

**Public Hearing**  
**Conditional Use Hearing**  
**922 A Franklin Street**  
**Council Chambers**  
**Monday, January 5, 2015**  
**5:00 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 two additional rental units to the existing single family rental.

**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. Francisco Diaz, 922 Franklin St., Reading, PA 19602 (applicant)

Hector Luna Diaz, brother of the applicant, attended representing the applicant. He was provided with the agenda packet along with the zoning case report before the start of the hearing. The court reporter issued the oath to Mr. Luna Diaz.

Mr. Luna Diaz stated that his brother purchased the property in 2010 as a three (3) unit rental property. After he learned that a zoning permit was not issued for three (3) units, his brother submitted an application. He stated that the property is well maintained and is good for the neighborhood.

Mr. Acosta questioned the layout of the building. Mr. Luna Diaz explained that a grocery store is located on the first floor and there are three (3) units on the upper floors.

In response to questions by Mr. Acosta, Mr. Luna Diaz stated his brother's property had a property maintenance inspection in 2012 and he learned that the property only had zoning permits for a commercial use and one unit rental use and he then applied for a zoning permit for two additional units. The application was never processed and he assisted his brother to

apply again.

In response to a question from Mr. Marmarou, Mr. Luna Diaz stated that the proper address of this property is 922 A Franklin Street.

### **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 deed is recorded as 922 A Franklin Street, however, it is commonly referred to by the mailing address of 924 Franklin Street.
- According to the deed description, the building was used as a storeroom and warehouse. The commercial space was formerly occupied as Scholl & Son Pet Store. Since 1994, the commercial space has been utilized as a neighborhood grocery store.
- The applicant purchased the subject parcel and 108 Orange Street in October 2010.
- On December 22, 2010, the applicant submitted a City of Reading Housing Packet requesting three dwelling units and one commercial store and was placed on the Multi Family review list. The applicant has voluntarily applied for a Conditional Use Hearing.
- The second floor of the subject property is used as two (1) bedroom units. The front unit is a total of 381 square feet; the rear unit is a total of 291 square feet. The minimum square footage for a one bedroom unit is 550 square feet; both units are below the requirement.
- The third floor of the structure is designated as a two bedroom unit with 501 square feet. The minimum square footage for a two bedroom unit is a minimum of 700 square feet. Again, the third floor dwelling unit is under the minimum square footage allowed for conversions.
- For each dwelling unit, there shall be a minimum 1.5 off-street parking spaces per unit for a total of five parking spaces. To accommodate the required residential parking, the applicant is willing to construct a parking lot on parcel 108 Orange Street.
- Prior to the applicant's ownership, there are no previous Property Maintenance Inspections, no housing permits, and no building or trades permits issued for the three residential units.

Mr. Peiffer, in response to a question stated that he is unsure if the building could be de-converted to a two unit multiuse rental. He stated that this is one of the properties that was in the "back log".

In response to a question, Mr. Luna Diaz stated that his brother purchased the property through a private sale with the previous owner.

Mr. Younger inquired if Mr. Luna Diaz objected to entering the property packet and the recommendation from the City Planner onto the record as an exhibit. Mr. Luna Diaz stated that he did not object.

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

**922A 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

### **Public Comment**

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

**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*