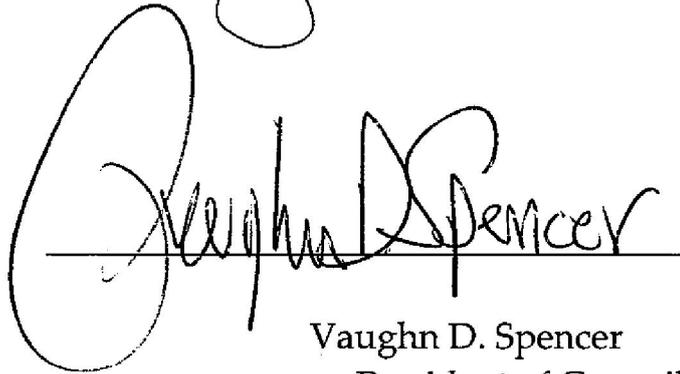


RESOLUTION NO. 93-2008

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

Denying the appeal of the Certificate of Appropriateness, as
attached in the findings of fact, for the installation of tile on
the porch floor of 1042 North 5th Street, Rafael Pena, owner.

Adopted by Council August 25, 2008



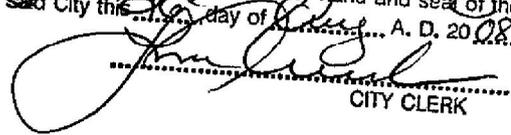
Vaughn D. Spencer
President of Council

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 25th day of August
A. D. 2008. Witness my hand and seal of the
said City this 26th day of August, A. D. 2008.



CITY CLERK

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

IN THE MATTER OF	§	BEFORE THE
	§	
BERKS COUNTY	§	CITY OF READING
	§	
RAFAEL PENA	§	CITY COUNCIL
	§	
1042 NORTH 5 TH STREET	§	

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

On Wednesday, August 13, 2008 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 ceramic tile on the front porch floor of 1042 North 5th Street, owned by Rafael Pena (Respondent). At their June 17, 2008 meeting, HARB unanimously denied the issuance of a certificate of appropriateness that would allow the installation of ceramic tile flooring on the front porch and approved the re-installation of tongue and groove wood decking at the first floor front porch as a replacement of material in kind.

Findings of Fact

1. The Historic Architectural Review Board (HARB) is an 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 came to the Historic Preservation Specialist to apply for a permit for the project to install ceramic tile flooring on the front porch and was advised that the project must be approved by HARB at their monthly business meeting.
3. To prepare the HARB agenda, the Historic Preservation Specialist visited 1042 North 5th Street to take photographs and found the installation of ceramic tile flooring was partially completed and a Stop Work Order was promptly issued.
4. The Respondent appeared at the June 17, 2008 HARB meeting and requested that the Board issue a Certificate of Appropriateness to allow the installation of ceramic tile on the front porch floor of 1042 North 5th Street.

5. The Respondent, after learning that his request for a certificate of appropriateness was denied, requested an appeal hearing before City Council.
6. The City Solicitor administered the oath to the Respondent and the Historic Preservation Specialist.
7. City Council took testimony from the Respondent and the Historic Preservation Specialist at the hearing held on Wednesday, August 13, 2008. The Respondent agreed to allow Councilor Baez to assist with translation.
8. The Respondent apologized for failing to obtain a permit before the project was approved. He stated that after speaking with the Historic Preservation Officer, he decided to take a chance and begin the project over a holiday weekend. He expressed the belief that as other porches have ceramic tile flooring, his request should be approved.
9. When responding to a question, the Respondent stated that he was aware of the need to obtain a permit before beginning the project. He also stated that he was not told by his Real Estate Agent from Call First that the property was located in a Historic District. He stated that he invested approximately \$400 in this project.
10. The Historic Preservation Specialist stated that HARB has never approved the use of ceramic tile on porch floors in the City's Historic District; however, they did approve the installation of mosaic tile on the skirting of a porch at one property. Photographs of the property taken by the Historic Preservation Specialist were circulated to the members of Council.
11. In response to a question, the Historic Preservation Specialist stated that the aluminum siding on the front façade was installed before the area became a historic district.
12. City Solicitor Younger entered the agenda, with all attachments, as Exhibit 1.

Conclusions of Law

City Council, after considering all testimony, and reviewing all Exhibits, finds that the project does not meet the Guidelines for historic preservation adopted by the Secretary of the Interior and finds that as HARB has not approved the installation of ceramic tile on the front porch of other properties located within the historic district, the decision of HARB should be upheld.

Order and Agreed Resolution

The City of Reading City Council hereby denies the appeal to the Certificate of Appropriateness, agreeing with the decision of the Historical Architectural Review Board and requiring the property owner, Rafael Pena, to remove the ceramic tile from the front porch at 1042 North 5th Street and replace it with tongue and groove wood decking, as material in kind. City Council further orders that this project be completed within 60 days from the date of this order, Monday, August 25, 2008.

Right to Appeal

If you disagree with the decision of City Council 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.