

IN RE: APPEAL OF BURKEY CONSTRUCTION COMPANY RELATIVE TO A PROPERTY LOCATED AT 1207 ORCHARD ROAD, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2502-0009 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
--	--

**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 Burkey Construction Company, 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 Burkey Construction Company with a principal address of 506 Morgantown Road, Reading, Pennsylvania 19611 (hereinafter referred to as the “Applicant”).
2. Applicant is the contractor for the fee simple owner of the property located at 1207 Orchard Road, City of Reading, Berks County, Pennsylvania 19611 (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Peter and Leigh Rye, have granted Applicant permission to seek the requested relief.
4. The Subject Property is located in the R-1 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 seeks a variance to construct a carriage house on the Subject Property that exceeds the maximum permitted size of 600 square feet; in the alternative, Applicant is seeking an appeal of the Zoning Administrator's determination.

6. Applicant is requesting relief from Section 600-802.B(2)(b) of the Zoning Ordinance and all associated Variances, Special Exceptions and Interpretations.

7. Garages/carports are a permitted accessory use in the R-1 Zoning District; however, the proposed carriage house exceeds the maximum permitted area (600 square feet).

8. The Subject Property consists of approximately three and one-half acres and is located between Orchard Road and Parkside Drive South.

9. The carriage house will be located on the paved motor court area which is surrounded by a stone wall that attaches to the home on the Subject Property.

10. The carriage house will be constructed within the bounds of the existing stone wall.

11. Applicant stated the carriage house will be a one-story freestanding structure.

12. The home was occupied many years ago by one of the architects that built Wyomissing and the Reading Public Museum and the owners of the Subject Property are trying to restore the home and grounds to retain the history of the property.

13. The owners of the Subject Property will use the carriage house for the storage of their maintenance equipment.

14. The carriage house will have a powder room but the Applicant and fee simple owners understand the carriage house may not be used for living quarters.

15. The Subject Property has an existing catch basin for storm water which will be repaired requiring resurfacing of the existing macadam motor court.

16. There were no objections to the requested relief.

DISCUSSION

Applicant seeks a variance to construct a carriage house on the Subject Property that exceeds the maximum permitted size of 600 square feet; in the alternative, Applicant is seeking an appeal of the

Zoning Administrator's determination. 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 Burkey Construction Company.
2. The fee simple owners of the Subject Property are Peter and Leigh Rye.
3. The Subject Property is located at 1207 Orchard Road, City of Reading, Berks County, Pennsylvania 19611.
4. The Subject Property is located in the R-1 Residential Zoning District.
5. Applicant seeks a variance to construct a carriage house on the Subject Property that exceeds the maximum permitted size of 600 square feet; in the alternative, Applicant is seeking an appeal of the Zoning Administrator's determination.
6. The specific sections of the Zoning Ordinance appealed are 600-802 of the Zoning Ordinance, and all associated Variances, Special Exceptions and Interpretations.
7. The Zoning Board incorporates the findings of fact as though fully set forth at length herein.
8. In order to grant the requested relief, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.
9. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following decision:
 - a. Applicant is hereby granted relief to construct a carriage house on the existing macadam motor court subject to the following conditions:
 - (1) A Minor Land Development Plan shall be submitted for review and approval by the Planning Commission prior to the issuance of a zoning permit.
 - (2) The carriage house may not be used for living quarters.

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

(4) 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.

(5) 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 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