

IN RE: APPEAL OF EVIL EMPIRES, LLC, RELATIVE TO A PROPERTY LOCATED AT 901 CENTRE AVENUE, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF : READING, PENNSYLVANIA : : APPEAL NO. 2023-25 : : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 11th day of October, 2023, hearings having been held on September 13, 2023, and October 4, 2023, upon the application of Evil Empires, LLC, notice of such hearings 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 Evil Empires, LLC, a Pennsylvania Limited Liability Company, with a principal mailing address in care of Jorge Malave, 492 S. 10th Street, Reading, Berks County, Pennsylvania (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the property located at 901 Centre Avenue, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the R-3 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 Paul Troisi, Esquire, of Barley Snyder, 2755 Century Boulevard, Wyomissing, PA 19610.

5. Applicant is seeking relief to re-establish a nonconforming dwelling unit in the detached carriage house located on the Subject Property.

6. The Zoning Board finds Zoning Permit No. 2000-124 was issued on April 17, 2000, to remove the dwelling unit from the carriage house and converting the use to a permitted accessory structure (garage).

7. The Zoning Office denied Applicant’s zoning permit application due to noncompliance with the Zoning Ordinance - the nonconformity was deemed to be abandoned.

8. Applicant purchased the Subject Property in December of 2022.

9. Applicant states the dwelling unit was never removed from the carriage house.

10. Applicant states there is a separate electric meter for the dwelling unit in the carriage house.

11. Applicant has made renovations to the dwelling unit but has not changed the structure or the layout.

12. The Zoning Board requested that Applicant provide photographs of the dwelling unit prior to the renovations.

13. Applicant subsequently submitted a video of the dwelling unit prior to his renovations.

14. The Zoning Officer testified based upon the video that no zoning relief was required.

15. There were no objections to the requested relief.

16. The Zoning Board finds the nonconforming use was, in fact, not abandoned.

DISCUSSION

Applicant is seeking relief to re-establish a nonconforming dwelling unit in the detached carriage house located on the Subject Property. 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.

CONCLUSIONS OF LAW

1. Applicant is Evil Empires, LLC.
2. The Subject Property is located at 901 Centre Avenue, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant is seeking relief to re-establish a nonconforming dwelling unit in the detached carriage house located on the Subject Property.
5. The Zoning Board incorporates the findings of fact as though fully set forth at length herein.
6. The Zoning Board is permitted to grant applications for variances and/or special exceptions as set forth in the Zoning Ordinance.
7. In order to grant the variances and/or special exceptions, 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 hereby granted relief to re-establish a dwelling unit in the detached carriage house on the Subject Property.
 - b. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.

c. 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.

d. 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