

**IN RE: APPEAL OF GARCIA GROUP, : BEFORE THE ZONING HEARING
LLC, RELATIVE TO A PROPERTY : BOARD OF THE CITY OF READING,
LOCATED AT 1034 PENN STREET, : PENNSYLVANIA
CITY OF READING, BERKS :
COUNTY, PENNSYLVANIA : APPEAL NO. 2502-0010
:
: 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 Garcia Group, 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 Garcia Group, LLC, a Pennsylvania Limited Liability Company, with a principal mailing address of 147 South Sixth Street, Reading, Berks County, Pennsylvania 19602 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the property located 1034 Penn Street, City of Reading Berks County, Pennsylvania (hereinafter referred to as “Subject Property”).
3. The Subject Property is located in the R-3 and Penn’s Common Historic 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 special exception for adaptive reuse (Section 600-1202) and a variance to permit two principal uses at the Subject Property (Section 600-902.A.) to permit the creation of two dwelling units; in the alternative, Applicant is seeking an appeal of the determination of the Zoning Administrator.

6. The Subject Property is a four hundredths of one acre property improved with a three-story building currently housing Cherry's Jamaican Delight Restaurant on the ground floor.

7. Applicant is seeking to retain the restaurant use which has been in existence since 2020 although a Dominican restaurant is planned for the site but its size and number of seats and employees will not change.

8. Applicant states that when it purchased the Subject Property there appeared to have been existing apartments on the second and third floors which have been vacant.

9. Applicant desires to convert the second and third floors to apartment use with a three-bedroom apartment on the second floor, a three-bedroom apartment on the third floor, and a variance for two principal uses to allow the restaurant to continue to operate.

10. Applicant stated that each of the proposed apartments will be 1600 square feet which is in excess of the required minimum size of 850 square feet.

11. Applicant stated each apartment will have the required living area, kitchen, full bath and will be fully Code compliant.

12. Apartments are permitted in the R-3 Zoning District by right, and conversions are permitted by special exception.

13. Applicant stated there are twelve off-street parking spaces on Cherry Street at the rear of the Subject Property which will be sufficient to accommodate both uses.

14. Applicant stated it would provide lighting, if required.
15. Applicant stated the building is in an area where there are other mixed and commercial uses.
16. Applicant stated the proposed mixed use will not change the character of the area and it would put into productive use two vacant floors of the building.
17. The Zoning Administrator has acknowledged that there is sufficient off-street parking at the Subject Property to allow the second principal use of the apartment units.
18. Applicant does propose changing the hours of operation for the restaurant from 9:00 a.m. to 9:00 p.m., prevailing time, seven days a week.
19. Applicant stated the restaurant will not have a liquor license, BYOB or serve alcohol in any way.
20. Applicant stated the restaurant will have no amplified music or entertainment.
21. Applicant will only be making changes to the interior of the building and there will be no changes to the height or footprint of the building located on the Subject Property.
22. Applicant stated the proposed adaptive reuse will not increase traffic congestion along a street or create a traffic safety hazard, will not create an undue concentration of population, will not impair an adequate supply of light and air to adjacent properties, will not create a significant threat to the public's health or safety, will not be detrimental to the appropriate use of adjacent properties, and will not generate significant nuisances or hazards.
23. The proposed zoning relief is in keeping with the spirit and intent of the Zoning Ordinance and the ongoing revitalization of downtown Reading.
24. The Board finds the requested relief will not be a detriment to the health, safety and welfare of the neighborhood.

DISCUSSION

Applicant is seeking a special exception for adaptive reuse (Section 600-1202) and a variance to permit two principal uses at the Subject Property (Section 600-902.A.) to permit the creation of two dwelling units; in the alternative, Applicant is seeking an appeal of the determination of the Zoning Administrator.

The proposed use will not be a detriment to the health, safety and welfare of the neighborhood and is in keeping with the spirit and intent of the Ordinance as long as Applicant complies with the conditions hereinafter set forth.

CONCLUSIONS OF LAW

1. Applicant is Garcia Group, LLC.
2. The Subject Property is located at 1034 Penn Street, Reading, Berks County, Pennsylvania 19602.
3. The Subject Property is located in the R-3 and Penn's Common Historic Overlay Zoning Districts.
4. Applicant is seeking relief from the following sections of the Zoning Ordinance: Sections 600-1202 (adaptive reuse) and 600-902.A. (two principal uses on lot).
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, special exceptions and adaptive reuse as set forth in the relevant sections of the Zoning Ordinance.
7. In order to grant the requested relief, 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 granted relief from all relevant sections of the Zoning Ordinance, subject to the following conditions:

(1) Applicant shall comply with all pertinent provisions for Adaptive Reuse considering the Residential Apartment Uses, as prescribed by the Zoning Ordinance.

(2) Applicant shall install a fire alarm system and sprinkler system in accordance with the Fire Marshall's requirements prior to the issuance of any Certificates of Occupancy for the dwelling units.

(3) A Minor Land Development Plan, if necessary, shall be submitted and approved by the Planning Commission.

(4) All sanitary sewage disposal issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements.

(5) All water supply issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required water supply improvements.

(6) Façade drawings shall be submitted to the Zoning Administrator for approval.

(7) The surface parking area shall be resurfaced to the approval of the City Engineer.

(8) The parking spaces shall be clearly marked with lines and/or wheel stops and at least one parking space shall be designated as an ADA, van-accessible space.

(9) All proposed signs shall be located, designed, permitted and installed in accordance with the provisions specified by the City of Reading.

(10) The appropriate building and zoning permits shall be prepared and submitted to address all building code requirements for the proposed residential apartment units.

(11) The building shall comply with all fire, safety and accessibility requirements specified by the City of Reading prior to occupancy.

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

(13) 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.

(14) Failure to comply with any of the 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