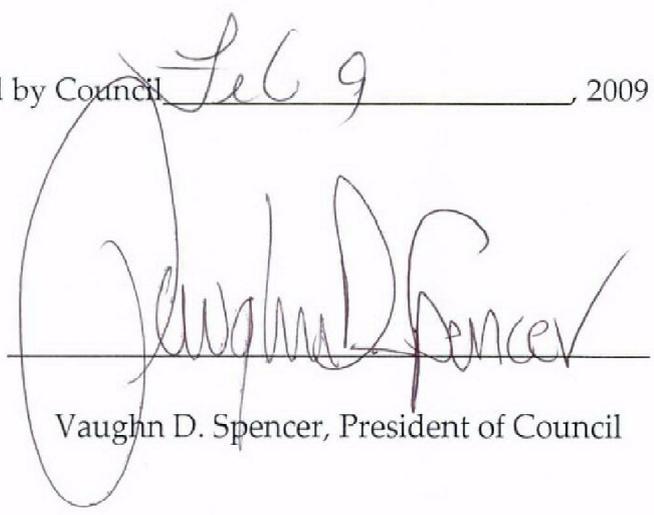


RESOLUTION NO. 10-2009

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

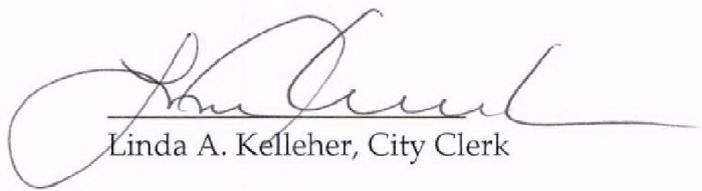
Denying the Conditional Use application for the conversion of 439 South 9th Street to a 3 unit rental dwelling, owned by Irina Lapa, as attached in the Findings of Fact and Conclusion of Law.

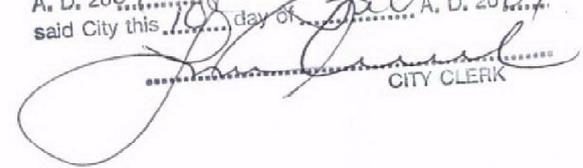
Adopted by Council Feb 9, 2009



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 foregoing is a true and correct copy of the original Resolution passed by the Council of the City of Reading, on the 9th day of Feb, A. D. 2009. Witness my hand and seal of the said City this 10th day of Feb, A. D. 2009.

CITY CLERK

**Conditional Use Application
439 South 9th Street**

IN THE MATTER OF	§	BEFORE THE
	§	
IRINA LAPA	§	CITY OF READING
	§	
OWNER OF 439 SOUTH 9 th ST	§	CITY COUNCIL
READING, PA	§	
	§	

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

On Thursday, January 8, 2009 at 5:00 p.m. in Council Chambers, the City of Reading City Council (Council) met to hear testimony on the application to convert 439 South 9th Street, owned by Ms. Irina Lapa(Applicant), to a three (3) unit rental property.

Findings of Fact

1. The City of Reading Zoning Ordinance Section 27-1203 (4) limits multi unit rental properties to only the R-3 area and requires that the conversion of single family properties to multi-family properties be approved by Conditional Use by Council.
2. The Applicant submitted the required Conditional Use form, appeared with her husband, at the hearing held on Thursday, January 8, 2009 and requested that Council approve the conversion of this property.
The City Solicitor issued the oath to the Applicant.
3. The Applicant stated that the when she purchased the property in June 2006 it was divided into two living units.
4. This property originated as store/salon with one living unit. At some point a second living unit was added to the upper floors. Housing Permits and Zoning Permits were never issued to this property.
5. In August 2006 a trades permit was issued to Tommy Truesdale, Mohrsville to correct safety and mechanical problems.
4. The Applicant stated that after purchasing the property she added a third rental unit inside the storefront area without applying for the proper permits, as she resides in Far Rockaway, New York and did not know the local regulations.
5. The Applicant stated that each of the tree rental units contains one sleeping area.

6. The Applicant stated that she owns two additional rental properties; 228 Orange and 1339 Cotton, purchased July 2009. Both these properties have the proper housing permits.

7. The Applicant stated that if approval for the third unit is denied, she will leave this unit vacant and rent only two of the units.

8. The Applicant stated that she does not have the 1 ½ off-street parking spaces per unit, as required by the City of Reading Zoning Ordinance 27-1203 (4) C. She stated that this property is served by on-street parking only.

Conclusions of Law

The City of Reading Zoning Ordinance, part of the City's Codified Ordinances, Section 27-1203 (4) requires that the conversion of single family properties to more intense residential use in R-3 areas be approved by Conditional Use by the City of Reading City Council. Section 27-1203 (4C) requires that 1.5 off-street parking spaces be provided per living unit and (4D) requires that the Applicant submit documents that indicate that all plumbing heating, electrical equipment and facilities are adequate and appropriate for the proposed use. The City of Reading Comprehensive Plan, Land Use Issues and Policies (pages 26 and 27), adopted in 2000, stresses the lack of adequate parking in neighborhoods and requests that conversions of single family dwellings into multi-family dwellings be limited due to the over densification of neighborhoods and lack of adequate neighborhood parking.

Order and Agreed Resolution

As the Applicant failed to supply documentation indicating that all plumbing, heating and electrical equipment and facilities are adequate for a rental property and comply with the City's Property Maintenance and Trades Codes; and

As the Applicant failed to provide a minimum of 1 ½ off-street parking spaces per rental unit; and

As the City of Reading Comprehensive Plan requests that the City undertake a de-densification strategy and that additional conversions of single family dwellings be limited,

The City of Reading City Council hereby concurs with the recommendation of the City of Reading Planning Commission and denies the Conditional Use application for the conversion of 439 South 9th Street owned by Irina Lapa, to a 3 unit rental property. The third unit will be removed within 60 days.

As this property was known to be a two unit rental for many years, City Council will approve the conversion of this property to a 2 unit rental after the applicant

submits proof that required off-street parking spaces have been obtained and further required the applicant to submit proof annually that the required off-street parking is still in place.

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.