

Public Hearing
Conditional Use Hearing
841-845 North 8th Street
Council Chambers
Monday, August 3, 2015
5:00p.m.

Mr. Waltman, Vice 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 CN (Commercial Neighborhood) high density, multi-use zoning district. The applicant was granted Zoning Permit # 2015-1019 for 1 commercial unit and 2 dwelling units, one of which is owner occupied. The conditional use is for an additional rental unit. If the conditional use is granted, the total units would be 1 commercial unit and 3 dwelling units (2 rental and 1 owner occupied).

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

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

Ms. Veronica Johnson PO Box 13683, Reading, PA 19603 (applicant)

The court reporter issued the oath to Ms. Johnson.

Ms. Johnson stated that she would like to add an additional dwelling unit to the North 8th Street property. She stated that the building was originally a single family dwelling, converted to a two unit dwelling. She stated that the parcels have sufficient off street parking to meet the zoning requirements. She stated that she pays all the required taxes and fees. She stated that she began the application process in 2010.

Mr. Marmarou inquired if the property is a single family rental. Ms. Johnson replied that the property has two (2) rental units that serve two (2) families. She explained that the application covers two parcels each with one building and separate addresses.

In response to questions from Ms. Goodman-Hinnershitz, Mr. Johnson stated that she purchased the building in 2003. The two (2) properties (North 8th Street and Cedar Street) each have a dwelling and that the dwellings are registered as rental properties. She stated that the square footage of the existing and proposed dwelling units all meet the Zoning Ordinance requirements.

Testimony from City Staff.

The court reporter issued the oath to Mr. Peiffer, zoning administrator. Mr. Peiffer reviewed his case report. He noted that the information in the case report differs from that originally distributed with the application. In summary:

- The property is bounded on the north by parcel 849 North 8th Street, on the east by Little Cedar Street, on the south by parcel 841 North 8th Street, which is also owned by the applicant, and on the west by North 8th Street. Per the deed description, the subject parcel is 20' x 110' and includes a two story brick dwelling house with a storeroom and a two story frame dwelling house in the rear, being known as 842 Little Cedar Street. The property is located in a C-N District; it is not located in an historic district, overlay district or the floodway or flood hazard area.
- The applicant submitted a housing application requesting three dwelling units and two rooms and sought zoning approval. On July 23, 2014, the zoning administrator inspected 845 North 8th Street and found three dwelling units with a suspected fourth unit in the basement of the subject property and one dwelling unit at 842 Little Cedar Street. During the zoning administrator's inspection the subject property had two electrical meters, one gas meter and two hot water heaters. The applicant stated that she converted the property into the three dwelling units and two rooms over her duration of ownership of the property. No building or trades permits were pulled during the conversion.
- The applicant proposes to convert the first floor front of the subject property, 845 North 8th Street, into a commercial personal service, beauty salon; a use permitted by right. The applicant seeks conditional use approval to increase the remainder of the subject property, 845 North 8th Street, into two dwelling units. The structure on 842 Little Cedar Street shall remain as a single dwelling unit.
- The applicant proposes to convert the first floor of 845 North 8th Street into a personal service commercial space. The commercial space is 555 square feet.
- Apartment 1 will encompass the rear of the first floor (behind the commercial space) and the second floor directly above. The two bedroom unit is 811 square feet and is within the minimum floor space requirement. This unit is designated on the plans to be owner occupied.
- Apartment 2 will consist of the second and third floor of 845 North 8th Street and is designated as a three bedroom unit. The unit is 976 square feet and is within the minimum floor space requirement for a three bedroom unit.
- 842 Little Cedar Street is a single family detached dwelling unit and is 690 square feet.
- The applicant owns the adjacent 20' x 120' surface parking at 841-843 North 8th Street. The applicant did not submit a professionally designed parking plan with the application; however, did provide a layout with the application. On the layout, the parking spaces would be parallel, 8 feet wide by 18 feet long. The requirement is 20 feet long by 8 feet wide. There is an aluminum carport approximately 10' x 36' as measured from Little Cedar Street. There are signs designating the entrance to the parking lot is from North 8th Street and exiting onto Little Cedar Street. However, upon site inspection, the cars were parking opposite of the designated signage.

- There were four trash receptacles for the subject property stored in the parking lane.
- According to Section 600-1602, this adjacent lot could accommodate up to five parking spaces using the parking requirement of 8 feet wide by 20 feet long. There is enough area to also accommodate a buffer strip along North 8th Street per Section 600-1401; and a screened dumpster enclosure along Little Cedar Street per Section 600-916(B).
 - The off street parking requirement for each use in the building is: the commercial use requires three spaces; the residential units require five spaces. The total number of parking spaces required for both uses in the building is eight spaces. The applicant is seeking zoning relief from providing five parking spaces as needed per Section 600-1603(A) (31) (a) Residential Conversions. Per Section 600-1602(E), the applicant needs relief to reduce the size of the parking spaces.

Mr. Peiffer recommended the approval of the conditional use permit with conditions.

The court reporter issued the oath to Mr. Miller, City Planner. Mr. Miller stated that the Planning Commission reviewed the application and the zoning case report at their July meeting and the Planning Commission recommends denying the application in Resolution 37-2015. However, Mr. Miller noted that the case report distributed at the hearing offers different information than that considered by the Planning Commission. He expressed the belief that the Planning Commission's recommendation may differ if they had considered this new information offered in the case report.

Mr. Peiffer stated that the size of the two 2 bedroom units exceed the minimum square footage required by the zoning ordinance and that the single third floor unit is only 40 square feet below the minimum size requirement.

In response to a question from Mr. Waltman, Mr. Peiffer explained that the additional units at North 8th Street property would be absorbed into the units approved by the conditional use permit.

Public Comment

Mr. Waltman opened the floor for public comment. No one stepped forward and the public comment period was closed.

Rebuttal by Applicant

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

Ms. Johnson stated that she and her son work hard to make improvements at the property now that they are aware of the City's various regulations.

Mr. Younger asked Ms. Johnson if she objected to making a copy of the packet provided to her a part of the record. Ms. Johnson stated that she did not object.

Mr. Waltman announced that the expected date of decision is at the regular business meeting on Monday, August 24th.

Mr. Waltman moved, seconded by Mr. Sterner, to adjourn the hearing.

Respectfully submitted by Linda A. Kelleher CMC, City Clerk