

IN RE: APPEAL OF 407 ROSENTHAL STREET, LLC, RELATIVE TO PROPERTY LOCATED AT 407 ROSENTHAL STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2023-32 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**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 407 Rosenthal Street, 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 407 Rosenthal Street, LLC, is a Pennsylvania limited liability company with a principal mailing address of 1211 Dogwood Drive, West Lawn, Berks County, Pennsylvania 19609 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 407 Rosenthal Street, 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 Joan E. London, Esquire, of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610.
5. Applicant is seeking an appeal of the determination of the zoning officer dated August 29, 2023, and seeks variances in the alternative for maximum impervious coverage and to allow the curb cut on Division Street to remain in place.

6. Applicant's application for a zoning permit was denied for exceeding the maximum permitted impervious coverage of a one-family dwelling unit.
7. A Notice of Violation was issued on August 29, 2023, for the unpermitted construction of a surface parking area as the parking area was not constructed as originally proposed.
8. Applicant also created a curb cut without approval from the Department of Public Works.
9. Applicant seeks relief from Section 600-804.A (table) – maximum impervious surface and Section 600-1501.A – need for Public Works approval for driveway.
10. Applicant had a dangerous tree removed from the rear of the Subject Property which faces Division Street.
11. The front of the Subject Property faces Rosenthal Street.
12. Applicant filled in the area where the tree was removed which is approximately 10' by 18' with a cement parking area and a curb cut to Division Street.
13. Applicant was not aware he needed to seek approval for the cement parking area and curb cut.
14. Applicant also added a garden area next to the parking area which was not on the original plans submitted to the zoning office.
15. The revision reduced the impervious area from 86 percent to 83 percent.
16. Applicant stated the Subject Property previously had no off-street parking.
17. Applicant stated the Subject Property contains a unique hardship in lack of area for required off-street parking, and the grant of the variance will allow Applicant to provide a safe and stable area for parking with the curb cut allowing access to Division Street.
18. Applicant stated most people park on Rosenthal Street and not on Division Street.
19. Applicant stated the granting of the requested relief will not alter the essential character of the neighborhood or create negative impacts as it provides safe parking and safe ingress and egress to Division Street.
20. Applicant stated the granting of the requested relief will not impact adjacent properties

and will allow a vehicle to be parked off-street.

21. Applicant stated the lack of parking on a small lot pre-existed Applicant's ownership of the Subject Property and was not created by Applicant.

22. There were no objections to the proposed relief.

DISCUSSION

Applicant is seeking an appeal of the determination of the zoning officer dated August 29, 2023, and seeks variances in the alternative for maximum impervious coverage and to allow the curb cut on Division Street to remain in place. The proposed use is in keeping with the spirit and intent of the Zoning Ordinance and will not be a detriment to the health, safety and welfare of the neighborhood.

CONCLUSIONS OF LAW

1. Applicant is 407 Rosenthal Street, LLC.
2. The Subject Property is located at 407 Rosenthal Street, City of Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant is seeking an appeal of the determination of the zoning officer dated August 29, 2023, and seeks variances in the alternative for maximum impervious coverage and to allow the curb cut on Division Street to remain in place.
5. The Zoning Board is permitted to grant applications for variances and/or special exceptions and other relief as set forth in the Zoning Ordinance.
6. The Zoning Board incorporates the findings of fact as though fully set forth at length herein.
7. In order to grant the relief, the Applicant must show it has satisfied Sections 600-804.A and Section 600-1501.A. 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 the variances to allow the surface parking area and

curb on at 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