

Public Hearing
Conditional Use Hearing
508 North 9th Street
Council Chambers
Tuesday, September 8, 2015
5:15 p.m.

Mr. Waltman, 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. The property is located within an R3 high density, multi-use zoning district. The applicant is seeking a permit to add 2 dwelling units to the existing single unit property. This property owner previously applied to the Zoning Hearing Board for 5 units, but was denied via Appeal 2006-09.

Attending: City Councilors 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. Henry Sanchez, 2248 Raymond Ave., Reading, PA 19605 (**applicant**)

The City Clerk issued the oath to Melvyn Jacobsen, architect, representing the property owner. The property owner was not present.

Mr. Jacobsen asked Council to consider the size of the property and consider the applicant's desire to add two (2) rental units to this property. He stated that the three units will be on separate floors and each unit will have 1 ½ baths. He stated that many of the properties in this area are rental properties. He stated that when past applications for additional units were requested, the lack of onsite off street parking was an issue. He explained that the current zoning administrator recently explained that offsite, off-street parking spaces are sufficient and the applicant decided to move forward through the process after learning this information.

In response to a question from Councilor Sterner, Mr. Jacobsen stated that there are two (2) methods of egress available for all three (3) planned units; the front stairs and a fire escape that will be added at the rear of the building.

In response to questions from Ms. Goodman-Hinnershitz, Mr. Jacobsen stated that each of the three (3) units has 1 1/2 bathrooms. He explained that the main access to all three (3) units is the front stair case. He stated that all three units have square footage in excess of that required by the zoning ordinance. There are two 2 bedroom units and one 3 bedroom unit.

Testimony from City Staff.

The City Clerk issued the oath to Mr. Peiffer, zoning administrator. Mr. Peiffer reviewed his case report; in summary below. He noted that while he advises the applicant about the terms of the zoning ordinance, he also makes the applicant aware that the burden of proof in making the case to the governing body falls upon the applicant.

- The applicant made settlement on the subject property in February, 2015. In May of 2015, the applicant submitted a Conditional Use Hearing application for three dwelling units. Property Maintenance inspected the property in December of 2012 and May of 2014, as one unit, and recently in April of 2015, as one unit. There are currently three bathrooms, one on each level, and one kitchen on the first level of the property. All housing payments are current.
- On March 1, 2006, City Council held a Conditional Use Hearing for the appeal request for the conversion of a single unit into four apartment units which was denied due to the illegal conversion and insufficient parking.
- On May 9, 2006, City Council held a Conditional Use Hearing for the appeal request for the conversion of a single unit into three apartment units. At that hearing, Council had the same concerns regarding adequate parking and the possible conversion of extra rooms into bedrooms. The applicant requested to resubmit his plans based on the input from Council and was permitted to do so. Council agreed to withhold making a decision until the May 22, 2006 regular meeting (Refer to attached). On May 30, 2006, the Conditional Use Application was denied by Resolution 2006-67. (Refer to attached)
- The requirement for off street parking is one and one half spaces per dwelling unit. Three off-street parking spaces are proposed, which would leave a deficit of two.

Mr. Peiffer stated that he recommends the approval of the application with the following conditions:

1. One of the dwelling units is owner occupied.
2. The applicant shall submit a landscaping plan for the area designated to be covered by gravel (gravel should not be utilized).
3. The applicant shall designate one on-site parking space for each dwelling unit.

The City Planner was not at the hearing. Mr. Peiffer stated that the Planning Commission also recommends approval of the permit with conditions. The Planner will be contacted after the hearing for the recommendation.

Note: The City Planner via email conveyed that the Planning Commission recommends approving the permit with conditions but they expressed concern with making owner occupancy a condition.

Public Comment

Mr. Waltman opened the floor for public comment. No one come forward to testify and the

comment period was closed.

Rebuttal by Applicant

Mr. Jacobsen noted his disagreement with the recommendation for an owner occupancy condition. He questioned the legality of this condition. He noted that there was no similar condition made when the property was purchased and there was no requirement placed on the property's deed.

Mr. Daubert asked Mr. Peiffer to provide his rationale regarding the owner occupancy requirement. Mr. Peiffer stated that his recommendation for owner occupancy is based on the Comp Plan and his general knowledge that owner occupied rental properties are better managed than other rental properties. He stated that he encourages owner occupancy.

Mr. Sterner stated that while he agrees with the concept of owner occupancy, he also questions the legality of applying it as a condition.

Mr. Younger inquired if Mr. Jacobsen objected to placing the agenda packet that includes the zoning case report as an exhibit. Mr. Jacobsen stated that he does not object to the placement of the packet as an exhibit.

Mr. Waltman announced that the expected date of decision is at Council's regular business meeting on Monday, September 28th.

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

Respectfully submitted by Linda A. Kelleher CMC, City Clerk