

**IN RE: APPEAL OF LEX HOLDINGS, : BEFORE THE ZONING HEARING
LLC, RELATIVE TO A PROPERTY : BOARD OF THE CITY OF READING,
LOCATED AT 34 S. FOURTH : PENNSYLVANIA
STREET, CITY OF READING, BERKS :
COUNTY, PENNSYLVANIA : APPEAL NO. 2604-0010
:
: VARIANCE, INTERPRETATION
: AND/OR SPECIAL EXCEPTION**

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

AND NOW, this 10th day of June, 2026, a hearing having been held on May 11, 2026, upon the application of Lex 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 Lex Holdings, LLC, a Pennsylvania Limited Liability Company, with a principal mailing address of 135 Washington Street, Apt. 209, Reading, Berks County, Pennsylvania 19601 (hereinafter referred to as the “Applicant”).
2. Applicant is the fee simple owner of the property located 34 South Fourth Street, City of Reading Berks County, Pennsylvania (hereinafter referred to as “Subject Property”).
3. The Subject Property is located in the Commercial Core (CC) 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 was represented by Joan E. London, Esquire, of Kozloff Stoudt, 2640 Westview Drive, Wyomissing, Pennsylvania 19610.

5. Applicant is seeking a special exception for adaptive reuse [Zoning Ordinance Section 600-807.B(4)(e) in accordance with Section 600-1202.A] in order to use the existing building on the Subject Property for one commercial unit on the first floor and four residential units on the second and third floors, and a variance (Zoning Ordinance Section 600-1202.A(4)(a) to allow two one-bedroom apartments on the first floor behind the commercial unit, and any other relief required to use the space for the proposed use.

6. The Subject Property is a .16-acre lot consisting of approximately 7000 square feet with a three-story former commercial building and parking lot in the rear of the building.

7. The Subject Property is currently vacant.

8. The proposed adaptive reuse would convert the existing three-story commercial building to a mixed use residential-commercial building with one commercial unit and six apartments, consisting of five one-bedroom units and one two-bedroom unit.

9. Applicant proposes two one-bedroom apartments behind the commercial unit on the first floor, three one-bedroom units on the second floor, and one two-bedroom unit on the third floor of the Subject Property.

10. The commercial use on the first floor will face South Fourth Street and the proposed two residential dwelling units on the first floor will not be visible from the street.

11. The proposed six residential dwelling units meet the Zoning Ordinance requirements in terms of square footage and having the required kitchen, bathroom, sleeping area and living area.

12. The Subject Property is a long, narrow lot which limits development of a suitable

first floor commercial use because of limited street frontage and most of the first floor could not be used if the Zoning Ordinance requirements were to be literally applied; the proposed two apartments in the rear of the first floor do not require visibility from the street and will not have any such visibility.

13. The proposed six dwelling units require nine parking spaces.

14. The CC Zoning District does not require parking for non-residential uses.

15. The parking area in the rear of the Subject Property can accommodate seven parking spaces.

16. Applicant states it will be leasing the additional two required parking spaces from the Reading Parking Authority at the Fourth and Cherry Street parking garage which is less than 300 feet away from the Subject Property.

17. Applicant agreed on the record that as a condition to the granting of the requested relief, it will continue to lease the two parking spaces from the Reading Parking Authority and provide a copy of the lease agreement to the Zoning Office.

18. Applicant will only be making changes to the interior of the building and there will be no changes to the height or footprint of the building located on the Subject Property.

19. Apartments are permitted in the CC Zoning District, as is mixed use and adaptive reuse.

20. Applicant stated the proposed adaptive reuse will not increase traffic congestion along a street or create a traffic safety hazard, will not create an undue concentration of population, will not impair an adequate supply of light and air to adjacent properties, will not create a significant threat to the public's health or safety, will not be detrimental to the appropriate use of adjacent properties, and will not generate significant nuisances or hazards.

21. The proposed use will put the Subject Property into active use and will serve as an asset to adjacent properties and increase their value by renovation of the building and conversion of vacant space.

22. The proposed zoning relief is in keeping with the spirit and intent of the Zoning Ordinance and the ongoing revitalization of downtown Reading.

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

24. There were no objections to the requested relief.

DISCUSSION

Applicant is seeking a special exception for adaptive reuse [Zoning Ordinance Section 600-807.B(4)(e) in accordance with Section 600-1202.A] in order to use the existing building on the Subject Property for one commercial unit on the first floor and four residential units on the second and third floors, and a variance (Zoning Ordinance Section 600-1202.A(4)(a) to allow two one-bedroom apartments on the first floor behind the commercial unit, and any other relief required to use the space for the proposed use.

The proposed use 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 as long as Applicant complies with the conditions hereinafter set forth.

CONCLUSIONS OF LAW

1. Applicant is Lex Holdings, LLC.
2. The Subject Property is located at 34 South Fourth Street, Reading, Berks County, Pennsylvania 19601.
3. The Subject Property is located in the Commercial Core (CC) Zoning District.

4. Applicant is seeking relief from the following sections of the Zoning Ordinance: Sections 600-807.B(4)(e) in accordance with Section 600-1202.A and 600-1202.A(4)(a).

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

6. 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.

7. In order to grant the requested 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 granted relief from all relevant sections of the Zoning Ordinance, subject to the following conditions:

(1) Applicant shall comply with all pertinent provisions for Adaptive Reuse considering the Residential Apartment Uses, as prescribed by the Zoning Ordinance.

(2) Applicant shall provide a copy of the executed Lease Agreement with the Reading Parking Authority for the two additional parking spaces to the Zoning Office.

(3) Applicant shall install a fire alarm system and sprinkler system in accordance with the Fire Marshall's requirements prior to the issuance of any Certificates of Occupancy for the dwelling units.

(4) A Minor Land Development Plan, if necessary, shall be submitted and approved by the Planning Commission.

(5) All sanitary sewage disposal issues shall be resolved to the

satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required sanitary sewage disposal improvements prior to the issuance of the zoning permit and the issuance of any Certificate of Occupancy related to the proposed residential dwelling units.

(6) All water supply issues shall be resolved to the satisfaction of the City of Reading, including the reservation, permitting, installation and connection of the required water supply improvements.

(7) Façade drawings shall be submitted to the Zoning Administrator for approval.

(8) The parking spaces shall be clearly marked with lines and/or wheel stops and at least one parking space shall be designated as an ADA, van-accessible space.

(9) All proposed signs shall be located, designed, permitted and installed in accordance with the provisions specified by the City of Reading.

(10) The appropriate building and zoning permits shall be prepared and submitted to address all building code requirements for the proposed residential apartment units.

(11) The building shall comply with all fire, safety and accessibility requirements specified by the City of Reading prior to occupancy.

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

(13) 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.

(14) Failure to comply with any of the 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/ Jared Barcz

JARED BARCZ, CHAIRMAN

/s/ Philip Rabena

PHILIP RABENA

/s/ Thomas Fox

THOMAS FOX

/s/ Jeffrey Gattone

JEFFREY GATTONE

/s/ Charles Jones

CHARLES JONES