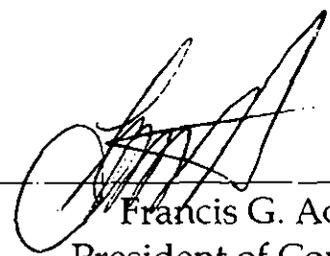


RESOLUTION NO. 109 2014

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:

Approving the Conditional Use application submitted by Paulino Nunez (applicant) for a three (3) unit rental at 321 North 8th Street, which adds one efficiency unit to the existing permitted two unit dwelling, as documentation was provided showing that the efficiency unit existed when the applicant purchased the property in 2005 and efficiency and studio units were permitted at that time.

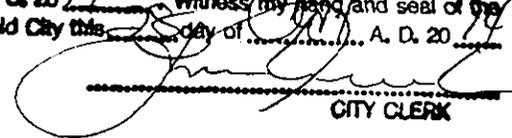
Adopted by Council Oct 27, 2014


Francis G. Acosta
President of Council

Attest:


Linda A. Kelleher CMC
City Clerk

(Council Staff)

I, LINDA A. KELLEHER, City Clerk of the City of Reading, Pa., do hereby certify that the foregoing is a true and correct copy of the original Resolution passed by the Council of the City of Reading, on the 27 day of Oct, A. D. 2014. Witness my hand and seal of the said City this 27 day of Oct, A. D. 2014.

CITY CLERK

IN RE: APPLICATION OF : BEFORE THE CITY COUNCIL
PAULINO NUNEZ :
FOR A CONDITIONAL USE : OF THE CITY OF READING,
PERMIT FOR A THREE UNIT : PENNSYLVANIA
RENTAL PROPERTY AT :
321 N. 8th ST., :
READING, BERKS COUNTY, PA :

**DECISION OF THE CITY OF READING
CITY COUNCIL ON A CONDITIONAL USE APPLICATION**

AND NOW, this 27th day of October, 2014, after a hearing held on October 14, 2014, upon the application of Paulino Nunez, 48 Hilgert Rd., Shillington PA 19607, notice of such hearing having been first sent, posted and advertised in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the City of Reading Zoning Ordinance, as amended, the City of Reading City Council (hereinafter "Council") renders the following decision:

FINDINGS OF FACT

City Council finds the following facts:

1. Paulino Nunez, 48 Hilgert Rd., Shillington PA 19607, (hereinafter applicant).
2. Applicant is the fee simple owner of the property of 321 North 8th Street (hereinafter Subject Property), at the time of application and at the time of the hearing.
3. The Subject Property is located in the R3 zoning district as that term and district is defined by the City of Reading Zoning Ordinance, as amended, (hereinafter referred to as "Zoning Ordinance").
4. Applicant is seeking a Conditional Use permit to add one efficiency unit at the Subject Property. Currently the Subject Property has a zoning permit for two (2) dwelling units as per Zoning Ordinance sections 600-1203 (D) and 600-1204(D).
5. The Applicant attended the hearing.
6. The Applicant stated that he purchased the property in 2005 as a three (3) unit building and he provided documentation that included a multi-list sheet along with three lease agreements executed by tenants, one of which was for a studio dwelling.
7. The Applicant stated that he tried in the past to obtain the proper zoning but he was never provided with information on the

conditional use application process until he spoke with the current zoning administrator.

8. The Applicant did not provide information on the number of about the availability of off-street parking, which was required when he purchased the property.
9. The zoning administrator and the Planning Commission recommended denying the permit.

DISCUSSION

The Applicant is seeking a Conditional Use Permit to add one efficiency unit to the existing zoning permit that allows two dwelling units.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. The Subject Property at 321 North 8th Street is located in the R3 Zoning District.
2. Hearing was held on October 14, 2014.
3. Applicant requests a Conditional Use permit for an efficiency unit to the existing zoning permit that allows two dwelling units at 321 N 8th Street.
4. The burden of proof for an application for a Conditional Use is upon the Applicant.
5. City of Reading City Council is permitted to grant Conditional Uses, with conditions and other relief as set forth in the Zoning Ordinance of the City of Reading and Pennsylvania Municipalities Planning Code upon compliance with the requirements therefore set forth in the Zoning Ordinance.
6. The Applicant did not provide information about the availability of off-street parking.
10. The Applicant provided documentation proving that the three units, including the efficiency unit, existed when he purchased the property in 2005 and studio and efficiency units were a permitted use before the Zoning Ordinance amendment in 2010.
11. The Applicant testified that he tried to apply for zoning prior to 2014; however, no one he spoke with at City Hall provided him with instructions on the process prior to the current zoning administrator, who began working for the City at the end of 2011.
9. Applicant did not file an application for other relief from the City of Reading Zoning Hearing Board.

DECISION

After reviewing the Applicant's request in detail, City Council enters the following decision:

1. The application of Paulino Nunez, of 48 Hilgert Rd., Shillington PA 19607, is hereby approved, adding a third dwelling efficiency unit to the existing zoning permit allowing two dwelling units at 321 North 8th Street with the following conditions:
 - a. The property shall meet all applicable Building, Trades and Fire Code requirements required by the City's Building and Trades Division and the Fire Department. The property shall also obtain a Certificate of Occupancy prior to the issuance of the Conditional Use permit.
 - b. The Applicant shall secure off-street parking for any occupant who has a vehicle.
 - c. The Applicant shall remove the dumpster located on the North 8th Street side of the property to an area that is not within the public view OR if an area that is not within public view is not available, then the applicant shall install attractive screening to mask the dumpster.

This is the decision of the City of Reading City Council by a vote of ___ to ___.