

IN RE: APPEAL OF RONALD DIBENEDETTO, JR., RELATIVE TO A PROPERTY LOCATED AT 1140 LUZERNE STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF : READING, PENNSYLVANIA : : APPEAL NO. 2501-0001 : : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
---	--

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

AND NOW, this 12th day of March, 2025, a hearing having been held on February 12, 2025, upon the application of Ronald DiBenedetto, Jr., notice of such hearings 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 Ronald DiBenedetto, Jr., an adult individual with a mailing address of 1547 Luzerne Street, Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the property located at 1140 Luzerne Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Judy Pollack, 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 is defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).

5. Applicant is seeking a variance under Section 600-608(B) of the Zoning Ordinance to permit a catering business use at the Subject Property which includes on-site food preparation for off-site event venues, or in the alternative, a special exception under Sections 600-1201 and 600-1202 to permit a change from a previous nonconforming use (warehouse and storage facility) to a nonconforming catering business use.

6. The Subject Property was previously used for storage for Pollack Furs.

7. Applicant stated that while the primary function of his business is catering, the majority of cooking (80%) will be completed at the Subject Property with the remaining cooking conducted off-site at event venues.

8. Applicant stated all supplies for the catered events will be stored at the Subject Property, packed out as needed, and returned to the Subject Property after the events are completed.

9. Applicant stated the proposed use is similar to the previous use as it involves storage, preparation and transportation of goods.

10. Applicant stated the primary difference is the addition of on-site cooking of food that will be transported to off-site event venues and no dining or direct public-facing services will occur at the Subject Property.

11. Applicant stated the maximum number of employees on-site at any given time will be four (4).

12. Applicant stated he will remodel the interior of the building to meet the

requirements for a commercial kitchen as per applicable codes which will include installing kitchen equipment, food preparation areas, and the storage of supplies; and he will also improve the exterior appearance of the Subject Property by adding windows and landscaping which will contribute positively to the aesthetic and community value of the area.

13. Applicant stated parking will be managed entirely on-site and no public or street parking will be utilized and there is adequate space for occasional deliveries without encroaching on neighboring properties or public spaces.

14. Applicant stated the building on the Subject Property is uniquely suited for a low impact business operation like the proposed catering business but is not conducive to the uses typically allowed in the R-3 Zoning District.

15. Applicant stated the hardship arises from the Subject Property's existing structure and past use which do not align with residential zoning requirements.

16. Applicant stated the requested relief will not create additional traffic, waste, noise or other negative impact to neighboring properties and will not pose a threat to the public health or safety.

17. There were no objections to the requested relief.

DISCUSSION

Applicant is seeking a variance under Section 600-608(B) to permit a catering business use at the Subject Property which includes on-site food preparation for off-site events, or in the alternative, a special exception under Sections 600-1201 and 600-1202 to permit a change from a previous nonconforming use (warehouse and storage facility) to a nonconforming catering business use.

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

district in general as long as Applicant complies with the conditions set forth below.

CONCLUSIONS OF LAW

1. Applicant is Ronald DiBenedetto, Jr.
2. The Subject Property is located at 1140 Luzerne Street, Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant is seeking a variance under Section 600-608(B) to permit a catering business use at the Subject Property which includes on-site food preparation for off-site events, or in the alternative, a special exception under Sections 600-1201 and 600-1202 to permit a change from a previous nonconforming use (warehouse and storage facility) to a nonconforming catering business use.
5. The Zoning Board incorporates the findings of fact as though fully set forth at length herein.
6. The Zoning Board is permitted to grant applications for variances and/or special exceptions as set forth in the Zoning Ordinance.
7. In order to grant the variances and/or special exceptions, Applicant must show he 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 the requested relief subject to the following conditions:
 - (1) A minor Land Development Plan shall be submitted prior to the issuance of a Zoning Permit.
 - (2) The driveway/parking area in front of the building shall be

improved with an approved paving surface.

(3) Applicant shall not place any soda machines, vending machines, video machines, or jukeboxes on the exterior of the Subject Property.

(3) Applicant shall not place any ATMs on the interior or exterior of the Subject Property.

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

(5) 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.

(6) 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/ Jared Barcz

JARED BARCZ