

**IN RE: APPEAL OF PARMINDER : BEFORE THE ZONING HEARING
RESHIWALIA RELATIVE TO A : BOARD OF THE CITY OF READING,
PROPERTY LOCATED AT 928 N. : PENNSYLVANIA
13TH STREET, CITY OF READING, :
BERKS COUNTY, PENNSYLVANIA : APPEAL NO. 2409-0025
:
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION**

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

AND NOW, this 13th day of November, 2024, a hearing having been held on October 9, 2024, upon the application of Parminder Reshiwalia, notice of such hearing having first been 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. The Applicant is Parminder Reshiwalia (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located at 928 N. 13th Street, City of Reading, Berks County, Pennsylvania 19604 (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 Joseph T. Bambrick, Esquire, of 529 Reading Avenue, West Reading, PA 19611.

5. Applicant seeks a variance to expand the operating hours of an existing commercial convenience store with fuel sales to twenty-four (24) hours per day and a variance from Section 912.A. (Lighting Control).

6. Applicant previously received relief under Appeal 2015-16 to operate the convenience store with fuel sales.

7. The current approved days and hours of operation were Sunday through Saturday from 5:00 a.m. to 11:00 p.m., prevailing time.

8. Applicant desires to operate the convenience store with fuel sales twenty-four (24) hours per day from Sunday through Saturday.

9. Applicant states the extended hours will be beneficial to the neighborhood because all of the big box stores close at 10:00 p.m., and it will help reduce crime because there will be activity in the area and not just a dead spot overnight.

10. Applicant states there have been no parking or other zoning violations issued to the Applicant.

11. A neighboring property owner had complained about the lighting spilling over into their property.

12. Applicant states the lighting has been fixed at the Subject Property.

13. Applicant states the Subject Property has a 24-hour surveillance system in place.

14. The Zoning Board finds the increased hours will not be a detriment to the health, safety and welfare of the neighborhood.

15. There were no objections presented at the hearing.

DISCUSSION

Applicant seeks a variance to expand the operating hours of an existing commercial convenience store with fuel sales to twenty-four (24) hours per day and a variance from Section 912.A. (Lighting Control). The proposed use is in keeping with the spirit and intent of the Zoning Ordinance and will not be a detriment to the health, safety and welfare of the zoning district or the neighborhood in general.

CONCLUSIONS OF LAW

1. Applicant is Parminder Reshiwalia.
2. The Subject Property is located at 928 N. 13th Street, City of Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant seeks relief to increase the hours of operation of the convenience store with fuel sales to twenty-four (24) hours a day.
5. The Zoning Board is permitted to grant applications for variances and/or special exceptions and other relief as set forth in the Zoning Ordinance.
6. In order to grant the relief, Applicant must show he has satisfied the relevant sections of the Zoning Ordinance.
7. The Zoning Board incorporates the findings of fact as though fully set forth at length herein.
8. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:

- a. Applicant is hereby granted a variance to operate the convenience store with fuel sales twenty-four (24) hours a day from Sunday through Saturday.
- b. Applicant shall comply with the lighting requirements.
- 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 4 to 0 .

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

/s/ Philip Rabena

PHILIP RABENA, CHAIRMAN

/s/ Jeffrey Gattone

JEFFREY GATTONE

/s/ Jared Barcz

JARED BARCZ

/s/ Charles Jones

CHARLES JONES