

IN RE: APPEAL OF CARLOS CRUZ RELATIVE TO A PROPERTY LOCATED AT 726 FRANKLIN STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2023-20 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 13th day of September, 2023, a hearing having been held on August 9, 2023, upon the application of Carlos Cruz, 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 Carlos Cruz, an adult individual residing at 1706 N. 9th Street, Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 726 Franklin Street, City of Reading, Berks County, Pennsylvania 19602 (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the C-R Commercial 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 is seeking a dimensional variance for the required lot dimensions and a

variance for square footage requirements for dwelling units to establish a take out restaurant on the first floor and one dwelling unit on the second and third floors containing three bedrooms at the Subject Property.

5. Testimony was presented by the Applicant and Miguel Herrera.

6. Mr. Herrera testified that due to the square footage requirements of the Zoning Ordinance, Applicant will reduce the size of the apartment on the second and third floors to only two bedrooms.

7. Applicant agreed on the record that he would submit a minor land development plan for review by the zoning office prior to issuance of the zoning permit, if required.

8. The Board finds the proposed relief will not be a detriment to the health, safety and welfare of the neighborhood.

9. There were no objections to the requested relief.

DISCUSSION

Applicant is seeking a dimensional variance for the required lot dimensions and a variance for square footage requirements for dwelling units to establish a take out restaurant on the first floor and one dwelling unit on the second and third floors containing three bedrooms at the Subject Property. The proposed use is in keeping with the spirit and intent of the Zoning Ordinance and will not be a detriment to the health, safety and welfare of the zoning district or the neighborhood in general.

CONCLUSIONS OF LAW

1. Applicant is Carlos Cruz.

2. The Subject Property is located at 726 Franklin Street, City of Reading, Berks County, Pennsylvania 19602.

3. The Subject Property is located in the C-R Commercial Residential Zoning

District.

4. Applicant is seeking a dimensional variance for the required lot dimensions and a variance for square footage requirements for dwelling units to establish a take out restaurant on the first floor and one dwelling unit on the second and third floors containing three bedrooms at the Subject Property.

5. The Zoning Board is permitted to grant applications for variances and/or special exceptions and to interpret the Zoning Ordinance.

6. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:

- a. Applicant is granted the relief but is limited to two (2) bedrooms.
- b. Applicant must submit a minor land development plan to the zoning office prior to the issuance of a zoning permit, if required.
- c. Applicant shall attend a One Stop Meeting with the Building and Fire Inspectors to ensure compliance with all applicable Building and Fire Codes.
- d. Applicant shall not allow video machines, soda machines, vending machines, jukeboxes, and ATM machines at or on the Subject Property.
- e. Applicant must provide appropriate trash receptacles on the interior and exterior of the Subject Property.
- f. Applicant is prohibited from selling alcohol at the Subject Property.
- g. Alcohol consumption is prohibited at the Subject Property restaurant.
- h. Extensive litter on the Subject Property shall be grounds for revocation of the variance.
- i. Applicant shall not block the front window of the Subject Property for safety and security.

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

k. 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.

l. 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/ William Harst

WILLIAM HARST

/s/ Jared Barcz

JARED BARCZ