

IN RE: APPEAL OF NIDIA M. DEJESUS, RELATIVE TO A PROPERTY LOCATED AT 601 N. THIRD STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2023-28 : : 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, a hearing having been held on September 13, 2023, upon the application of Nidia M. DeJesus, 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 Nidia M. DeJesus, an adult individual residing at 1344 N. 11th Street, Reading, Berks County, Pennsylvania 19604 (hereinafter referred to as the “Applicant”).
2. If Applicant is granted the requested relief by the Zoning Board, Applicant will enter into a Lease Agreement with the fee simple owner for the property located at 601 N. Third Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Jose L. Taveras-Concepcion, has granted Applicant permission to seek the requested relief.

4. 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”).

5. Applicant was represented by Joan E. London, Esquire, of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610.

6. Applicant seeks an appeal from the zoning officer’s determination that the Subject Property had not been used as a warehouse in the past.

7. Applicant also seeks a change from one nonconforming use to another nonconforming use; or in the alternative, Applicant seeks a variance to use a portion of the Subject Property (4,000 square feet) for a shipping business.

8. Applicant purchased the Subject Property in 2015.

9. Applicant claims there was a previous warehouse use at the Subject Property; however, there is no zoning or property history of a warehouse use.

10. The Subject Property has zoning approval for two (2) commercial units and one (1) residential unit.

11. The previously approved commercial units were for an auto repair and service and photography studio.

12. Applicant states the Subject Property contains open space and a loading area not consistent with the permitted uses in the R-3 Zoning District, suggesting warehousing, storage, manufacturing, or other nonconforming use with no change or intent to abandon.

13. Applicant states there would be a prohibitive cost in developing the Subject Property as a residential use which is permitted in the R-3 Zoning District.

14. Applicant submitted plans titled “Proposed Shipping Service Facility” depicting existing conditions and the proposed shipping facility.
15. Applicant will pick up items from their customer’s homes and then ship those items to the customers’ family members in the Dominican Republic.
16. Applicant will be partnering with a company in the Dominican Republic.
17. Applicant will not ship hazardous waste materials or illegal items.
18. Applicant also has a security method in place with respect to who the items were received from and to whom they are being shipped.
19. Applicant states there will be no noise, odors, fumes or adverse traffic impacts as a result of the proposed use, and there will be industry standard security for packages which must meet standards to clear U.S. and Dominican Republic Customs.
20. The shipping facility will have a receiving area, area for goods awaiting shipment, and offices.
21. The Subject Property has approximately twelve (12) off-street parking spaces.
22. Applicant will have four (4) employees.
23. Applicant’s hours of operation will be from 8:00 a.m. to 5:00 a.m. Monday through Friday and from 8:00 a.m. to 1:00 p.m. on Saturdays, prevailing time.
24. Applicant will have two (2) mini trucks for pick up and delivery and on one to two occasions per month there will be pickups by a 20’ truck for shipping larger containers.
25. There were no objections presented at the hearing.

DISCUSSION

Applicant seeks an appeal from the zoning officer’s determination that the Subject Property had not been used as a warehouse in the past. Applicant also seeks a change from one nonconforming use to another nonconforming use; or in the alternative, Applicant seeks a

variance to use a portion of the Subject Property (4,000 square feet) for a shipping business. 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 Nidia M. DeJesus.
2. The Subject Property is located at 601 N. Third Street, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. The Zoning Board is permitted to provide interpretation and grant applications for variances as set forth in the relevant sections of the Zoning Ordinance.
5. The Zoning Board incorporates the findings of fact as though fully set forth at length herein.
6. In order to grant the requested variance, Applicant must show she 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 hereby granted the requested relief subject to the following conditions:
 - (1) A parking lot and driveway profile 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.
 - (2) Applicant shall install security cameras at the Subject Property.

(3) Applicant shall not place any soda machines, vending machines, video machines, or jukeboxes on the exterior of the Subject Property.

(4) Applicant shall not place any ATMs on the interior or exterior of the Subject Property.

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

(6) 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.

(7) 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