

IN RE: APPEAL OF 420 WALNUT STREET, LLC, RELATIVE TO A PROPERTY LOCATED AT 416-420 WALNUT STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2408-0022 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 9th day of October, 2024, a hearing having been held on September 11, 2024, upon the application of 420 Walnut Street, LLC, 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 420 Walnut Street, LLC, a Pennsylvania Limited Liability Company, with a principal mailing address of 100 North Fifth Street, Apt. 1803, Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 416-420 Walnut Street, City of Reading, Berks County, Pennsylvania (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 was represented by Joan London, Esquire, of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610.
5. Applicant is seeking variances to permit more than 25% of the proposed dwelling units as studio apartments and to permit dwelling units with less than the minimum required habitable area.

6. A previous request for adaptive reuse and other relief was granted by the Zoning Board on June 8, 2022, to Walnut Street Properties, LLC (Appeal 2022-24).

7. A zoning permit was not issued within the twelve months following the Decision; therefore, all granted relief was deemed rescinded.

8. The previous Applicant is now operating under the name 420 Walnut Street, LLC.

9. The Zoning Board finds the submitted site plans are the same that were considered in Appeal 2022-24.

10. Applicant submitted additional information detailing the existence of twenty-seven (27) parking spaces that are currently available through the Reading Parking Authority in a lot abutting the Subject Property to the south.

11. Testimony was presented which conforms with the testimony submitted at the previous hearing with respect to Appeal 2022-24.

12. The Zoning Board incorporates the testimony presented at the hearing on May 11, 2022, in Appeal 2022-24 along with the testimony submitted at the hearing on September 11, 2024, in the current Appeal.

13. There were no objections to the relief requested at the hearing on September 11, 2024.

DISCUSSION

Applicant seeks relief for adaptive reuse to establish eighteen (18) residential apartment units at the Subject Property and relief from the minimal habitable space requirements, number of permitted studio units, off-street parking requirements and minimum lot size requirements.

The Zoning Board finds 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.

CONCLUSIONS OF LAW

1. Applicant is 420 Walnut Street, LLC.

2. The Subject Property is located at 416-420 Walnut Street, Reading, Berks County, Pennsylvania.

3. The Subject Property is located in the R-3 Residential Zoning District.
4. The Zoning Board is permitted to provide interpretation and grant applications for variances and special exceptions 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 relief, the Applicant must show it 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 granted relief from all relevant sections of the Zoning Ordinance subject to the following conditions:
 - (1) Applicant shall comply with all pertinent provisions for Adaptive Reuse considering the Residential Apartment Uses, as prescribed by the Zoning Ordinance.
 - (2) A Preliminary Land Development Plan, if necessary, shall be prepared to address the provisions required by the Subdivision and Land Development Ordinance (Chapter 515 of the City of Reading Code).
 - (3) A Final Land Development Plan, if necessary, shall be prepared for approval by the City of Reading and recorded with the Berks County Recorder of Deeds.
 - (4) 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.
 - (5) 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.
 - (6) All proposed signs shall be located, designed, permitted and installed in accordance with the provisions specified by the City of Reading.

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

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

(9) Applicant shall provide proof of designated off-street parking.

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

(11) 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.

(12) Failure to comply with any of the above-referenced conditions shall mean the immediate revocation of the relief granted herein.

The decision of this Board is by a vote of 3 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

Absent

WILLIAM HARST