUSIONS OF LAW

1. Applicant is Aztecas Plumbing and Heating A.C., LLC.

2. The Subject Property is located at 832 N. 8th Street, Reading, Berks County,

Pennsylvania.

3. The Subject Property is located in the C-N Commercial Neighborhood Zoning District.

4. Applicant is seeking relief from Section 600-1202.A. of the Zoning Ordinance.

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

6. The Zoning Board is permitted to provide interpretation and grant applications for variances, special exceptions and adaptive reuse as set forth in the relevant sections of the Zoning Ordinance.

7. In order to grant the requested 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 granted relief from all relevant sections of the Zoning Ordinance subject to the following conditions:

(1) Applicant shall comply with all pertinent provisions for Adaptive Reuse considering the Residential Apartment Uses, as prescribed by the Zoning Ordinance.

(2) Applicant shall install a fire alarm system and sprinkler system in accordance with the Fire Marshall's requirements prior to the issuance of any Certificates of Occupancy for the dwelling units.

(3) Applicant shall place signs stating parking for tenants only at the three off-street parking spaces at the Subject Property.

(4) Applicant shall clearly delineate all off-street parking spaces.

(5) All proposed signs shall be located, designed, permitted and installed in accordance with the provisions specified by the City of Reading.

(6) The appropriate building and zoning permits shall be prepared and submitted to address all building code requirements for the proposed residential apartment units.

(7) The building shall comply with all fire, safety and accessibility requirements specified by the City of Reading prior to occupancy.

(8) Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

(9) 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.

(10) Failure to comply with any of the 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/ Charles Jones

CHARLES JONES