

IN RE: APPEAL OF LIMITLESS MINDSETS, LLC, RELATIVE TO A PROPERTY LOCATED AT 121 S. NINTH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2501-0006 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 9th day of April, 2025, a hearing having been held on March 12, 2025, upon the application of Limitless Mindsets, 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:

The Zoning Board finds the following facts:

1. Applicant is Limitless Mindsets, LLC, a Pennsylvania limited liability company with a principal mailing address of 727 Tuckerton Avenue, Temple, Berks County, Pennsylvania 19560 (hereinafter referred to as “Applicant”).
2. Applicant is the fee simple owner of property located at 121 S. Ninth Street, City of Reading, Berks County, Pennsylvania 19602 (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 Alex V. Alfieri, Esquire, of Stock Alfieri Law Offices, 50 North Fifth Street, Reading, Pennsylvania 19601.
5. Applicant is seeking a variance to convert a single-family dwelling into two dwelling units and any other relief required to use the Subject Property as two dwelling units; in the alternative, Applicant is seeking an appeal of the Zoning Administrator’s determination.

6. The conversion of a one-family dwelling into two or more dwelling units is prohibited in the R-3 Zoning District. See Section 600-804.B.(3).

7. Applicant's zoning permit was, therefore, denied by the Zoning Office, and Applicant is requesting a variance from this provision.

8. Applicant testified that when he purchased the Subject Property approximately one year ago it was already configured as a two-unit property as each floor has an existing entrance and an exit, kitchen, bathroom, etc.

9. Applicant proposes a two-bedroom apartment on the first floor and a three-bedroom apartment on the second floor.

10. Applicant testified the building is separately metered for gas, water, etc., but did not provide any records.

11. The Zoning Board finds that the proposed dwelling units comply with the minimum required habitable area as per Section 600-1203.D.(2); however, a parking plan was not provided to check for compliance and the minimum required off-street parking spaces for two dwelling units is three.

12. Applicant proposes three parking spaces to the rear of the Subject Property.

13. Applicant did not submit sufficient information to determine whether or not the design of the parking area complies with the zoning requirements.

14. The Zoning Board finds that any relief required from the parking requirement falls under the purview of City Council in consideration of a conditional use application.

15. The Zoning Board finds the city historical zoning records do not indicate a two-unit building on the Subject Property.

16. The Subject Property can be used in accordance with the strict terms of the Zoning Ordinance.

17. There is no hardship.

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

DISCUSSION

Applicant is seeking a variance to convert a single-family dwelling into two dwelling units and any other relief required to use the Subject Property as two dwelling units; in the alternative, Applicant is seeking an appeal of the Zoning Administrator's determination.

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

CONCLUSIONS OF LAW

1. Applicant is Limitless Mindsets, LLC, a Pennsylvania limited liability company.
2. The Subject Property is located at 121 S. Ninth Street, Reading, Berks County, Pennsylvania 19602.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. The specific section of the Zoning Ordinance appealed is Section 600-804.B.(3).
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/or special exceptions as set forth in the relevant sections of the Zoning Ordinance.
7. In order to grant the requested variance and/or special exception, Applicant must show it 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 denied the variance to convert the one-family dwelling to a two-unit dwelling because:

- (1) Applicant can use the Subject Property within the strict terms of the Zoning Ordinance;
- (2) There is no hardship; and
- (3) The creation of two units is detrimental to the neighborhood.

The decision of this Board is by a vote of 5 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

/s/ Charles Jones

CHARLES JONES