

IN RE: APPEAL OF THE ACE LOUNGE, : BEFORE THE ZONING HEARING
LLC, RELATIVE TO A PROPERTY : BOARD OF THE CITY OF READING,
LOCATED AT 546 SOUTH NINTH STREET, : PENNSYLVANIA
CITY OF READING, BERKS COUNTY, :
PENNSYLVANIA : APPEAL NO. 2408-0024
:
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION

DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING

AND NOW, this 13th day of November, 2024 a hearing having been held on October 9, 2024, upon the application of The Ace Lounge, 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 The Ace Lounge, LLC, a Pennsylvania Limited Liability Company, with a principal mailing address of 546 South Ninth Street, Reading, Berks County, Pennsylvania 19602 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the real property located at 546 South Ninth Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, A & G, LLC, of 609 Raymond Street, Reading, Berks County, Pennsylvania 19605, has granted Applicant permission to seek the requested relief.
4. The Subject Property is located in the R-3 Residential Zoning District as that term and district are defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).

5. Applicant was represented by Joan London, Esquire, of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610.

6. Applicant is appealing the Zoning Officer's determination and requests a special exception and/or determination that the proposed bottle club/restaurant use is a permissible replacement for the prior nonconforming restaurant/tavern use and that the proposed use is of equal or less intensity than the prior use.

7. Applicant is also requesting a special exception, or in the alternative, a variance for the required off-street parking spaces.

8. In the alternative, Applicant is seeking a variance from Zoning Ordinance Section 804.B., permitted uses in the R-3 Zoning District, and Section 600-1203.C., bottle clubs.

9. The Subject Property was previously known as The Brewery Inn and was approved as a restaurant/tavern with hours of operation on Thursday to Monday, from 5:00 p.m. to 12:00 a.m., prevailing time.

10. The Subject Property was condemned by the City of Reading on March 29, 2021, and would require a special exception to reinstate the nonconformity.

11. The Subject Property is located in the R-3 Zoning District; and therefore, does not comply with Section 600-1203.C.(7).

12. There is municipal playground (Reading Iron Playground) approximately 553 feet away from the Subject Property.

13. Since the time that the Subject Property was condemned, the owner of the Subject Property has made a number of renovations including electrical, plumbing, structural, heating, ventilation, air conditioning and new windows and has cleaned up the exterior of the Subject Property.

14. Applicant stated there will be no space added to the interior and the capacity would be no greater than the prior use and there will be no change to the height or footprint of the building to add space.

15. Applicant intends to operate the Subject Property as a sit-down and takeout restaurant with hours of 12:00 p.m. to 2:00 a.m. with bottle club service in the evening with a charge of \$10.00 per bottle and cutoff for all alcohol service at 2:00 a.m.

16. Applicant stated there will be no outdoor gatherings, no amplified music audible outside, and no alcohol will be able to be taken off the premises.

17. Applicant stated there would be no entertainment at the Subject Property.

18. Applicant will have approximately twelve (12) restaurant employees with five (5) employees per shift.

19. Applicant stated it has the Safe Serve Certification and also has had the RAMP training.

20. Applicant stated it will have measures in place to ensure security and that there is no noise or unruly gatherings.

21. Applicant stated there will be no noise, dust, odors or fumes emanating outside of the Subject Property.

22. Applicant stated it will be a neighborhood type of restaurant where people would go for lunch, brunch or dinner and be able to bring alcohol with them.

23. If Applicant is granted relief to operate the bottle club, it will then attempt to purchase a liquor license for use at the Subject Property. Applicant further stated that Pennsylvania is not selling liquor licenses at this time.

24. Applicant stated there are three (3) existing off-street parking spaces which is a pre-existing condition of the Subject Property.

25. Applicant stated there is ample on-street parking available; and as the Subject Property is primarily surrounded by commercial uses which would not be in operation during the peak hours of operation of the proposed use, there would be no negative impacts from the granting of the parking variance.

26. Applicant stated the Brewery Inn was able to operate in the neighborhood without off-street parking and Applicant's proposed use will not create any further disruption to the neighborhood with respect to parking issues.

27. There were no objections to the requested relief.

28. The Zoning Board finds the Subject Property has no hardship and can be used in accordance with the strict terms of the Zoning Ordinance.

29. The Zoning Board finds the proposed use will be a detriment to the health, safety and welfare of the neighborhood and is not in keeping with the spirit and intent of the Ordinance.

DISCUSSION

Applicant is appealing the Zoning Officer's determination and requests a special exception and/or determination that the proposed bottle club/restaurant use is a permissible replacement for the prior nonconforming restaurant/tavern use and that the proposed use is of equal or less intensity than the prior use. Applicant is also requesting a special exception, or in the alternative, a variance for the required off-street parking spaces. In the alternative, Applicant is seeking a variance from Zoning Ordinance Section 804.B., permitted uses in the R-3 Zoning District, and Section 600-1203.C., bottle clubs.

The Zoning Board finds the Subject Property is capable of being used in accordance with the strict terms of the Zoning Ordinance.

CONCLUSIONS OF LAW

1. Applicant is The Ace Lounge, LLC.
2. The Subject Property is located at 546 South Ninth Street, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant is appealing the Zoning Officer's determination and requests a special exception and/or determination that the proposed bottle club/restaurant use is a permissible replacement for the prior nonconforming restaurant/tavern use and that the proposed use is of equal or less intensity than the prior use. Applicant is also requesting a special exception, or in the alternative, a variance for the

required off-street parking spaces. In the alternative, Applicant is seeking a variance from Zoning Ordinance Section 804.B., permitted uses in the R-3 Zoning District, and Section 600-1203.C., bottle clubs.

5. In order to grant the variance and/or special exception, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.

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

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

a. Applicant is denied the requested relief because:

(1) Applicant can use the Subject Property within the strict terms of the Zoning Ordinance; and

(2) there is no hardship.

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/ Jared Barcz

JARED BARCZ

/s/ Charles Jones

CHARLES JONES