

IN RE: APPEAL OF JOSE LUGO RELATIVE TO A PROPERTY LOCATED AT 125 MORGANTOWN ROAD, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2023-29 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
--	---

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

AND NOW, this 13th day of November, 2023, a hearing having been held on October 11, 2023, upon the application of Jose Lugo, 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 Jose Lugo, an adult individual with a principal address at 307 S. Third Avenue, West Reading, Berks County, Pennsylvania (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the real property located at 125 Morgantown Road, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Wise Choice Properties, LLC, has granted Applicant permission to seek the requested relief.

4. The Subject Property is located in the M-C Manufacturing Commercial Zoning District as that term and district are defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).

5. Applicant seeks a variance to establish a lounge use to the existing restaurant/retail (tobacco shop).

6. Applicant testified there is sufficient space for approximately 49 people.

7. Applicant did not present testimony that the Subject Property cannot be used in strict conformity with the Zoning Ordinance.

8. Applicant did not demonstrate any hardship at the Subject Property to support his requested relief.

9. A lounge which is primarily a place for alcohol consumption is not similar in nature to a restaurant and does not meet the requirements for a use variance or a special exception.

10. The Board finds there is no evidence that the Subject Property cannot be used in conformity with the strict terms of the Zoning Ordinance.

DISCUSSION

Applicant seeks relief to establish a lounge use to the existing restaurant/retail (tobacco shop) at the Subject Property. The Subject Property is capable of being used in accordance with the strict terms of the Zoning Ordinances.

CONCLUSIONS OF LAW

1. Applicant is Jose Lugo.

2. The Subject Property is located at 125 Morgantown Road, City of Reading, Berks County, Pennsylvania.

3. The Subject Property is located in the M-C Manufacturing Commercial Zoning District.

4. Applicant seeks a variance to establish a lounge use to the existing restaurant/retail (tobacco shop) at the Subject Property.

5. In order to grant the variance and/or special exception, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.

6. The Zoning Board incorporates all its findings of fact as though fully set forth at length herein.

7. After reviewing Applicant's request in detail, the Zoning Hearing Board enters the following decision: Applicant is denied the requested variance.

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