

**IN RE: APPEAL OF ALAN B. ZIEGLER : BEFORE THE ZONING HEARING
AND SHIRLEY S. ZIEGLER RELATIVE : BOARD OF THE CITY OF
TO A PROPERTY AT 532 ELM STREET, : READING, PENNSYLVANIA
CITY OF READING, BERKS COUNTY, :
PENNSYLVANIA : APPEAL NO. 2024-01
:
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION**

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

AND NOW, this 8th day of May, 2024, hearings having been held March 13, 2024, and April 10, 2024, upon the application of Alan B. Ziegler and Shirley S. Ziegler, 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:

The Zoning Board finds the following facts:

1. Applicants are Alan B. Ziegler and Shirley S. Ziegler, adult individuals who reside at 770 Freemansville Road, Reading, Berks County, Pennsylvania 19607 (hereinafter referred to as the “Applicants”).
2. Applicants are the fee simple owners of real property located at 532 Elm Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The Subject Property is located in the Commercial Residential (C-R) 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. Applicants are seeking relief to allow the conversion of the second floor office use to an apartment use and a variance from the off-street parking requirements for the residential apartment use on the second floor.

5. Applicants converted the second floor apartment use to office space in 1999.

6. The Zoning Board finds the zoning permit application was denied because the location of the proposed parking for the apartment use exceeds the maximum permitted distance for off-site parking.

7. Applicants, as the property owners, must provide parking for the residential apartment use and it has to run with the land.

8. Zoning Ordinance Section 600-1603.I. (Off-street parking standards) states:

I. Location of parking spaces. Required off-street parking spaces shall be on the same lot or premises with the principal use served, except as follows:

(1) Required off-street parking spaces may be on a separate lot from the use served by the parking if the applicant proves to the satisfaction of the Zoning Administrator that a method of providing the spaces is guaranteed to be available during all of the years the use is in operation and will be within 300 feet walking distance from the entrance of the principal use being served. Such distance may be increased to 500 feet for employee parking of a nonresidential use. A written and signed lease shall be provided, if applicable. For customer parking, a sign shall direct persons to the parking spaces. The zoning permit shall be conditioned upon the continued availability of the parking, unless the applicant provides evidence of suitable replacement parking.

9. Applicant states there are two parking spaces available at a lot located on Church Street owned by the Memorial Church of the Holy Cross.

10. The Zoning Board finds, based on the zoning officer's calculations, that the distance from the front door of the Subject Property to the proposed parking area owned by the church is 26 feet beyond the 300 foot limit under Section 600-1603.I. of the Zoning Ordinance.

11. A letter dated April 3, 2024, was sent by Memorial Church of the Holy Cross to the solicitor for the Zoning Board and the Zoning Office stating that no parking was available for Applicant's use.

12. Applicant did not provide proof to the Zoning Board of the required off-street parking for the second floor apartment use at the Subject Property.

13. Applicant's failure to provide off-street parking obviates the need to render decisions regarding whether the 17' – 26' deviation from the 300 foot requirement is de minimis as is the deviation from two parking spaces to provide only one space.

14. There were no objections presented at the hearing.

15. The Zoning Board finds the proposed use is not in keeping with the spirit and intent of the Zoning Ordinance and will be detrimental to the health, safety and welfare of the neighborhood or the zoning district.

DISCUSSION

Applicants are seeking relief to allow the conversion of the second floor office use to an apartment use and a variance from the off-street parking requirements for the residential apartment use on the second floor.

The Zoning Board finds the proposed use is not in keeping with the spirit and intent of the Zoning Ordinance and will be detrimental to the health, safety and welfare of the neighborhood or the zoning district.

CONCLUSIONS OF LAW

1. Applicants are Alan B. Ziegler and Shirley S. Ziegler.
2. The Subject Property is located at 532 Elm Street, Reading, Berks County, Pennsylvania.

3. The Subject Property is located in the Commercial Residential (C-R) 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 and conclusions of law as though fully set forth at length herein.

6. In order to grant the requested variances, Applicants must show they have satisfied the relevant sections of the Zoning Ordinance.

7. After reviewing the Applicants' request in detail, the Zoning Hearing Board enters the following Decision:

a. Applicants are hereby denied the requested relief based upon the findings of fact and conclusions of law.

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