

IN RE: APPEAL OF MANUEL NUNEZ RELATIVE TO A PROPERTY LOCATED AT 1262 COTTON STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2024-03 : : 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 Manuel Nunez, 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 Manuel Nunez, an adult individual, who currently resides at 702 Mt. Laurel Avenue, Temple, Berks County, Pennsylvania 19560 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the real property located at 1262 Cotton Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Batista Investments, LLC, has granted Applicant permission to seek the requested relief.
4. 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”).
5. Applicant was represented by Joan E. London, Esquire, of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610.
6. Testimony was presented by the fee simple owner of the Subject Property, Antonio

Batista, managing member of Batista Investments, LLC.

7. Applicant seeks a variance under Section 600-804.B. to convert the current commercial first floor space consisting of approximately 680 square feet to a four (4) station barbershop and variances from Sections 600-1603.A(33) and 600-1603.A(31)(d) with respect to parking issues.

8. The first floor commercial space was previously used as a bar and is currently vacant.

9. There is an existing apartment on the second floor of the Subject Property.

10. The Subject Property did not have off-street parking when it was purchased by Batista Investments, LLC.

11. Applicant proposes four barber chairs, two shampoo sinks, storage, and restroom areas.

12. Applicant will not change the footprint or the height of the building.

13. Applicant will have no more than four (4) employees.

14. Applicant's proposed hours of operation are from 9:00 a.m. to 8:00 p.m., seven (7) days a week, prevailing time.

15. The owner of a former laundromat which is located across the street from the Subject Property is willing to rent parking spaces to the Applicant.

16. Applicant believes most of the customers will come from the neighborhood and will not generate much vehicular parking.

17. The proposed barbershop will not create undue congestion, noise, or be incompatible with neighboring property uses.

18. The proposed barbershop will be a less intense use than the previous bar use.

19. There were no objections presented to the requested relief.

DISCUSSION

Applicant seeks a variance under Section 600-804.B. to convert the current commercial first floor space consisting of approximately 680 square feet to a four (4) station barbershop and variances from Sections 600-1603.A(33) and 600-1603.A(31)(d) with respect to parking issues. The proposed use is in keeping with the spirit and intent of the Zoning Ordinance and will not be detrimental to the health, safety

and welfare of the neighborhood or the zoning district in general as long as Applicant complies with the conditions set forth below.

CONCLUSIONS OF LAW

1. Applicant is Manuel Nunez.
2. The Subject Property is located at 1262 Cotton Street, Reading, Berks County, Pennsylvania 19602.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant seeks a variance under Section 600-804.B. to convert the current commercial first floor space consisting of approximately 680 square feet to a four (4) station barbershop and variances from Sections 600-1603.A(33) and 600-1603.A(31)(d) with respect to parking issues.
5. The Zoning Board incorporates the findings of fact and conclusions of law as though fully set forth at length herein.
6. The Zoning Board is permitted to grant applications for variances and/or special exceptions as set forth in the Zoning Ordinance.
7. In order to grant the variances, the Applicant must show he has satisfied the relevant sections of the Zoning Ordinance.
8. After reviewing Applicant's request in detail, the Zoning Hearing Board enters the following Decision:
 - a. Applicant is hereby granted a variance to operate a barbershop in the first floor commercial space at the Subject Property.
 - b. Applicant is hereby granted a variance from the strict terms of the off-street parking requirements.
 - c. Applicant shall submit a copy of the agreement for the off-street parking at the former laundromat located across the street from the Subject Property to the Zoning Administrator.
 - d. Applicant shall provide copies of the required Department of State, Bureau of Professional and Occupational Affairs License to the Zoning Administrator.

e. Applicant shall provide sign drawings and specifications in compliance with Section 1703 of the Zoning Ordinance. The sign design shall be reviewed and approved by the Zoning Administrator prior to installation.

f. Applicant shall not place any soda machines, vending machines, video machines, or jukeboxes on the exterior of the Subject Property.

g. Applicant shall not place any ATM on the interior or exterior of the Subject Property.

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

i. 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.

j. Applicant must comply with all conditions set forth in the findings of fact.

k. 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