

IN RE: APPEAL OF VICTOR M.	:	BEFORE THE ZONING HEARING
LIRIANO RELATIVE TO A	:	BOARD OF THE CITY OF READING,
PROPERTY LOCATED AT 226	:	PENNSYLVANIA
NORTH SIXTH STREET, CITY OF	:	
READING, BERKS COUNTY,	:	APPEAL NO. 2023-24
PENNSYLVANIA	:	
	:	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, a hearing having been held on September 13, 2023, upon the application of Victor M. Liriano, 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 Victor M. Liriano, an adult individual residing at 1557 Cotton Street, Reading, Berks County, Pennsylvania (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located 226 N. Sixth Street, City of Reading Berks County, Pennsylvania (hereinafter referred to as “Subject Property”).
3. The Subject Property is located in the CR – 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 was represented by Joan E. London, Esquire, of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610.

5. Applicant is seeking a special exception for adaptive reuse to establish four (4) dwelling units, a first floor commercial use, and off-street parking requirements to be modified as part of the special exception; or in the alternative, seeks a variance for parking space dimensions/aisle width and dimensional requirements.

6. Applicant is seeking relief from Sections 600-1602.D. (angled space-area), 600-1602.F. (angled space-aisle width), 600-804.A. (table) and Section 808.B.4.A. (adaptive reuse) of the Zoning Ordinance.

7. The proposed adaptive reuse is a permitted use in the CR Zoning District, which incorporates uses permitted in the R-3 Zoning District.

8. The Subject Property is approximately 230 feet by 28 feet and consists of a three-story building and parking area.

9. Applicant purchased the Subject Property on October 30, 2020, which consisted of an existing building with one (1) commercial unit and four (4) apartment units.

10. The prior owner represented to Applicant that the apartment units existed lawfully.

11. Applicant later learned the prior owner did not have the required approvals from the City of Reading.

12. When Applicant purchased the Subject Property there were five (5) electric meters, one (1) for the commercial unit and four (4) for the residential units and there was also a kitchen and bathroom in each of the apartment units.

13. Per a revised site plan submitted by Applicant to the zoning office, all four (4) proposed dwelling units meet the minimum habitable area and do not require a variance.

14. Pursuant to an August 2019 Google street and aerial view, the parking configuration was already in existence and would be considered nonconforming; therefore, no

variance is required for the lot configuration.

15. Applicant states there will be aesthetic improvements to the Subject Property to make its appearance more attractive, and efforts will be made to procure a suitable commercial tenant for the first floor commercial space.

16. The off-street parking area contains eight (8) standard and one (1) ADA-mandated space which is in excess of the off-street parking requirements.

17. The proposed zoning relief is in keeping with the spirit and intent of the Zoning Ordinance and the ongoing revitalization of downtown Reading.

18. 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 to establish four (4) dwelling units, a first floor commercial use, and off-street parking requirements to be modified as part of the special exception; or in the alternative, seeks a variance for parking space dimensions/aisle width and dimensional 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 Victor M. Liriano.
2. The Subject Property is located at 226 North Sixth Street, Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the CR – Commercial Residential Zoning District.
4. The specific sections of the Zoning Ordinance appealed are Sections 600-1602.D.

(angled space-area), 600-1602.F. (angled space-aisle width), 600-804.A. (table) and Section 808.B.4.A. (adaptive reuse) of the Zoning Ordinance.

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 he 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 provide to the zoning office front façade architectural plans compliant with Section 600-1201.A.(1).

(2) Applicant shall repair or replace the wheel stops in the parking area.

(3) Applicant shall comply with all other applicable provisions of the Zoning District.

(4) A parking lot and driveway profile and plan shall be developed to demonstrate compliance with all pertinent requirements established by the City of Reading and all parking lots and driveways shall be subject to approval of the Public Works Department.

(5) The appropriate building and zoning permits shall be prepared and submitted to address all zoning, land use, and building code requirements for the Subject

Property. Each commercial tenant space will require its own separate zoning permit.

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

(7) All proposed signs require separate approval by the Zoning Hearing Board.

(8) 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.

(9) 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