

IN RE: APPEAL OF MASSIMO CALOIERO RELATIVE TO A PROPERTY LOCATED AT 353 NORTH FOURTH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : BOARD OF THE CITY OF READING, : PENNSYLVANIA : : APPEAL NO. 2411-0034 : : : 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 Massimo Caloiero, notice of such hearings 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 Massimo Caloiero, an adult individual with a principal mailing address of 19 Timberline Drive, Wyomissing, Berks County, Pennsylvania 19610 (hereinafter referred to as the “Applicant”).
2. Applicant has an equitable interest in the property located at 353 North Fourth Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The fee simple owner of the Subject Property, Wilson Jara, 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 at the hearing by Jill Nagy, Esquire, of 35 South Duke Street, York, PA 17401.

6. Applicant is seeking special exception approval to reinstate the previous nonconformity of one commercial unit and two dwelling units at the Subject Property.

7. The Subject Property is located at the intersection of North Fourth Street and Buttonwood Street and previously consisted of a tavern and two apartments.

8. The property is currently vacant and has also been condemned.

9. Per Section 600-607(G) of the Zoning Ordinance, if a commercial use has been discontinued for a period of twelve months, it shall be deemed abandoned.

10. Applicant wants to retain the commercial space and two apartment units but also add an additional apartment to the Subject Property.

11. Applicant understands it must obtain a conditional use approval from City Council for the third apartment.

12. Applicant states the building upgrades will improve the neighborhood and will fortify and make the structure safer.

13. Due to the size of the building, Applicant does not believe the addition of a third unit will cause any additional impact when he seeks a conditional use.

14. Applicant is seeking only to reassert the prior nonconforming use and bring the building to code from its prior status and mitigate a potentially blighted building within the City of Reading.

15. There are 3 parking spaces and 6 more will be leased across the street from the Subject Property.

16. There were no objections to the requested relief.

DISCUSSION

Applicant is seeking special exception approval to reinstate the previous nonconformity of one commercial unit and two dwelling units at the Subject Property.

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 in general as long as Applicants comply with the conditions set forth below.

CONCLUSIONS OF LAW

1. Applicant is Massimo Caloiero.
2. The Subject Property is located at 353 North Fourth Street, Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant is seeking special exception approval to reinstate the previous nonconformity of one commercial unit and two dwelling units at 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/or special exceptions as set forth in the Zoning Ordinance.
7. In order to grant the variances and/or special exceptions, 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 the requested relief subject to the following conditions:
 - (1) Applicant shall submit a Plan of Record or Minor Land Development Plan to the City of Reading Planning Commission for review.
 - (2) Applicant shall seek conditional use approval from City Council for the proposed third apartment unit at the Subject Property.
 - (3) Applicant shall comply with all relevant building and occupancy codes

and ordinances as well as the plans and testimony submitted before the Zoning Board.

(4) 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.

(5) 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

/s/ Charles Jones

CHARLES JONES