

Conditional Use Hearing
918 N 4th Street
Council Chambers
Tuesday, July 17, 2012
5 p.m.

Mr. Acosta called the Conditional Use Hearing to order. He stated that the City of Reading is divided into zoning districts which regulate the use of property. Certain types of uses may impact surrounding properties or their neighborhoods. Each zone is designated with certain permitted, conditional and prohibited uses. A "conditional use permit" provides special consideration of certain specified uses which may or may not be compatible with an area depending on the specifics of the particular project.

The City uses the Conditional Use Public Hearing to evaluate whether a proposed use is appropriate for a particular property and neighborhood. The property is located within an R3 low density, multi-use zoning district. The applicant is seeking the addition of one (1) unit to the existing 35 unit dwelling.

Attending: City Councilors Acosta, Waltman, Reed, Goodman-Hinnershitz, Marmarou, City Clerk Kelleher, City Solicitor Younger Esq., Zoning Administrator Peiffer, City Planner Miller

Council President Acosta outlined the hearing procedure. The Solicitor provided the applicant with a copy of the agenda and property information before the start of the hearing.

I. Testimony from Applicant (No more than 10 minutes)
Bryan Dietrich, of 416 Bingaman Street (Owner)

Council President Acosta asked the applicant to step forward and begin his presentation.

Mr. Dietrich stated that he purchased the property in 1999 and the deed was recorded in 2005, after his divorce. He stated that he researched the property back to 1972, when the building's owner lived at the property. He stated that the property is kept in good repair and that it is not a nuisance to the neighborhood. He stated that there are no problems with tenant behavior.

Mr. Dietrich explained that after the zoning permit for the grocery store was revoked he has had a difficult time finding a long-term commercial tenant and therefore, converted the unit to a residential space in 2011.

Ms. Kelleher issued the oath to Mr. Dietrich, who affirmed that the testimony he has provided and will provide will be the truth.

Council Cross Examination

Councilor Reed inquired about the length of time the commercial space was vacant. Mr. Dietrich stated that the space has been vacant since Brenda's Card Shop went out of business. He again noted that there was a grocery store but the zoning permit was revoked and after that revocation he attempted to lease the space for office purposes but he has been unable to find tenants willing to commit to a long-term stay.

Councilor Goodman-Hinnershitz inquired why the Card Shop sign is still present. Mr. Dietrich stated that the removal of the sign will create the need for other exterior repairs, so he decided to wait to remove the sign until the building is repainted, which is planned within the upcoming year.

Testimony from City Staff

Council President Acosta asked City Planner Andrew Miller, representing the Planning Commission, to step forward. Ms. Kelleher administered the oath to Mr. Miller.

Mr. Miller stated that the Planning Commission reviewed the application at their June meeting and recommends approval of the additional unit without the required off-street parking.

Council President Acosta asked the City's Zoning Administrator Craig Peiffer to step forward. Ms. Kelleher issued the oath to Mr. Peiffer.

Zoning Administrator Peiffer called Council's attention to the information on the property he provided. He stated that the City's property records show that this property was built for multi-unit purposes. He stated that the commercial unit was converted to a residential space in 2011. He stated that the building meets all conditions specified in the zoning ordinance but off-street parking. He asked that Council consider approving the application with the conditions specified in the information packet.

Public Comment

Council President Acosta opened the floor for public comment. No one came forward to comment. The public comment period was closed.

Applicant's Rebuttal

Mr. Dietrich declined the opportunity to present rebuttal.

Mr. Acosta stated that City Council is required to approve or deny the application within 45 days of the hearing. He stated that the decision will be made by resolution at Council's regular business meeting on August 13th. Ms. Kelleher stated that she may be able to get the decision prepared for the July 23rd regular meeting agenda.

The hearing was adjourned.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk