

IN RE: APPEAL OF PROPERTY NET, LLC, RELATIVE TO A PROPERTY LOCATED AT 1212 PERKIOMEN AVENUE, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2410-0029 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
 BOARD OF THE CITY OF READING**

AND NOW, this 11th day of December, a hearing having been held on November 13, 2024, upon the application of Property Net, 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:

The Zoning Board finds the following facts:

1. Applicant is Property Net, LLC, a Pennsylvania Limited Liability Company, with a principal mailing address care of Navid Moosa, 70 Buckwalter Road, Suite 900, Royersford, Pennsylvania 19468 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of property located at 1212 Perkiomen Avenue, 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 E. London, Esquire, of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, PA 19610.

5. Applicant is proposing to subdivide the Subject Property and seeks an interpretation that the rear residential building is a pre-existing nonconformity and a variance from the lot size requirement is not necessary. In the alternative, Applicant seeks a variance from Section 600-804.A(Table) due to 3,000 square feet minimum lot size for low rise apartments and Section 600-1603.A(31)(d) regarding off-street parking requirements due to pre-existing unavailability.

6. The Subject Property is approximately 3,226 square feet and consists of a front building and a back building with the back building having a separate address than the front building, namely 121 S. 12th Street, and is a long narrow and oddly shaped lot.

7. Applicant is proposing to subdivide the Subject Property so each building will be on its own separate lot in order to have separate water/sewer connections, which is required by the Reading Area Water Authority.

8. The Zoning Board finds the Subject Property has zoning approval for six dwelling units per Zoning Permit No. 2008-1551.

9. The Zoning Board finds the existing use on the Subject Property is a low-rise apartment and a lot with a low-rise apartment in the R-3 Zoning District is required to have a minimum area of 3,000 square feet and a width of 30 feet.

10. The Zoning Board finds that the division of the existing 3,226 square feet lot would create two lots that do not meet the minimum required lot area.

11. Applicant purchased the Subject Property with the current pre-existing nonconforming use.

12. Applicant states there will be no changes to the use and there will be no additional apartments, vehicles or traffic.

13. Applicant states there will only be esthetic changes for the purposes of improvement of the Subject Property.

14. Since the number of dwelling units will remain the same, the Zoning Board finds no relief for parking is required.

15. Applicant stated on the record that it understands it must receive Planning Commission approval and submission of planning modules as a condition to the granting of the requested relief.

16. Applicant stated that the granting of the requested relief will allow the Subject Property to be operated in the same manner as it has, which is residential apartment use, a use permitted by right in the R-3 Zoning District.

17. There were no objections presented at the hearing.

DISCUSSION

Applicant is proposing to subdivide the Subject Property and seeks an interpretation that the rear residential building is a pre-existing nonconformity and a variance from the lot size requirement is not necessary. In the alternative, Applicant seeks a variance from Section 600-804.A(Table) due to 3,000 square feet minimum lot size for low rise apartments and Section 600-1603.A(31)(d) regarding off-street parking requirements due to pre-existing unavailability.

The Zoning Board finds 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.

CONCLUSIONS OF LAW

1. Applicant is Property Net, LLC.

2. The Subject Property is located at 1212 Perkiomen Avenue, Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. The specific sections of the Zoning Ordinance appealed are Sections 600-804.A (Table) and 600-1603.A(31)(d).
5. The Zoning Board is permitted to provide interpretation and grant applications for variances and/or special exceptions as set forth in the relevant sections of the Zoning Ordinance.
6. The Zoning Board incorporates the findings of fact as though fully set forth at length herein.
7. In order to grant the requested variance and/or special exception, Applicant must show it has satisfied the relevant sections of the Zoning Ordinance.
8. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:
 - a. Applicant is hereby granted the requested relief subject to the following conditions:
 - (1) Applicant shall submit architectural floor plans for all dwelling units.
 - (2) Applicant shall submit a Subdivision Plan and Sewer Planning Module.
 - (3) Applicant shall comply with all relevant Subdivision Ordinances.
 - (4) Applicant shall apply for any required building trades, fire permits and submit to appropriate inspections deemed necessary.

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

(6) 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.

(7) 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