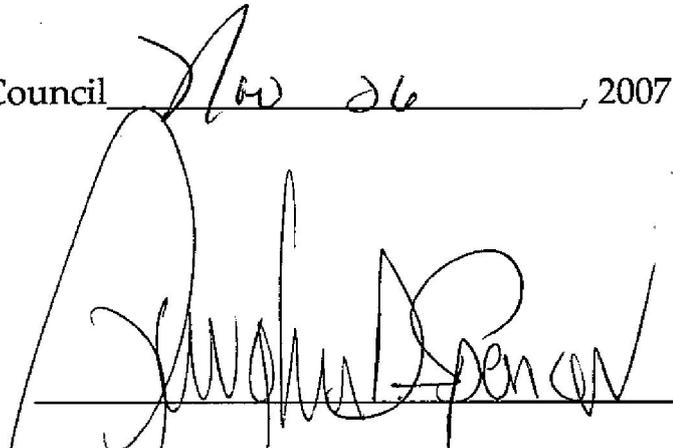


RESOLUTION NO. 165-2007

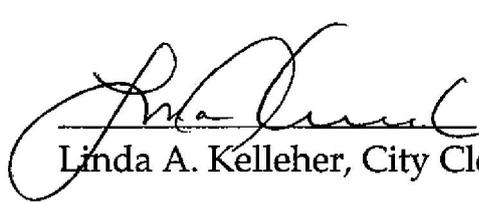
THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES
AS FOLLOWS:

Denying the appeal on the Certificate of Appropriateness, as
attached, for 512-514 Chestnut Street, Roberto & Silbia
Huertas owner/applicant .

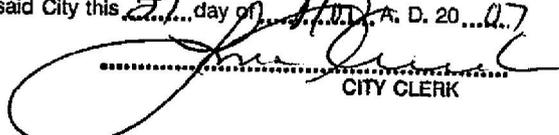
Adopted by Council Nov 26, 2007


Vaughn D. Spencer, President of Council

Attest:


Linda A. Kelleher, City Clerk

I, LINDA A. KELLEHER, City Clerk of the City
of Reading, Pa., do hereby certify, that the fore-
going is a true and correct copy of the original
Resolution passed by the Council of the City of
Reading, on the 26th day of Nov
A. D. 20 07. Witness my hand and seal of the
said City this 27th day of Nov, A. D. 20 07.


CITY CLERK

**Appeal of Historic Architectural Review Board
Certificate of Appropriateness**

IN THE MATTER OF

ROBERTO & SILBIA HUERTAS,

RESPONDENTS,

512-514 CHESTNUT STREET

§
§
§
§
§
§

BEFORE THE

CITY OF READING

CITY COUNCIL

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
ORDER, AND AGREED RESOLUTION**

On Monday, October 29, 2007 the City of Reading City Council (Council) met to hear testimony on the appeal of the decision made by the Historic Architectural Review Board (HARB) on the Certificate of Appropriateness for the installation of a six foot high wooden stockade fence and concrete pad at 512-514 Chestnut Street, owned by Roberto & Silbia Huertas (respondent) and located in the Prince Historic District. A quorum of the Council was present. By majority vote the Council determined there was credible evidence to uphold the decision of HARB and deny the appeal, on the terms proposed in this order.

Findings of Fact

1. The Historic Architectural Review Board (HARB) is a political subdivision under the City of Reading Codified Ordinances Chapter 4, Part 1 – Historic Districts. The HARB is a board of 7 duly qualified members.
2. The respondent appeared before the August 21, 2007 HARB meeting and requested that the Board issue a Certificate of Appropriateness for the installation of a six foot high wooden stockade style fence and concrete pad at 512-514 Chestnut Street. The respondent's request was denied by HARB, as the project does not comply with the standards set by the Secretary of Interior and the proper permits were not obtained from HARB and the City Codes Division.
3. The respondent requested an appeal hearing before City Council the week of September 21, 2007. The respondent was advised of the hearing date in a letter dated October 9, 2007.
4. City Council took testimony from the respondent and the Historic Preservation Specialist at the hearing held on Monday, October 29, 2007.
5. The respondent stated that as his house borders a dead-end alley way, he installed the fence to provide screening and increase the security for his family.

6. The respondent stated that he was unaware that his home was located in a Historic District and he was unaware of the need to obtain permits prior to the start of a construction project.
7. The Respondent provided photographs that were marked as Exhibit A.
8. The respondent asked Council to consider his appeal to the HARB Decision, noting that he should have studied the neighborhood more carefully before purchasing the house.
9. The Historic Preservation Specialist explained that originally the HARB Board compromised with Our City Reading, agreeing to the installation of a four foot gothic, picket style fence. She explained that the Secretary of the Interior Guidelines frowns upon the use of closed style fencing that does not match the architectural style of the property. The use of wrought iron fencing is the recommended choice. However, when considering Our City Reading's request for a fence, the HARB Board expressed the belief that a taller fence would increase security issues as it would shield illegal activities. HARB thereby agreed to compromise by approving the four foot gothic, picket style fence.
10. The Historic Preservation Specialist stated she discovered the six foot stockade style fence around 512-514 when investigating another complaint in the area. She also saw that a concrete pad and a large above ground swimming pool were present. Both require additional permits from City departments and offices. The Respondent removed the pool after receiving the violation notice.
11. The Historic Preservation Specialist provided photographs and the HARB meeting minutes which were marked as Exhibits A and B, respectively.

Conclusions of Law

The Respondent violated the City of Reading Codified Ordinances Chapter 4 Buildings, Section 4-107 - Required Permits and Certificates and the Standards set by the Secretary for the Interior for the Commonwealth of PA for properties located within approved Historic Districts.

Order and Agreed Resolution

The City of Reading City Council hereby denies the appeal to the Certificate of Appropriateness and orders the Respondent and the Historic Architectural Review Board to work together to find a compromise suitable to both parties. City Council further hereby orders the Respondent to remove the six foot stockade fencing. City Council suggests that the Historic Architectural Review Board and Respondent consider a six foot gothic, picket style shadowbox fence as a suitable replacement.

Right to Appeal

If you disagree with the decision of City Council made pursuant to the provisions of this Part you may file an appeal with the Court of Common Pleas

of Berks County within 30 days after notice of the decision has been made. Your failure to file the appeal within such 30 days shall preclude an appeal from such decision.