

**IN RE: APPEAL OF GOD IS 1, LLC, : BEFORE THE ZONING HEARING
RELATIVE TO A PROPERTY : BOARD OF THE CITY OF READING,
LOCATED AT 1849 PERKIOMEN : PENNSYLVANIA
AVENUE, CITY OF READING, :
BERKS COUNTY, PENNSYLVANIA : APPEAL NO. 2023-25
:
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION**

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

AND NOW this 14th day of February, 2024, a hearing having been held on January 10, 2024, upon the application of God is 1, LLC, notice of such hearing having first been 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. The Applicant is God is 1, LLC, a Pennsylvania Limited Liability Company, with a principal mailing address of 320 Wisteria Lane, Sinking Spring, Berks County, Pennsylvania 19608 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located at 1849 Perkiomen 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 Todd Mays, Esquire, 1235 Penn Avenue, Suite 202,

Wyomissing, PA 19610.

5. Applicant seeks a special exception to expand the days and hours of operation of the nonconforming convenience store located at the Subject Property under Section 600-124 of the Zoning Ordinance.

6. In addition to the foregoing relief, Applicant filed a revised application seeking variances from Section 600-1703(B)(2) and 600-1703(E) of the Zoning Ordinance to allow roof signage and wall signage on the existing building at the Subject Property.

7. At the hearing on January 10, 2024, Applicant withdrew its variance for the roof signage because it will be removing the roof signage from the building and it has submitted revised plans for the wall signage to the zoning office in order to make the wall signage compliant with the Zoning Ordinance.

8. Applicant will be maintaining the current approved nonconforming operation of a convenience store at the Subject Property.

9. The current approved days and hours of operation of the nonconforming convenience store is Monday through Saturday from 9:00 am. to 5:00 p.m., prevailing time.

10. Applicant desires to operate the convenience store Monday through Saturday from 9:00 a.m. to 9:00 p.m. and on Sunday from 2:00 p.m. to 8:00 p.m., prevailing time.

11. Applicant is seeking to expand the hours of operation to provide a service and convenience to the community with expanded hours which will increase the integrity of the business and assist in reducing the increased traffic created by the current limited hours.

12. Applicant states there have been no issues involving the Reading Police Department or other problems at the store since it has been opened.

13. The Board finds the increased hours will not be a detriment to the health, safety and welfare of the neighborhood.

14. There were no objections presented at the hearing.

DISCUSSION

Applicant seeks a special exception to expand the days and hours of operation of the nonconforming convenience store located at the Subject Property. 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 zoning district or the neighborhood in general.

CONCLUSIONS OF LAW

1. Applicant is God is 1, LLC.
2. The Subject Property is located at 1849 Perkiomen Avenue, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant seeks relief to increase the hours of operation of the convenience store on the Subject Property.
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. In order to grant the relief, the Applicant must show it 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 a special exception to operate the convenience store Monday through Saturday from 9:00 a.m. to 9:00 p.m. and on Sunday from 2:00 p.m. to 8:00 p.m., prevailing time.
 - b. Applicant shall not block the front window of the Subject Property for safety and security purposes.

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

d. Applicant shall apply for any required building, trade, and fire permits and inspections, along with submitting an application for a health inspection and health permit and complying with any related requests for the granting of such permits/licenses.

e. 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.

f. 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 4 to 0 .

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

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

/s/ William Harst

WILLIAM HARST

/s/ Jared Barcz

JARED BARCZ