

**IN RE: APPEAL OF HARNOOR : BEFORE THE ZONING HEARING
PROPERTIES, LLC, RELATIVE TO : BOARD OF THE CITY OF READING,
A PROPERTY LOCATED AT 1014 N. : PENNSYLVANIA
13TH STREET, CITY OF READING, :
BERKS COUNTY, PENNSYLVANIA : APPEAL NO. 2407-0018
:
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION**

**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW this 11th day of September, 2024, a hearing having been held on August 14, 2024, upon the application of Harnoor Properties, LLC, notice of such hearing having first been 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. The Applicant is Harnoor Properties, LLC, a Pennsylvania Limited Liability Company, with a principal mailing address of 32 Fox Grove Drive, Reading, Berks County, Pennsylvania 19608 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located at 1014 N. 13th 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 Daral A. Woerle, Esquire.
5. Applicant seeks a special exception to expand the use of the nonconforming gas station/convenience store at the Subject Property to include a take-out food service. In the alternative, Applicant seeks a variance for allowed uses in the R-3 Zoning District.
6. Applicant was granted relief on June 12, 2024, to expand the days and hours of operation of the nonconforming convenience store.
7. Applicant states the take-out food service is a Krispy Krunchy Chicken franchise.
8. Applicant states the take-out food service will utilize the existing food preparation area being built into the remodeled store.
9. Applicant states no additional employees or additional parking is needed.
10. Applicant states the addition of the take-out food service will not create a more intensive impact on the community.
11. There were no objections presented at the hearing.

DISCUSSION

Applicant seeks a special exception to expand the use of the nonconforming gas station/convenience store at the Subject Property to include a take-out food service. In the alternative, Applicant seeks a variance for allowed uses in the R-3 Zoning District.

The proposed use is in keeping with the spirit and intent of the Zoning Ordinance and will not be a detriment to the health, safety and welfare of the zoning district or the neighborhood in general.

CONCLUSIONS OF LAW

1. Applicant is Harnoor Properties, LLC.
2. The Subject Property is located at 1014 N. 13th Street, City of Reading, Berks

County, Pennsylvania.

3. The Subject Property is located in the R-3 Residential Zoning District.

4. Applicant seeks a special exception to expand the use of the nonconforming gas station/convenience store at the Subject Property to include a take-out food service. In the alternative, Applicant seeks a variance for allowed uses in the R-3 Zoning District.

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

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

8. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:

a. Applicant is hereby granted the requested relief to operate a take-out food service subject to the conditions hereinafter set forth.

b. No outdoor cooking activities are allowed at the Subject Property.

c. No indoor or outdoor seating is allowed at the Subject Property.

d. Applicant shall not block the front window of the Subject Property for safety and security purposes.

e. Applicant shall not allow video machines, soda machines, vending machines, jukeboxes, and ATM machines at or on the Subject Property.

f. Applicant is prohibited from selling alcohol and alcohol consumption is also prohibited at the Subject Property.

g. Applicant must provide and screen the trash receptacles which shall not exceed fifty (50) gallons.

h. Extensive litter on the Subject Property shall be grounds for revocation of the variance.

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

j. Applicant shall apply for any required building, trade, and fire permits and inspections, along with submitting an application for a health inspection and health permit and complying with any related requests for the granting of such permits/licenses.

k. 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.

l. 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/ Jeffrey Gattone

JEFFREY GATTONE

/s/ William Harst

WILLIAM HARST

/s/ Charles Jones

CHARLES JONES