

IN RE: APPEAL OF FERNANDO TAVAREZ, JR., RELATIVE TO A PROPERTY LOCATED AT 408 N. NINTH STREET, CITY OF READING, BERKS COUNTY, PENNSYLVANIA	: BEFORE THE ZONING HEARING : : BOARD OF THE CITY OF : : READING, PENNSYLVANIA : : : APPEAL NO. 2505-0017 : : : : VARIANCE, INTERPRETATION : AND/OR SPECIAL EXCEPTION
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**DECISION OF THE ZONING HEARING
BOARD OF THE CITY OF READING**

AND NOW, this 13th day of August, 2025, a hearing having been held on July 9, 2025, upon the application of Fernando Tavaréz, Jr., 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 Fernando Tavaréz, Jr., an adult individual with a mailing address of 626 Thorn Street, Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Applicant has a leasehold interest in the property located at 408 N. Ninth Street, City of Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Subject Property”).
3. The fee simple owners of the Subject Property, Victor Ramos and Jose Brioso, have 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 is seeking a special exception for a change of one nonconforming use (multi-service office use) to another nonconforming use (retail). In the alternative, Applicant is seeking a variance to use the Subject Property for a retail use.

6. The fee simple owners of the Subject Property were previously granted relief by the Zoning Board to operate a multi-service office on the first floor of the Subject Property while maintaining the current residential apartment uses in the upper floors (Appeal No. 2023-05).

7. Applicant stated the multi-service office closed approximately three months ago.

8. Applicant desires to operate a retail store which would include the sale of clothes, bedding, shoes, toys and some electronics.

9. Applicant stated there will be no physical changes to the Subject Property.

10. Applicant stated the retail store would be open Monday through Saturday from 9:00 a.m. to 7:00 p.m., prevailing time.

11. Applicant stated he will have two employees.

12. Applicant stated there are nine parking spaces to the rear of the Subject Property.

13. Applicant stated the 400 block of North Ninth Street consists of mixed-use properties.

14. Applicant stated the change from a multi-service office to retail will not negatively impact the community.

15. There were no objections to the requested relief.

DISCUSSION

Applicant is seeking a special exception to change one nonconforming use (multi-service

office use) to another nonconforming use (retail). In the alternative, Applicant is seeking a variance to use the Subject Property for a retail use. 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 Applicant complies with the conditions set forth below.

CONCLUSIONS OF LAW

1. Applicant is Fernando Tavarez, Jr.
2. The Subject Property is located at 408 N. Ninth Street, Reading, Berks County, Pennsylvania.
3. The Subject Property is located in the R-3 Residential Zoning District.
4. Applicant is seeking a special exception to change one nonconforming use (multi-service office use) to another nonconforming use (retail). In the alternative, Applicant is seeking a variance to use the Subject Property for a retail use.
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 not place any soda machines, vending machines,

video machines, or jukeboxes on the exterior of the Subject Property.

(2) Applicant shall not place any ATMs on the interior or exterior of 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 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