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| <b>IN RE: APPEAL OF HENRY A. CRUZ<br/>         RELATIVE TO A PROPERTY LOCATED<br/>         AT 101 AND 103 SOUTH TENTH STREET,<br/>         CITY OF READING, BERKS COUNTY,<br/>         PENNSYLVANIA</b> | <b>: BEFORE THE ZONING HEARING<br/>         : BOARD OF THE CITY OF READING,<br/>         : PENNSYLVANIA<br/>         :<br/>         : APPEAL NO. 2410-0030<br/>         :<br/>         : VARIANCE, INTERPRETATION<br/>         : AND/OR SPECIAL EXCEPTION</b> |
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**DECISION OF THE ZONING HEARING  
BOARD OF THE CITY OF READING**

**AND NOW**, this 11th day of December, 2024, a hearing having been held on November 13, 2024, upon the application of Henry A. Cruz, 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 Henry A. Cruz (hereinafter referred to as “Applicant”), an adult individual with a mailing address of 2908 Duffield Lane, Sinking Spring, Berks County, Pennsylvania 19608.
2. Applicant is the fee simple owner of the property located at 101 and 103 S. Tenth 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 seeks the following relief:
  - a. A special exception from Section 600-607.D(1) for expansion of a pre-existing nonconforming lounge use by more than twenty percent to allow a restaurant in addition to the current use;
  - b. A variance from Section 600-804.B for restaurant use in the R-3 Zoning District;

c. A variance from Section 600-1703.E. for the current signage to remain in place;  
and

d. A variance from Section 600-1603(32) (off-street parking) to allow five parking spaces approximately 260.9 feet away from the Subject Property and leased parking spaces in excess of 300 feet from the Subject Property.

5. Applicant has been operating a lounge known as Rancho Merengue at the Subject Property since 2006.

6. Applicant is seeking relief to expand the operations for a restaurant, including a second floor roof deck, which would operate during hours when the lounge is not open.

7. Applicant stated the restaurant hours will be from 4:00 p.m. to 9:00 p.m., prevailing time, seven days a week.

8. Applicant stated the proposed lounge hours will be from 9:00 p.m. to 2:00 a.m., prevailing time, seven days week.

9. Applicant will make improvements to the kitchen, indoor/outdoor bar and indoor and outdoor seating areas.

10. Applicant stated there will be no outdoor music or outdoor dining after 9:00 p.m.

11. Applicant stated odors and smoke from cooking would be vented in a way that would not bother the neighbors and will be in compliance with the recommendations from the Fire Marshall of the City of Reading.

12. Applicant stated the premises will have a liquor license.

13. Applicant stated the lounge currently operates with nine employees and Applicant expects to add an additional five to seven employees for the additional restaurant use.

14. Applicant stated the proposed restaurant will serve approximately one hundred customers.

15. Applicant stated the Subject Property does not have and never has had off-street parking.

16. Applicant will continue to utilize the parking area located at South Tenth Street and

Chestnut Street.

17. Applicant has secured leases for parking at 927-929 Franklin Street, 1000 Chestnut Street and 944 Penn Street with valet parking available for use by Applicant's customers.

18. The Zoning Board finds Applicant can provide sufficient off-street parking for his customers which are within the requirements of the Zoning Ordinance.

19. Applicant is seeking relief to retain the sign currently located at the Subject Property.

20. The Zoning Board acknowledges the support from local officials for the granting of the requested relief.

21. The Board finds that the proposed use as a restaurant and lounge will not be a detriment to the health, safety and welfare of the neighborhood.

22. There were objections to the requested relief.

### **DISCUSSION**

Applicant seeks the relief as set forth under Findings of Fact paragraph 4. The Zoning Board finds 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 neighborhood.

### **CONCLUSIONS OF LAW**

1. Applicant is Henry A. Cruz.

2. The Subject Property is located at 101 and 103 S. Tenth Street, Reading, Berks County, Pennsylvania.

3. The Subject Property is located in the R-3 Residential Zoning District.

4. Applicant seeks the following relief:

a. A special exception from Section 600-607.D(1) for expansion of a pre-existing nonconforming lounge use by more than twenty percent to allow a restaurant in addition to the current use;

b. A variance from Section 600-804.B for restaurant use in the R-3 Zoning District;

c. A variance from Section 600-1703.E. for the current signage to remain in place;

and

d. A variance from Section 600-1603(32) (off-street parking) to allow five parking spaces approximately 260.9 feet away from the Subject Property and leased parking spaces in excess of 300 feet from the Subject Property.

5. The Zoning Board incorporates the findings of fact as though fully set forth at length herein.

6. The Zoning Board is permitted to grant applications for variances and other relief as set forth in the Zoning Ordinance.

7. In order to grant the relief, the Applicant must show he 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 all of the requested relief, subject to the conditions hereinafter set forth:

(1) Applicant shall submit an Annexation Plan for approval by the Planning Commission and record the same with the Berks County Recorder of Deeds.

(2) Applicant shall apply for a Zoning Permit for the proposed parking at 927 and 929 Franklin Street, Reading, Pennsylvania.

(3) Applicant shall rectify the Notice of Violation issued on October 10, 2022, for unpermitted signage.

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

(5) 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.

(6) 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**