

IN RE: APPEAL OF READING AREA COMMUNITY COLLEGE RELATIVE TO A PROPERTY LOCATED AT 25 SOUTH FRONT STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2501-0005 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**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 Reading Area Community College, 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 Reading Area Community College with a principal mailing address of 10 South Second Street, Reading, Pennsylvania 19602 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 25 S. Front Street, in the City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the CC – Commercial Core/FP – Flood Plain Overlay Zoning Districts as those terms and districts are 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 is seeking a variance from the Floodplain Overlay Zoning District requirements in order to expand and update the existing Gust Zogas Student Union Building (hereinafter referred to as “SUB”) under Sections 600-1834.C.(1) and 600-1823.B.(1).

6. The SUB is a one-story building that pre-existed Applicant's acquisition of the Subject Property in 1994 and it was renovated in 1995, but there have been no changes to the building since 1995.

7. The SUB is located in the Zone AE With Floodway Subdistrict as shown in the Floodplain Maps of the Federal Emergency Management Agency ("FEMA").

8. The plan for the SUB is consistent with its vital mission and requires that Applicant totally renovate the existing 12,010 square foot building and expand it horizontally and vertically.

9. The proposed expansion will include student lounges, student club offices, meeting spaces, fitness center, E-Sports room, computer lab, classrooms, event center, food pantry, clothing closet and support staff office suite.

10. Section 600-1834 (Improvements to Existing Structures) provides in Subsection C(1) that "any modification, alteration, reconstruction, or improvement, of any kind to an existing structure, to an extent or an amount of 50% or more of its market value, shall constitute a substantial improvement and shall be undertaken only in full compliance with Section 600-1823 and all other applicable provisions of this Part." Section 600-1823.B.(1), which applies to nonresidential structures in Zone AE, requires that "any new construction or substantial improvement of a nonresidential structure shall have the lowest floor (including basement) elevated to at least 1-1/2 feet above the Base Flood Elevation (BFE).

11. Applicant has determined the BFE is approximately 5" higher above the majority of the ground floor level and 2'5" higher than a lower, recessed portion of the ground level of the SUB.

12. Compliance with Sections 1834 and 1823.B.(1) would require elevation such that the ground floor would not be usable.

13. Strict compliance with the Floodplain Overlay Zone requirements will present an extreme hardship to Applicant.

14. The building pre-exists the Zoning Ordinance and the floodplain regulations contained in Part 18.

15. Past flooding events have caused minimal damage to the building.

16. The expansion of the building has roughly one-third of the new square footage on the first floor (approx. 3,945 square feet) with two-thirds of the square footage (approx. 13,420 square feet) on a newly constructed second floor and eliminates a small portion of the existing ground floor.

17. The vertical expansion, which results in a considerable increase in cost to RACC, is being planned to locate as much as possible of the project square footage above the BFE.

18. The proposed project will not increase the BFE because the building will be designed for water to flow through the building.

19. The proposed project contains the following measures to mitigate potential exposure to flooding:

a. Main electrical gear of the building is being moved from the first floor to the new second floor above the BFE.

b. Main mechanical equipment will be located above the BFE.

c. Evaluation by the structural engineer of the loads on the building and a determinate that no improvements will need to be made to the building frame because the building will allow water to flow freely through the first floor of the building.

d. All construction and finishes on the ground floor will be redesigned to mitigate damage by water such as walls of galvanized metal, glass, masonry and water/abuse resistant GWB, and the use of paints that are suitable for water exposure.

20. Applicant believes the requested relief should be granted for the following reasons:

a. The proposed construction will not cause an increase in the BFE.

b. The building will not:

i. Be used for the production or storage of any of the materials and substances enumerated in Section 600-1825.B.(1)-(18) which are considered dangerous to human and/or aquatic life;

ii. Be used for any activity requiring the maintenance of a supply of any of the materials and substances enumerated in Section 600-1825.B.(1)-(18) which are considered dangerous

to human and/or aquatic life in a quantity in excess of 550 gallons or comparable volume;

iii. Involve production, storage, or use of radioactive substances; or

iv. Be utilized for any of the prohibited uses set forth in Section 600-1829

(hospitals, nursing homes, jails, prisons, or manufactured home park).

21. The requested variance is the minimum variance and least modification required which will afford relief.

22. Applicant is requesting to be permitted to continue to use the building in the manner which it has been using it since the time of acquisition and is providing equivalent protections against any theoretical hazards of flood water.

23. The variance is needed in order to prevent loss of grant funding and cause Applicant, as a non-profit serving the Berks County community, to incur great expense and loss of important instructional space where there is a proven minimal risk.

24. The grant of the variance will not create a risk of greater flood heights, as exterior changes to the structure will be de minimis.

25. There is no risk to public safety as precautionary measures with respect to building materials, mechanicals, and construction will take into account the possibility of contact with floodwaters, and engineering studies have shown no risk to public safety from the building in the event of ("one percent chance annual") flooding.

26. The grant of the requested variance from floodplain regulations would not create any public nuisance, fraud or expense, or conflict with any applicable law, ordinances or regulations.

27. There are no plans for additional employees and faculty and students will park on existing on campus parking lots.

28. There are no expected significant changes to the hours of operation as a result of the proposed SUB renovations.

29. The renovations and addition of new academic, extracurricular and student support facilities will allow RACC to better serve the needs of its students and the community and remain

competitive as a college.

30. There were no objections presented at the hearing.

DISCUSSION

Applicant is seeking a variance from the Floodplain Overlay Zoning District requirements in order to expand and update the existing Gust Zogas Student Union Building (hereinafter referred to as “SUB”) under Sections 600-1834.C.(1) and 600-1823.B.(1).

The Zoning Board finds that the requested relief will not be detrimental to the health, safety and welfare of the neighborhood. The proposed use is in keeping with the spirit and intent of the Zoning Ordinance.

CONCLUSIONS OF LAW

1. Applicant is Reading Area Community College.
2. The Subject Property is located at 25 S. Front Street, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the CC-Commercial Core/ FP-Floodplain Overlay Zoning Districts.
4. Applicant is seeking a variance from the Floodplain Overlay Zoning District requirements in order to expand and update the existing Gust Zogas Student Union Building (hereinafter referred to as “SUB”) under Sections 600-1834.C.(1) and 600-1823.B.(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 grant applications for variances and/or special exceptions as set forth in the Zoning Ordinance.
7. After reviewing the Applicant’s request in detail, the Zoning Hearing Board enters the following Decision:
 - a. Applicant is granted all of the requested zoning relief.
 - b. Applicant shall obtain final approval for the Floodplain Permit from the City

Engineer.

- c. Applicant shall comply with relevant federal rules and regulations.
- d. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.
- e. 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.
- f. 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