

IN RE: APPEAL OF SCHILLACI ARCHITECTS, LTD., RELATIVE TO A PROPERTY LOCATED AT 320 N. NINTH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2024-02 : : 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 March, 2024, a hearing having been held on February 14, 2024, upon the application of Schillaci Architects, Ltd., 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 Schillaci Architects, Ltd., 141 N. Reamstown Road, Stevens, Pennsylvania 17578 (hereinafter referred to as the “Applicant”).
2. Applicant is the architect for the fee simple owner of the property located 320 North Ninth Street, City of Reading Berks County, Pennsylvania (hereinafter referred to as “Subject Property”).
3. The fee simple owner of the Subject Property, Victor Mejia, has granted Applicant permission to seek the requested relief.
4. The Subject Property is located in the Commercial Residential (CR) 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’s testimony was presented by Mark Schillaci of Schillaci Architects, Ltd.
6. Applicant is seeking a special exception for adaptive reuse to establish four (4) dwelling units and a commercial use in the first floor front portion of the Subject Property under Sections 600-808

and 600-1202.A of the Zoning Ordinance.

7. The Subject Property consists of an existing 3-story building that at one time was established as two apartments and in 2007 the residential use was removed in the city zoning records and the first floor was used for a commercial use with storage on the upper floors.

8. There is a parking lot located on two adjacent properties (322 and 324 N. Ninth Street) which are owned by the fee simple owner.

9. Applicant is in the process of combining the parcel with the existing building to the parcels containing the parking lot to ensure parking is maintained for the Subject Property.

10. The four (4) residential apartment units would be located on the first floor rear, second and third floors.

11. Applicant has submitted a revised site plan showing the existing parking lot and revised front façade and floor plans.

12. The revised floor plans indicate each of the four (4) proposed dwelling units meet the minimum required habitable area.

13. There is sufficient off-street parking.

14. Applicant confirmed on the record that the parking lot would be repaved, and the spaces would be marked by painted lines and wheel blocks.

15. There were no objections to the requested relief.

16. The Board finds the requested relief will not be a detriment to the health, safety and welfare of the neighborhood and will not enhance the Zoning Districts.

DISCUSSION

Applicant is seeking a special exception for adaptive reuse to establish four (4) dwelling units and a commercial use in the first floor front portion of the Subject Property under Sections 600-808 and 600-1202.A of the Zoning Ordinance. 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, as long as Applicant complies with the conditions set forth below.

CONCLUSIONS OF LAW

1. Applicant is Schillaci Architects, Ltd.
2. The Subject Property is located at 320 N. Ninth Street, Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the Commercial Residential (CR) Zoning District.
4. The specific sections of the Zoning Ordinance appealed are Sections 600-808 and 600-1202.A.
5. The Zoning Board is permitted to provide interpretation and grant applications for variances, special exceptions and adaptive reuse as set forth in the relevant sections of 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 requested relief, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.
8. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:
 - a. Applicant is granted relief from all relevant sections of the Zoning Ordinance subject to the following conditions:
 - (1) Applicant shall provide proof that the fee simple owner of the properties located at 320, 322 and 324 N. Ninth Street has recorded a Deed with the Berks County Recorder of Deeds combining all three parcels into one Deed.
 - (2) Applicant shall provide a secure parking lot, internal security system and proper waste disposal area.
 - (3) Applicant shall submit to the Zoning Office proof that the parking lot has been repaved and the parking spaces adequately marked by painting and/or wheel blocks.
 - (4) Applicant shall comply with all pertinent provisions for residential

apartment use and occupancy that are specified by the Zoning Ordinance.

(5) Applicant shall submit, if necessary, a Revised Plan of Record or Minor Land Development Plan to the City of Reading Planning Commission for review.

(6) Detailed architectural plans, rendering and/or elevations prepared by a licensed or certified consultant shall be submitted with the Revised Plan of Record or Minor Land Development Plan in order to demonstrate compliance with building code requirements.

(7) All sanitary sewage disposal issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements.

(8) All water supply issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required water supply improvements.

(9) The Revised Plan of Record of Minor Land Development Plan, if necessary, shall provide emphasis on neighborhood compatibility, architectural enhancements, site accessibility, off-street parking and loading, sanitary sewage disposal, water supply, utilities, landscaping, exterior lighting, solid waste disposal, and other requirements that may apply to the proposed use.

(10) The appropriate building and zoning permits shall be prepared and submitted to address all building code requirements for the proposed residential apartment units.

(11) The building shall comply with all fire, safety and accessibility requirements specified by the City of Reading prior to occupancy.

(12) Applicant shall submit a site plan showing the location of any garbage dumpster and required screening in accordance with Section 600-916 of the Zoning Ordinance.

(13) Applicant shall apply for housing permits and submit to the required property maintenance inspections.

(14) Applicant shall comply with all pertinent provisions for Adaptive Reuse considering the Residential Apartment Uses, as prescribed by the Zoning Ordinance.

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

(16) 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.

(17) 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