

Public Hearing
Conditional Use Hearing
1537 Perkiomen Avenue
Council Chambers
Monday, January 5, 2015
5:15 p.m.

Mr. Acosta, President of Council, called the public hearing to order and 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. This property is located within an R3 high density, multi-use zoning district. The applicant is seeking a permit to add a 3rd rental unit to the existing 2 unit rental property.

Attending: City Councilors Acosta, Sterner, Marmarou, Goodman-Hinnershitz, Reed, Waltman, Daubert, City Clerk Kelleher, City Solicitor Younger, Zoning Administrator Peiffer

I. Testimony from Applicant (No more than 10 minutes)

Mr. Jairo Cuesta, 3442 Stoner Ave., Reading, PA 19606 (applicant)

The court reporter issued the oath to Mr. Cuesta, with assistance from an interpreter.

With assistance from the interpreter, Mr. Cuesta stated that he purchased the property as a three (3) unit and when he learned that permits were required, he filed an application.

In response to questions from Mr. Acosta, Mr. Cuesta stated that he purchased the property five (5) years ago through a private purchase with the prior owner. When the property was inspected he learned that the current zoning permit only allowed two (2) units and he submitted an application.

In response to a question from Ms. Goodman-Hinnershitz, Mr. Cuesta stated that the property was formerly fire damaged and that he made all the necessary repairs to the property.

In response to a question from Mr. Daubert, Mr. Cuesta stated that the property is fully occupied with good tenants. He added that there are separate utility meters for all three (3)

units and a separate meter for the common areas. He stated that the additional third unit will be located on the first floor rear.

Testimony from City Staff.

The court reporter issued the oath to Mr. Peiffer, zoning administrator. Mr. Peiffer reviewed his case report; in summary:

- The property is located in the R-3 Residential Zone; it is not located in an historic district, overlay district or the floodway or flood hazard area.
- The applicant purchased the property on February 23, 2006. Property Maintenance inspected the building in July of 2014, as a three dwelling unit rental property. Prior inspection was performed in October 1998, as a two dwelling unit rental property.
- A zoning permit was issued in September of 1969 for two dwelling units. Housing payments were last paid in 2009. Prior to 2009 housing payments were paid for two units.
- Zoning for two dwelling units was approved on June 20, 2014. The third rental unit was denied. The applicant was informed that they could voluntarily de-convert the subject property back to a two unit dwelling or seek conditional use approval from City Council. The applicant met with the Zoning Administrator on November 4, 2014, and submitted a conditional use application for the third unit.
- The third unit is located on the first floor rear of the building. It consists of a living room, bedroom, kitchen and bath for a total of 360 square feet; the habitable space is 208 square feet.
- There are two unimproved parking spaces located at the rear of the property and only accessible via 1537 Perkiomen Ave Rear, which is not owned by the applicant. 1.5 off-street parking spaces are required for each dwelling unit for a conversion, or the applicant shall provide two off-street parking spaces.
- The other two units are deemed to be legally non-conforming, and therefore would not require off-street parking; however, this provision may be exercised when increasing the non-conformity. If off-street parking cannot be provided, and the conditional use application is approved, then the applicant will need additional zoning relief.

Mr. Younger read the recommendation from the City Planner as follows:

922 A Franklin Street (conversion): the Planning Commission ‘recommends that City Council deny the conditional use, limiting the property to the one residential unit, based on the findings of the Zoning Office in its December 23rd report.’ – Resolution #44-2014, December 23, 2014

Mr. Acosta questioned why the utility companies would install additional meters if the property had not received zoning for multiple units. Mr. Peiffer stated that the prior disconnect with the utility companies has been corrected and that zoning is checked before the utility companies complete new installations.

Public Comment

Mr. Acosta opened the floor for public comment.

The court reporter administered the oath to Rene Cuesta, son of the applicant, who stated that the property is well maintained and has good tenants. He requested that Council approve the third unit.

Rebuttal by Applicant

The applicant was offered the opportunity to rebut previous comment or add additional information. The applicant declined to provide additional testimony.

Mr. Acosta announced that the expected date of decision is at the regular business meeting on Monday, January 26th.

Mr. Marmarou moved, seconded by Ms. Goodman-Hinnershitz, to adjourn the hearing.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk