

IN RE: APPEAL OF READING PARKING AUTHORITY RELATIVE TO PROPERTY LOCATED AT 213 S. 11TH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2411-0032 : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
 BOARD OF THE CITY OF READING**

AND NOW, this 12th day of February, 2025, a hearing having been held on January 8, 2025, upon the application of the Reading Parking Authority, 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 the Reading Parking Authority with a principal mailing address of 430 South Fourth Street, Reading, Berks County, Pennsylvania 19602 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the real property located at 213 S. 11th Street, City of Reading, Berks County, Pennsylvania (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, City of Reading, has granted Applicant permission to seek the requested relief.
4. 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”).
5. Applicant was represented by Thomas A. Rothermel, Esquire, of Bingaman Hess, Treeview Corporate Center, Suite 100, Two Meridian Boulevard, Wyomissing, PA 19610.
6. Applicant requests relief under the sections of the Zoning Ordinance as hereinafter set forth to use the Subject Property which is an existing vacant lot as a temporary gravel parking lot:

- a. Section 600-604 - To allow a stand-alone parking lot as a temporary use.
- b. Section 600-804.A. - To allow the impervious coverage to remain 100% which exceeds the 80% required.
- c. Section 600-804.B. – To allow a parking lot use that serves the general public. It is Applicant’s contention that the Parking Authority lots that permit parking only are not serving the general public but are serving only permit holders.
- d. Section 600-1008 – To eliminate the requirement for compliance with the buffering requirements of Section 600-1602.
- e. Section 600-1401.A(4) – To allow a small portion of the buffer strip along the Alley to be reduced to five feet in width.
- f. Section 600-1401.C. – To eliminate the requirement for landscaping/plantings within the proposed buffer strips.
- g. Section 600-1402.A. – To eliminate the requirement for landscaping/plantings screening within the proposed buffer strip. The type of screening required would pose a safety and security risk to the users of the facility.
- h. Section 600-1503.A. – To eliminate the requirement for clear sight triangles (CST) and provide PennDOT safe sight distances in lieu of CST.
- i. Section 600-1602.B. – To eliminate the need to utilize the 15’ alley or access in lieu of new driveways from streets. All driveway entrances into the parking lot are existing.
- j. Section 600-1602.D. – The required size of the proposed ADA parking spaces. As proposed, the spaces meet the size requirements of the Americans with Disabilities Act, which Section 600-1603.J.(3) specifically references for minimum size of spaces.
- k. Section 600-1602-H. – To eliminate the requirement for landscaping in the buffer strips.
- l. Section 600-1602.L. – To reduce the required 10 feet buffer abutting a house to 5 feet. The existing house in question is actually encroaching into the Subject Property.

m. Section 600-1602.M. – To allow the existing site lighting to remain.

n. Section 600-1602.N. – To eliminate the requirement for shade trees.

o. Section 600-1602.P. – To allow the maximum required 5% grade across the parking lot to be increased to 12%.

p. Section 600-1603.L. – To eliminate the reference to Chapter 564, Section 105 which prohibits parking a commercial vehicle with GVWR of 10,000 pounds (Class 3) in plain view of a public right-of-way City wide, and includes school buses, trucks, trailers, construction equipment and tractors. It also restricts the parking of Class 5 vehicles, unattached motorboats, trailers, and camping trailers more than 24 hours in plain view of a public right-of-way in the R-3 Zoning District.

7. Applicant is also seeking an appeal of the interpretation of the Zoning Administrator pertaining to Section 600-1602.D. and the required size of the proposed ADA parking spaces.

8. Applicant stated the proposed spaces meet the size requirements of the Americans with Disabilities Act, which Section 600-1603.J(3) specifically references for minimum size of spaces.

9. The Subject Property was formerly a manufacturing facility that was razed in approximately 2017.

10. The Subject Property is surrounded on three sides by streets or alleys and the fourth side has an existing dwelling encroaching across the property line.

11. Applicant proposes a total of 60 parking spaces, 10 of which would house or be able to fit a larger vehicle such as a recreational vehicle (“RV”).

12. Applicant stated the whole process is being done through the citywide parking relief initiative in order to alleviate the significant parking concerns in the City of Reading.

13. Applicant stated the parking lot will be open to the public but parking will be by permit only which would consist of a sticker type permit.

14. Applicant stated the request for a temporary use of the Subject Property is because it is leased from the City of Reading so when the lease expires the City of Reading can take it over and do something else with the Subject Property.

15. Applicant stated the parking spaces for the larger vehicles would be 10' by 35' and the regular parking spaces would be 9' by 18'.

16. Applicant stated the unusual topographical and physical conditions of the Subject Property prevent development in strict compliance with the requirements of the Zoning Ordinance and the requested relief is necessary to enable the reasonable use of the Subject Property.

17. Applicant stated the granting of the requested variances will not substantially or permanently impair the appropriate use or development of adjacent properties nor be detrimental to the public welfare.

18. Applicant stated that at the direction of City Council, Applicant has been tasked with reducing the parking crisis in the City of Reading, and in conjunction with that effort, every possible parking space is being created, thereby reducing the area available for landscaping and trees.

19. Applicant stated the variances, if approved, will represent the minimum variance(s) that will afford relief and will represent the least modification possible of the regulation in issue.

20. RV parking is not conducive to aesthetics in the neighborhood.

21. Fritz Rothermel objected to the proposed landscaping issues.

DISCUSSION

Applicant requests relief under the sections of the Zoning Ordinance as set forth in Paragraph 6 of the Findings of Fact to use the Subject Property which is an existing vacant lot as a temporary gravel parking lot. Applicant is also seeking an appeal of the interpretation of the Zoning Administrator pertaining to Section 600-1602.D. and the required size of the proposed ADA parking spaces.

The proposed use of the Subject Property will not be a detriment to the health, safety and welfare of the neighborhood or the zoning district in general.

CONCLUSIONS OF LAW

1. Applicant is the Reading Parking Authority.

2. The Subject Property is located at 213 S. 11th Street, City of Reading, Berks County, Pennsylvania.

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

4. Applicant requests relief under the sections of the Zoning Ordinance as set forth in Paragraph 6 of the Findings of Fact to use the Subject Property which is an existing vacant lot as a temporary gravel parking lot. Applicant is also seeking an appeal of the interpretation of the Zoning Administrator pertaining to Section 600-1602.D. and the required size of the proposed ADA parking spaces.

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

7. In order to grant the relief, 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) No recreational vehicles are allowed to park on the Subject Property, only vehicles and pick-up trucks are allowed.

(2) Applicant shall provide as much shrubbery as possible as approved by the Planning Commission.

(3) A lighting plan must be submitted depicting the type of lighting for shielding, the height of the light standards and a photo-metrics plan showing the foot candles for spill over to the Zoning Administrator.

(4) All parking areas of more than ten (10) spaces shall be approved by the Department of Public Works and the City of Reading Planning Commission.

(5) Applicant shall comply with all relevant 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 4 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

Recused

/s/ Charles Jones

CHARLES JONES