

IN RE: APPEAL OF BERKSHIRE II	:	BEFORE THE ZONING HEARING
REAL ESTATE HOLDINGS, LLC,	:	BOARD OF THE CITY OF READING,
RELATIVE TO A PROPERTY LOCATED	:	PENNSYLVANIA
AT 101 NORTH FIFTH STREET (A/K/A	:	
501 WASHINGTON STREET), CITY OF	:	APPEAL NO. 2504-0014
READING, BERKS COUNTY,	:	
PENNSYLVANIA	:	VARIANCE, INTERPRETATION
	:	AND/OR SPECIAL EXCEPTION

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

AND NOW, this 11th day of June, 2025, a hearing having been held on May 14, 2025, upon the application of Berkshire II Real Estate Holdings, 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:

FINDINGS OF FACT

The Zoning Board finds the following facts:

1. Applicant is Berkshire II Real Estate Holdings, LLC, (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the real property located 101 North Fifth Street (a/k/a 501 Washington Street), City of Reading Berks County, Pennsylvania (hereinafter referred to as “Subject Property”).
3. The Subject Property is located in the Commercial Core (C-C) Zoning District and Callowhill Historic District as those terms and districts are defined by the Zoning Ordinance of the City of Reading, as amended (hereinafter referred to as the “Zoning Ordinance”).
4. Applicant was represented by William T. Dion, Esquire, of Silverang, Rosenzweig and Haltzman, LLC, 900 E. Eighth Avenue, King of Prussia, PA 19046.
5. Applicant is seeking reaffirmation of the Zoning Board’s Decisions rendered on November 18, 2020, for Appeal 2020-18, and April 13, 2022, for Appeal 2022-13, which granted relief for the adaptive

reuse of the Subject Property.

6. The prior Zoning Board Decisions dated November 18, 2020 (Appeal 2020-18) and April 13, 2022 (Appeal 2022-13), are hereby adopted.

7. Applicant stated that in accordance with the foregoing Decisions, it has adaptively redeveloped the Subject Property from an office and commercial use to a mixed-use project with commercial/retail and apartments.

8. The testimony before the Zoning Board in Appeal 2020-18 and 2022-13 stated the apartments would be used to house Alvernia University students.

9. Applicant stated that when it sought to obtain a use and occupancy permit for the first apartment to be rented, a question arose that if the tenant was not going to be a student, how was off-street parking going to be handled.

10. Applicant stated that all sixteen (16) conditions set forth in the foregoing Decisions have been fully satisfied and is requesting that the Zoning Board reaffirm the Decisions rendered in Appeals 2020-18 and 2022-13 so Applicant can commence leasing the Subject Property without any designated off-site parking spaces.

11. Applicant stated it has entered into an Agreement with the Reading Parking Authority for a minimum of seventy-nine (79) designated parking spaces at the Chiarelli Parking Garage located at 55 N. 3rd Street, Reading, Pennsylvania, and has thereby complied with Condition 7(a)(6) set forth in the Decisions rendered for Appeal 2020-18 and 2022-13.

12. Applicant stated that the Zoning Board used its reasonable discretion when rendering the Decisions for 2020-18 and 2022-13 and did not require or condition the granting of zoning relief on the Applicant securing any off-site parking spaces.

13. If the Zoning Board determines that some off-site parking is required since the tenants will not all be students and since the Chiarelli Parking Garage is located approximately 875 feet from the Subject Property, then Applicant is requesting a variance from Section 600-1603(I)(1) that requires all off-site parking shall be within three hundred (300) feet from the Subject Property.

14. Alan Shuman made a comment with respect to the requested relief.

15. The Board finds the requested relief will not be a detriment to the health, safety and welfare of the neighborhood and will enhance the Zoning Districts.

DISCUSSION

Applicant is seeking reaffirmation of the Zoning Board's Decisions rendered on November 18, 2020, for Appeal 2020-18, and April 13, 2022, for Appeal 2022-13, which granted relief for the adaptive reuse of the Subject Property. If the Zoning Board determines that some off-site parking is required since the tenants will not all be students and since the Chiarelli Parking Garage is located approximately 875 feet from the Subject Property, then Applicant is requesting a variance from Section 600-1603(I)(1) that requires all off-site parking shall be within three hundred (300) feet from the Subject Property. The Zoning Board finds the requested relief will not be a detriment to the health, safety and welfare of the neighborhood and is in keeping with the spirit and intent of the Ordinance.

CONCLUSIONS OF LAW

1. Applicant is Berkshire II Real Estate Holdings, LLC.

2. The Subject Property is located at 101 North Fifth Street (a/k/a 501 Washington Street), Reading, Berks County, Pennsylvania 19601.

3. The Subject Property is located in the Commercial Core (C-C) Zoning District and the Callowhill Historic District.

4. Applicant is seeking reaffirmation of the Zoning Board's Decisions rendered on November 18, 2020, for Appeal 2020-18, and April 13, 2022, for Appeal 2022-13; or in the alternative a variance from Section 600-1603(I)(1) to permit off-site parking to be located greater than 300 feet from the Subject Property.

5. The Zoning Board is permitted to provide interpretation and grant applications for variances, special exceptions and adaptive reuse as set forth in the relevant sections of the Zoning Ordinance.

6. In order to grant the requested relief, Applicant must show it has satisfied the relevant

sections of the Zoning Ordinance.

7. After reviewing the Applicant's request in detail, the Zoning Hearing Board enters the following Decision:

- a. Applicant is granted the requested relief.
- b. Applicant must provide seventy-nine (79) designated off-street parking spaces.
- 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 5 to 0.

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

/s/ Philip Rabena

PHILIP RABENA, CHAIRPERSON

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

/s/ Jared Barcz

JARED BARCZ

/s/ Charles Jones

CHARLES JONES