

IN RE: APPEAL OF HIGHLAND REAL ESTATE, LLC, RELATIVE TO A PROPERTY LOCATED AT 241 S. FIFTH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA : **BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA**
: **APPEAL NO. 2023-23**
: **VARIANCE, INTERPRETATION AND/OR SPECIAL EXCEPTION**

**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 11th day of October, 2023, hearings having been held on August 9, 2023, and September 13, 2023, upon the application of Highland Real Estate 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 Highland Real Estate Group, LLC, a Pennsylvania Limited Liability Company, with a principal address of 241 S. Fifth Street, Reading, PA 19602 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the property located 241 S. Fifth Street, City of Reading Berks County, Pennsylvania 19602 (hereinafter referred to as “Subject Property”).
3. The Subject Property is located in the R-3 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. The Subject Property contains an existing building that was previously utilized as office space and nonconforming apartment units.
5. Applicant is seeking a special exception for adaptive reuse to establish six (6) dwelling units and variances for square footage requirements for dwelling units and off-street parking requirements

at the Subject Property.

6. Applicant submitted a revised site plan to the zoning office on August 28, 2023, indicating all proposed dwelling units meet the minimum habitable area; therefore, a variance from the square footage requirements for dwelling units is no longer required.

7. Section 600-1603.A.(31)(d) of the Zoning Ordinance states multifamily dwellings require 1.5 off-street parking spaces per dwelling unit and the minimum required amount of off-street parking is nine (9).

8. Applicant is proposing nine (9) parking spaces.

9. Parking spaces 3 through 9 meet the minimum space requirements of nine (9) feet by eighteen (18) feet pursuant to Section 600-1602.D of the Zoning Ordinance.

10. The parking stall size for spaces 1 and 2 measure eight (8) feet by sixteen (16) feet and nine (9) feet by fifteen (15) feet, respectively; and therefore, Applicant requires variances for parking spaces 1 and 2.

11. The Board finds the requested relief will not be a detriment to the health, safety and welfare of the neighborhood or the zoning district in general.

DISCUSSION

Applicant is seeking a special exception for adaptive reuse to establish six (6) dwelling units and variances for off-street parking requirements. 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.

CONCLUSIONS OF LAW

1. Applicant is Highland Real Estate Group, LLC.

2. The Subject Property is located at 241 S. Fifth Street, Reading, Berks County, Pennsylvania 19602.

3. The Subject Property is located in the R-3 Zoning District.

4. The specific sections of the Zoning Ordinance appealed are Sections 600-1602.D., 600-1603.A.(31)(d), 600-1202.A., and 600-406.D.

5. 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.

6. In order to grant the requested relief, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.

7. 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 provide to the zoning office a shared driveway agreement with 239 S. Fifth Street, City of Reading, Berks County, Pennsylvania.

(2) Applicant shall comply with all pertinent provisions for residential apartment uses and occupancy that are specified by the Zoning Ordinance.

(3) 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.

(4) 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.

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

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

(7) Applicant shall submit a site plan showing the location of any garbage dumpster and required screening in accordance with Section 600-916 of the Zoning Ordinance.

(8) Applicant shall apply for housing permits and submit to the required property maintenance inspections.

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

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

(11) 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.

(12) 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