

IN RE: APPEAL OF FERBAT : BEFORE THE ZONING HEARING
INVESTMENTS, LLC, RELATIVE TO : BOARD OF THE CITY OF READING,
A PROPERTY LOCATED AT 521 : PENNSYLVANIA
FRANKLIN STREET, CITY OF :
READING, BERKS COUNTY, : APPEAL NO. 2406-0017
PENNSYLVANIA :
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION

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 Ferbat Investments, 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 Ferbat Investments, LLC, having a mailing address of 420 Kent Avenue, Brooklyn, New York 11249 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 521 Franklin Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the CC Commercial Core 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 Joan E. London, Esquire, of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, Pennsylvania 19610.
5. Applicant seeks a variance to convert the existing street level commercial unit

into a residential unit and a variance from the applicable off-street parking requirements.

6. Applicant seeks relief from the sections of the Zoning Ordinance:

a. Section 600-807.B(1)(c), footnote 1, and 600-807.B(1)(o) requiring a street level principal business establishment for low-rise apartments or residential conversions in the CC District;

b. Section 600-1603.A(31)(a) and (d) requiring 1.5 spaces per apartment or apartment conversion/adaptive reuse in the CC District; and

c. Section 600-1603.I(1) allowing off-site spaces which are no more than 300 feet from the proposed use.

7. The Subject Property is an L-shaped property which pre-exists zoning with frontage on both Franklin Street and Pearl Street and consists of a three-story building with apartment units on the second and third floors and a detached garage with space for two vehicles.

8. At the time of purchase Applicant was informed the building had three apartments.

9. The first floor has been vacant since Applicant purchased the Subject Property.

10. Applicant states the first floor resembles a living space more than a commercial space in that it has a kitchen, bathroom and an area that looks like a living area.

11. Applicant stated she has been unable to obtain any commercial tenants for the street level space of the Subject Property.

12. Applicant presented a photograph which indicates the front of the Subject Property looks more residential than commercial.

13. Applicant states there is a two car detached garage on the Subject Property and Applicant will try to rent additional parking spaces at the nearby Reading Parking Authority garages located at 29 S. Fourth Street and 635 Franklin Street.

14. The proposed apartment on the first floor will have all the required area and features required by the Zoning Ordinance for a residential dwelling unit such as sleeping area, living area, full bath and access to yard and basement.

15. Applicant states the ability to develop and put into a lawful, safe and productive use the vacant first floor portion of the Subject Property will have positive effects on the neighborhood by countering the hazards of blight caused by vacant properties.

16. Applicant states the requested relief will not alter the essential character of the neighborhood nor will it substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.

17. There were no objections to the requested relief.

DISCUSSION

Applicant seeks a variance to convert the existing street level commercial unit into a residential unit and a variance from the applicable off-street parking requirements under Sections 600-807.B(1)(c), footnote 1, 600-807.B(1)(o), 600-1603.A(31)(a) and (d), and 600-1603.I(1).

The Zoning Board finds 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 set forth herein.

CONCLUSIONS OF LAW

1. Applicant is Ferbat Investments, LLC.
2. The Subject Property is located at 521 Franklin Street, Reading, Pennsylvania.
3. The Subject Property is located in the CC Commercial Core Zoning District.
4. The specific sections of the Zoning Ordinance appealed are 600-807.B(1)(c), footnote 1, 600-807.B(1)(o), 600-1603.A(31)(a) and (d), and 600-1603.I(1).

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 and special exceptions as set forth in the relevant sections of the Zoning Ordinance.

7. In order to grant the requested relief, the Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.

8. Applicant is granted relief from all relevant sections of the Zoning Ordinance subject to the following conditions:

a. Applicant shall provide to the Zoning Office proof of the contract with the Reading Parking Authority to lease additional off-street parking spaces in one of the parking garages located near of the Subject Property.

b. Applicant shall comply with all pertinent provisions for residential apartment uses and occupancy that are specified by the Zoning Ordinance.

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

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

e. Applicant shall apply for housing permits and submit to the required property maintenance inspections.

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

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

h. 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.

i. 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/ Charles Jones

CHARLES JONES