

IN RE: APPEAL OF SOLANNY A. PAULINO-DELACRUZ RELATIVE TO A PROPERTY LOCATED AT 1412 SCHUYLKILL AVENUE, CITY OF READING, BERKS COUNTY, PENNSYLVANIA : **BEFORE THE ZONING HEARING BOARD OF THE CITY OF READING, PENNSYLVANIA**
: **APPEAL NO. 2403-0008**
: **VARIANCE, INTERPRETATION AND/OR SPECIAL EXCEPTION**

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

AND NOW, this 12th day of June, 2024, a hearing having been held on May 8, 2024, upon the application of Solanny A. Paulino-Delacruz, 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 Solanny A. Paulino-Delacruz, an adult individual residing at 1412 Schuylkill Avenue, Reading, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 1412 Schuylkill Avenue, City of Reading, Berks County, Pennsylvania 19601 (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 is requesting a dimensional variance to allow the height of an already constructed concrete wall within the front yard setback and a dimensional variance from the maximum height for a fence and concrete wall at the Subject Property under Section 600-1302 of the Zoning Ordinance.

5. In the R-3 Residential Zoning District the maximum permitted height for a fence or wall structure in the front yard is four (4) feet and the maximum permitted height of a fence, in general, is six (6) feet.

6. The Subject Property is located next to car dealership business and parking lot.

7. There was previously a wooded fence located at the Subject Property.

8. Applicant states there is a noticeable difference in elevation between the ground floor of the Subject Property and the pavement of the car dealership property.

9. Applicant stated the concrete wall and fence were constructed in place of the wooden fence in order to safeguard his property and family from potential vehicle damage caused by vehicles at the neighboring car dealership.

10. There were previously issues with vehicles frequently ramming into and damaging the prior wooden fence.

11. Applicant stated the persistent brightness of lights emanating from vehicles in the car dealership lot and floodlights at the car dealership were causing considerable disruption during the nighttime.

12. Applicant stated there was also a constant influx of dirt and debris on the Subject Property and the wall/fence serve as an effective barrier to mitigate this issue.

13. Applicant states the open layout of the car dealership, both from the front and back, created a passage for individuals to trespass on the Subject Property so the concrete wall and fence were constructed to maintain the privacy and security of the Subject Property.

14. Applicant stated he has not received any complaints from the car dealership or other neighboring property owners.

15. The Zoning Board finds the proposed relief is not a detriment to the neighborhood.

16. There were no objections to the requested relief.

DISCUSSION

Applicant is requesting a dimensional variance to allow the height of an already constructed concrete wall within the front yard setback and a dimensional variance from the maximum height for a fence and wall at the Subject Property under Section 600-1302 of the Zoning Ordinance. Applicant's proposed use will not be a detriment to the health, safety and welfare of the neighborhood.

CONCLUSIONS OF LAW

1. Applicant is Solanny A. Paulino-Delacruz.
2. The Subject Property is located at 1412 Schuylkill Avenue, City of Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant seeks a dimensional variance to allow the height of an already constructed concrete wall within the front yard setback and a dimensional variance from the maximum height for a fence and wall at the Subject Property under Section 600-1302 of the Zoning Ordinance.
5. The Zoning Board incorporates the findings of fact as though fully set forth at length herein.
6. In order to grant the requested variances, Applicant must show he 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 the requested dimensional variances.
 - b. Applicant shall comply with all relevant building and occupancy codes and ordinances as well as the plans and testimony submitted before the Zoning Board.
 - c. 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.

d. 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