

**IN RE: APPEAL OF YOSRY M.
ABOSEADA RELATIVE TO A
PROPERTY LOCATED AT 1220
CENTRE AVENUE, CITY OF
READING, BERKS COUNTY,
PENNSYLVANIA**

**: BEFORE THE ZONING HEARING
: BOARD OF THE CITY OF READING,
: PENNSYLVANIA
:
: APPEAL NO. 2402-0003
:
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION**

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

AND NOW, this 10th day of April, 2024, a hearing having been held on March 13, 2024, upon the application of Yosry M. Aboseada, 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 Yosry M. Aboseada, an adult individual residing at 122 Reville Road, Chesterbrook, Pennsylvania 19087 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the property located at 1220 Centre Avenue, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Asiul, LLC, has granted Applicant permission to seek the requested relief.
4. The Subject Property is located in the R-3 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. Applicant has requested a special exception pursuant to Section 600-607.D. of the Zoning Ordinance to relocate the nonconforming use of an existing physical therapy office currently located on the second floor to a more accessible lower level of the Subject Property.

7. Applicant is also requesting a variance under Section 600-1703.E. of the Zoning Ordinance to allow a sign currently existing at the Subject Property.

8. Applicant is a Pennsylvania licensed physical therapist in accordance with Pennsylvania regulations and has been operating his physical therapy practice in the upper floor space of the Subject Property since 2019.

9. A retail pharmacy previously occupied the lower level having left the Subject Property approximately one year ago.

10. After the pharmacy vacated the Subject Property in 2023, Applicant moved his physical therapy practice into the lower level because it was a safer and more convenient access without steps for his physical therapy clients.

11. Applicant stated he did not realize he needed a zoning permit for the relocation of his practice because he believed the entire building was approved for use as a medical office lab or pharmacy.

12. Applicant stated the physical therapy facility occupies a space of approximately 2,100 square feet in the lower level of the Subject Property.

13. Applicant stated the second floor is currently vacant.

14. Applicant stated the proposed nonconforming use of a physical therapy office is less intense than the prior nonconforming pharmacy, which was a retail use and necessitated frequent deliveries, often by truck, and had a fleet of five delivery vehicles parked on the Subject

Property, as well as retail customer traffic.

15. Applicant stated the physical therapy office does not have a fleet of vehicles and will have less frequent need for deliveries of supplies.

16. Applicant's physical therapy practice has ten to fifteen clients per day spaced over an eight hour day with approximately forty-five minute intervals thereby utilizing less parking and creating fewer vehicle trips to and from the Subject Property.

17. Applicant's hours of operation are Monday through Friday from 9:00 a.m. to 5:00 p.m. and Saturday from 9:00 a.m. to 1:00 p.m., prevailing time.

18. Applicant employs three full-time therapists and one part-time therapist.

19. Applicant stated there should be no more than ten cars on the parking lot located on the Subject Property at any one time.

20. Applicant stated parking is not a problem for his clients and employees.

21. The Board finds there is sufficient off-street parking on the parking lot located on the Subject Property.

22. Applicant placed a sign on the Subject Property in order to provide directions for his clients to the parking lot and entrance to the physical therapy office which is located in the rear of the Subject Property.

23. Applicant has not received any complaints about the relocation of the physical therapy office or the existing sign and does not believe it is detrimental to the neighborhood.

24. Applicant's proposed use is in keeping with the spirit and intent of the Zoning Ordinance.

25. The Board finds as a fact that the Subject Property will be used in a manner which will not be detrimental to the health, safety and welfare of the neighborhood or the Zoning District.

DISCUSSION

Applicant has requested a special exception pursuant to Section 600-607.D. of the Zoning Ordinance to relocate the nonconforming use of his existing physical therapy office currently located on the second floor to a more accessible lower level of the Subject Property. Applicant is also requesting a variance under Section 600-1703.E. of the Zoning Ordinance to allow a sign currently existing at the Subject Property. The Subject Property is located in the R-3 Zoning District. Applicant's proposed use complies with the requirements of the Zoning Ordinance and will not be a detriment to the health, safety and welfare of the neighborhood or the zoning district in general.

CONCLUSIONS OF LAW

1. Applicant is Yosry M. Aboseada.
2. The Subject Property is located at 1220 Centre Avenue, City of Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant has requested a special exception pursuant to Section 600-607.D. of the Zoning Ordinance to relocate the nonconforming use of an existing physical therapy office currently located on the second floor to a more accessible lower level of the Subject Property.
5. Applicant is also requesting a variance under Section 600-1703.E. of the Zoning Ordinance to allow a sign currently existing at the Subject Property.
6. The Zoning Board incorporates the findings of fact and conclusions of law as though fully set forth at length herein.
7. The Zoning Board is permitted to grant applications for variances and/or special exceptions and to interpret the Zoning Ordinance.
8. In order to grant the requested relief and variances, Applicant must show that he

has satisfied the relevant sections of the Zoning Ordinance.

9. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:

- a. Applicant is granted a special exception to relocate his physical therapy practice to the lower level of the Subject Property.
- b. Applicant is granted a variance for the existing sign at the Subject Property.
- 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 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.
- e. 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